

ORDINANCE
2003-07

AN ORDINANCE ADOPTING, PROMULGATING, AND ESTABLISHING RULES AND REGULATIONS TO GOVERN THE USE OF THE BEACH AND WATER BODIES SOUTH OF HIGHWAY 20 IN WALTON COUNTY, PