

ORDINANCE NO. 2010-

AN ORDINANCE OF THE COUNTY OF COLLIER PROVIDING THAT HUNTING ON PRESERVES OWNED UNDER THE CONSERVATION COLLIER PROGRAM, INCLUDING BUT NOT LIMITED TO THE PEPPER RANCH PRESERVE AND THE CARACARA PRAIRIE PRESERVE ARE REGULATED ACTIVITIES UNDER COUNTY AUTHORITY; PROVIDING ENFORCEMENT AND PENALTIES; TERRITORY EMBRACED; CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Board of County Commissioner has acquired lands designated as preserves under the Conservation Collier Program for the purpose of protection, restoration, and management of environmentally sensitive lands in Collier County for the benefit of present and future generations; and

WHEREAS, uses permitted are usually of a passive nature, related to the aesthetic, educational, and scientific enjoyment of the objects and conditions maintained in the Preserve and adjoining waters. Other uses, such as hunting, are permitted if compatible with conservation goals; and

WHEREAS the Collier County Board of County Commissioners authorizes the preparation of management plans to guide the management of the County's Preserve Lands; and

WHEREAS, the Board of County Commissioners authorizes hunting at the Pepper Ranch Preserve under the Pepper Ranch Preserve Quality Wildlife Management Hunt Program.

Section 1 - Harvesting wild game in Pepper Ranch Preserve is authorized.

The permit-based harvesting of wild game on that certain county property designated as "Pepper Ranch Preserve" is hereby authorized pursuant to the terms and conditions herein stated and to the regulations outlined in the Pepper Ranch Preserve Quality Wildlife Management Hunt Program Annual Brochure and any additional Hunt Program documents that may be developed and subsequently approved by the Board of County Commissioners.

Section 2 - Hunting permits.

The Program Administrator is hereby delegated the authority to regulate the issuance of hunting permits, subject to the following:

(1)

The Program Administrator shall ensure all applicants have successfully completed a state approved hunter safety course;

(2)

Deer, hog and small game hunts will be sold on a first-come, first-serve basis; and

(3)

Turkey hunts will be issued through a random draw.

Sec. 3. - Utilization of Preserves for Hunting.

The Program Administrator shall ensure that the use and enjoyment of Pepper Ranch Preserve and any other Conservation Collier Preserve subsequently opened for hunting, is consistent with the land management plan approved by the Collier County Board of County Commissioners, and those laws and regulations promulgated by the Florida Fish and Wildlife Conservation Commission, taking into consideration public safety, environmental concerns, recreation activities, mitigation activities, and economic interests of Collier County and other such concerns which may affect the integrity and safety of Preserve lands. Hunting shall be permitted at Pepper Ranch Preserve, and any other approved Preserve property(ies), only during state-established hunting seasons.

Sec. 4. - Regulations and penalties.

(1)

In addition to any other enforcement provisions in this chapter, the harvesting of wild game in any county property other than the Pepper Ranch Preserve or other approved Preserve property(ies) shall be prohibited in accordance with and subject to all applicable federal and state laws and regulations, including, but not limited to, Chapter 372, Florida Statutes, and Title 68A, Florida Administrative Code, which are incorporated herein and made a part hereof, and in addition to any penalties those provisions may provide, violation of same shall also constitute a violation of this chapter.

(2)

The county reserves the right to, and may from time to time, adopt rules pertaining to the harvesting of wild game in Pepper Ranch Preserve, and other preserve property(ies), that are more restrictive than minimum rules promulgated by the state.

(3)

County ordinances applicable to preserves, including those in this chapter, shall apply to any conduct in Pepper Ranch Preserve, and all other preserve property(ies), and violators may be cited accordingly.

(4)

Any person who refuses to obey an order to leave Pepper Ranch Preserve and other Preserve properties, given by law enforcement or authorized county personnel, whether for lack of a valid county hunting license or any other reason, shall be in violation of this chapter and may be referred to law enforcement for violation of Section 810.09, Florida Statutes. If the person refusing to leave is in possession of a dangerous weapon, such referral shall be based upon Section 810.09(2)(c), Florida Statutes.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this ____ day of _____, 2010.

Attest:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
FRED W. COYLE, Chairman

Approved as to Form and Legal Sufficiency:

Jennifer B. White
Assistant County Attorney

DRAFT