ORDINANCE NO. 3781

AN ORDINANCE OF THE CITY OF PINELLAS PARK, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE X, PARKS AND RECREATION, SECTIONS 2-1007 AND 2-1014, BY DELETING REGULATIONS RELATING TO FIREARMS AND PROVIDING FOR CONSISTENCY WITH THE STATE PREEMPTION ON THE REGULATION OF FIREARMS; PROVIDING FOR INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR AMENDMENTS AT PUBLIC HEARING; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State Legislature has enacted additional legislation relating to the preemption of firearms under Florida Statute § 790.33; and

WHEREAS, the new legislation provides for strict penalties and fines for the enforcement of municipal codes which deal with the regulation of firearms otherwise preempted to the State; and

WHEREAS, the City is now required to amend its ordinances accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, AS FOLLOWS:

SECTION ONE: That Chapter 2, Administration, Article X, Parks and Recreation, "Section 2-1007 - Protection and preservation of wild life, hunting, fishing and firearms," of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 2-1007. –Protection and preservation of wild life, hunting~~,~~ and fishing~~, and firearms~~.

(A) No unauthorized person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, shoot or throw or propel by any means missiles at any wildlife creature be it mammal, aquatic or marine life, bird or reptile roaming free about the park or in captivity in a cage, nor shall any unauthorized person remove or possess the young of any wild

animal or the nest or eggs of any reptile or bird or to collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as a gift any specimen dead or alive.

(B) No person shall disobey posted notices prohibiting feeding mammals, birds, reptiles, amphibians, or fish.

(C) No person shall place, dump, abandon or leave any fish, mammal, reptile or bird, either wild or domestic, on park property.

(D) Commercial fishing, or the buying or selling of fish caught in any park waters, is strictly forbidden.

(E) No person shall fish in any park waters, and whether by the use of hook and line, seine, net, trap, spear, gig or other device, except in such waters thereof as are or may be designated by the Parks and Recreation Director for that use and under such regulations and restrictions as have been or may be prescribed by said director.

(F) ~~No person, except sworn officers of the law, shall carry, use or possess firearms of any description, air rifles, pistols, spring guns, bows and arrows, slingshots, boomerangs, or any other form of weapon potentially inimical to wildlife or dangerous to human safety on or in any park or recreation area except at and in accordance with the rules and regulations as a participant in a program sponsored by the Parks and Recreation Division.~~

~~(G)~~ No hunting, trapping, or pursuit of wildlife by any means or method whatsoever will be permitted on or in any park area by any unauthorized persons.

SECTION TWO: That Chapter 2, Administration, Article X, Parks and Recreation, "Section 2-1014 - Toy firearms, fireworks, and explosives," of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

(A) No person shall at any time bring into, or have in his possession, or discharge anywhere, in any park or recreational area, any toy firearm, air rifle, air gun, toy cannon, slingshot, bow and arrow, or any toy or instrument that discharges projectiles either by air, elastic, explosive substance or any other force.

(B) No person may bring into or have in his possession, or set off or otherwise cause to explode, discharge or burn in any park area or on any public lands or highways adjacent thereto, any firecrackers, torpedoes, rockets, toy firearms,

or cannon or other fireworks or explosives of inflammable material or any substance, compound, mixture, or article that, in conjunction with any other substance or compound may explode, discharge or burn unless in connection with a program sponsored by the Parks and Recreation Division.

(C) Parents or guardians will be held strictly responsible and accountable for the actions of minors in regard to the prohibitions in the foregoing subsections.

(D) Nothing contained in this Section or any other part of the Code of Ordinances of the City of Pinellas Park shall be deemed or construed to be in contravention of the State's preemption of the regulation of firearms contained at Florida Statute § 790.33.

SECTION THREE: It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the "Code of Ordinances of the City of Pinellas Park, Florida," and the publisher of the Code of Ordinances may renumber, reclassify or otherwise insert this Ordinance in an appropriate place to accomplish such intention.

SECTION FOUR: If any section, subsection, clause or provision of this ordinance as proposed to be amended, added, or deleted, is amended at any reading of this ordinance or at public hearing by majority vote of the City Council, as a result of matters raised at the public hearing or at consultation with responsible authorities, then such amendments, additions, or deletions shall be validly adopted without additional advertisement or hearing.

SECTION FIVE: The provisions of this Ordinance and all parts and sub-parts thereof shall be deemed to be severable and independent of each other, and in the event any portion or subsection of this Ordinance is found to be invalid or unenforceable, such findings shall not affect any remaining portions of this Ordinance.

SECTION SIX: That all Ordinances, or parts of Ordinances in conflict with the provisions of this Ordinance be, and are hereby repealed.

SECTION SEVEN: That this Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

PUBLISHED THE _____ DAY OF _____, 2011.

FIRST READING _____ DAY OF _____, 2011.

PUBLIC HEARING THE _____ DAY OF _____, 2011.

ADOPTED THIS _____ DAY OF _____, 2011.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2011.

_____
William F. Mischler
MAYOR

ATTEST:

_____
Diane M. Corna, MMC
CITY CLERK