
Sec. 34-3. Establishment of rules and regulations.

The following rules and regulations are established for the public's use of parks, other public facilities and where indicated, other traditional public forums:

- (a) *Preservation of property and natural resources.* It shall be unlawful for any person to:
 - (1) Willfully injure, deface, destroy, disturb, remove or misuse any part of the park or other public facility or any building, sign, equipment, plant, plant material, animals, or other property.
 - (2) Operate any motorized or electrical tools or equipment unless authorized by the director, with the exception of motorized wheelchairs and other motorized equipment used by individuals with physical disabilities as defined by state and federal law.
- (b) *Disposal of rubbish, garbage, sewage, and noxious materials.* It shall be unlawful for any person to:
 - (1) Leave behind or dump any material of any kind in a park except the refuse generated during use of the park or other public facility, and any such refuse shall be deposited in receptacles provided for such purposes.
 - (2) Place or permit to be placed waste of any kind in any water body, ditch, or drain.
 - (3) Dispose of household or commercial trash in any receptacle.
- (c) *Weapons and explosives.* It shall be unlawful for any person to:
 - (1) Discharge, carry, or possess a firearm, except law enforcement officers during the lawful performance of their duties.
 - (2) Use, carry, or possess any fireworks or other explosive substance, except duly authorized employees or agents of the department.
 - (3) Possess any other dangerous weapons or instruments.
- (d) *Harassment of others.* It shall be unlawful for any person to:
 - (1) Commit any assault, battery, or engage in fighting.
 - (2) Follow a person with the intent to harass, annoy, or alarm such other person.
 - (3) Engage in a course of conduct or repeatedly commit acts which alarm or annoy another person and which serve no legitimate purpose.
 - (4) Threaten or menace any other person with any instrument or by using any animal to do the same with the intent to harass, annoy, or alarm such other person.
- (e) *Disorderly conduct.* It shall be unlawful for any person to:
 - (1) With intent, cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, engage in fighting or in violent, tumultuous, or threatening behavior.
 - (2) With intent, cause public inconvenience, annoyance, or harm, or recklessly creating a risk thereof, make unreasonable noise.
 - (3) With intent, cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, use abusive or obscene language or make obscene gestures.
 - (4) Commit, perform, or engage in any lewd, lascivious, obscene or indecent act or behavior.
- (f) *Advertising, signs, and commercial enterprises.* It shall be unlawful for any person to:

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- (1) Knowingly approach within eight feet of any individual in a park, other traditional public forum or other public facility for the purpose of displaying a sign, engaging in an oral protest, educating the public, counseling or distributing leaflets or handbills, unless that individual consents to the approach or it is otherwise authorized by Florida law.
 - (2) Attach posters, signs or other objects to the ground or to trees, or other structures unless authorized by city permit or facility use policy.
 - (3) Beg, hawk, peddle, or solicit within the park or public facility, unless authorized by city permit or the facility use policy.
 - (4) Sell or offer for sale or offer to give any article, thing, privilege, or service unless authorized by city permit or facility use policy. If so authorized, such sale or offer of any article, thing, privilege, or service must be in accordance with all applicable city, county, and state laws, codes, ordinances, rules, or regulations.
- (g) *Compliance with orders of city manager and director; setting of regulations.*
- (1) No person shall fail or refuse to comply with any reasonable order relating to the regulation, direction, or control of traffic or to any other order lawfully given by the city manager and/or director, or to willfully resist, obstruct, or abuse any police officer or other city, county, state, or federal official in the execution of their duties.
 - (2) The city manager may set such other regulations from time to time, which will help in promoting the health, safety, and general welfare of persons and the orderly administration of a park pursuant to policies established by the city council.
- (h) *Tents and camping.* No person shall establish or maintain any tent or other temporary lodging or sleeping place within a park, unless authorized through the facility use policy.
- (i) *Fires.* It shall be unlawful for any person to:
- (1) Start a fire except small fires for culinary purposes in permanent park grills located in the places or areas approved by the director. The director may, at their discretion, prohibit or permit fires at any location or for any purpose when necessary for the protection of park property or the health, safety, or welfare of the public or through the facility use policy.
 - (2) Leave the immediate vicinity of the culinary fires in permanent park grills before they are extinguished.
- (j) *Hunting and fishing.* It shall be unlawful for any person to:
- (1) Hunt, pursue with dogs, trap, or in any way molest any wild bird or animal found within the confines of a park.
 - (2) Fish in park waters in violation of the rules and regulations of the city, county, or state.
- (k) *Animals.*
- (1) The city council may, by resolution, establish policies and rules regarding the use of city parks, including dog parks, by persons in the possession of animals.
 - (2) Dog owners shall be allowed to walk their dogs on leash in city parks identified by city council by resolution, or in dog parks identified by city council by resolution, where dog owners may walk and play with their dogs off-leash.
- (l) *Swimming.* Swimming and wading is prohibited in all lakes, ponds, streams, and canals.
- (m) *Certain toys prohibited.*

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- (1) Motorized models that are fuel or electric powered including: planes, cars, rockets, or boats are not permitted within a park with the following exceptions:
 - a. Electric powered, radio-controlled toy vehicles;
 - b. Electric powered planes at Winterberry Park except during athletic events;
 - c. Electronically controlled, wind powered sail boats at the Mackle Park Lake;
 - (2) Motorized scooters, motorized skateboards, and motorized bicycles are not permitted on park roads, walks, trails, or athletic courts. Electric bicycles are permitted on park roads, walks, and trails, so long as they are manually powered.
 - (3) Self-propelled scooters or skateboards are permitted in city parks, so long as they are manually powered. Skateboards and rollerblades are not permitted on park athletic courts.
 - (n) *Metal detectors.* No person shall use any metal detector within a park.
 - (o) *Alcoholic beverages and illegal substances.* It shall be unlawful for any person to:
 - (1) Offer for sale any beer, wine, liquor, or other intoxicating beverage, unless authorized through the facility use policy.
 - (2) Be under the disturbing influence of any beer, wine, liquor, or other intoxicating beverage or any illegal substance, drug, stimulant, depressant, or hallucinating agent.
 - (3) Possess, consume, or use any beer, wine, liquor, or other intoxicating beverage unless authorized through the facility use policy.
 - (4) Possess, consume, or use any illegal substance, drug, stimulant, depressant, or hallucinating agent.
 - (p) *Hours of closing.*
 - (1) Hours of closing are regulated according to the signs posted at the entrances of each park as established by the city.
 - (2) No person shall be permitted to enter, remain, stop, or park within the confines of any park outside the posted hours, except in emergencies or unless permitted through the facility use policy. In case of an emergency or when, in the judgment of the director, the public interest demands it, any portion of the park may be closed to the public or designated persons.
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Traffic regulations.
 - (1) *Motor vehicles.*
 - a. Only licensed motor vehicles, including automobiles, motorcycles, trail bikes, mini-bikes, motor scooters, or mopeds may be operated and only on those roadways provided for the use of motor vehicles.
 - b. Operators of said motor vehicles shall obey all applicable city, county, and state laws, codes, ordinances, rules, or regulations governing the use of such vehicles.
 - c. No person shall operate a motor vehicle on walks or paths established as footpaths, exercise trails, nature trails, or bicycle paths, unless permitted by the director through the facility use policy.
 - d. All-terrain vehicles (ATV), unlicensed trail bikes, and recreation vehicles (as defined in F.S. § 320.001(1)(b)) shall be prohibited in parks.

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- e. No person shall drive upon or along any park road or drive which has been closed and posted with appropriate signs or barricades. The director shall have authority to order roads or drives closed.
 - f. No person shall drive at a speed in excess of that posted for the area as established by the city.
 - g. No person shall operate a vehicle along or over any road or drive within a park in a reckless manner or without due regard for the safety and the rights of pedestrians, drivers, or occupants of another vehicle.

(2) *Parking.*

- a. No person shall park any motor vehicle upon any roadway in the park or at any location where posted signs or symbols painted on the pavement prohibit parking.
- b. No person shall park any motor vehicle upon any lawn or grassy area unless specifically authorized by the director through the facility use policy.

(3) *Operation of bicycles on public sidewalks, crosswalks, and in intersections.*

- a. Authorization: Bicycle riding is allowed upon the public sidewalks within the City of Marco Island over which the city has traffic control jurisdiction.
- b. Operators of said bicycles and electric bicycles shall obey all applicable city and state laws, codes, ordinances, rules, or regulations governing the use of such vehicles.
- c. The following applies to bicycles, electric bicycles, motorized scooters, and micromobility devices unless otherwise specified:
 - 1. Compliance with all applicable Florida Statutes, as such may be amended from time to time.
 - 2. Compliance with all applicable traffic laws in bike lanes, including traffic signals, yielding, signaling and maintaining a safe speed.
 - 3. Operators shall not weave through traffic (lane-splitting) and shall not leave the roadway to avoid traffic signals.
 - 4. Electric bicycle motors shall not be modified to allow for higher speed than the bicycle is designed to attain.
 - 5. Electric bicycles may be used in city parks as long as the operator is manually powering the bicycle.
 - 6. Any person operating a bicycle or electric bicycle shall only have the authorized number of passengers on the electric bicycle or bicycle based upon the design of the bicycle or electric bicycle.
 - 7. When operating on sidewalks and shared-use paths, devices shall not suddenly leave a curb or other place of safety and operate it into the path of a vehicle which is so close that it is impossible for the driver to yield the right-of-way.
 - 8. With respect to shared pathways that are not located adjacent to roadways, including those that are located in parks and recreational areas, all bicycles and electric bicycles must yield the right-of-way to pedestrians on these types of pathways, and when passing a pedestrian must deliver a warning by some type of audible signal sound device.
 - 9. The operation of all devices allowed under this section on sidewalks and shared-use paths shall not exceed 12 miles per hour at designated areas.

(r) *Facility use policy fee structure.*

- (1) The city council may adopt policies for the private use of park facilities and fees associated with such use by resolution.
- (2) Any person or group wishing to reserve a city park or sponsor or engage in any special activity at a city park, must apply to the department for use of a park prior to use in accordance with the policy adopted by the city council.
- (3) When a refund is requested, the department will strictly follow the policy adopted by the city council.

(s) *Plants and trees.*

- (1) No person shall cut, break, disturb, or remove any plant or tree from a park.
- (2) No person shall attach a rope, wire, cable, or other material to any plant or tree in a park.
- (3) Memorial plaques may be installed provided permission is granted by the director and the plaque size is consistent with administrative standards.
- (4) Memorial plants or trees shall not be decorated with any ornamentation of any kind unless authorized through the facility use policy for a special event.

(t) *Tobacco products.* No person shall be permitted to smoke cigarettes, cigars and/or pipes or consume any other tobacco products in city parks except in those locations specifically designated for the above purposes and hereinafter referred to as "smoking areas."

- (1) The city council shall designate specific smoking areas within each park by resolution. At no time shall the following areas be designated as smoking areas:
 - a. Children's playgrounds or any area within 50 feet of children's playgrounds;
 - b. Entrances to park buildings;
 - c. Athletic fields, player benches, dugouts or scorekeeper's booths.
- (2) Signs shall be posted stating that tobacco products are only permitted in designated smoking areas.
- (3) Smoking areas shall be furnished with benches or picnic tables, a trash receptacle and a cigarette disposal receptacle.

(Ord. No. 04-19, § 3, 10-4-2004; Ord. No. 05-11, § 1, 9-19-2005; Ord. No. 2006-17, § 1, 11-6-2006; Ord. No. 08-04, § 1, 6-16-2008; Ord. No. 09-04, § 2, 4-20-2009; Ord. No. 24-15, § 2(Exh. A), 9-9-2024; Ord. No. 25-06, § 3, 7-21-2025)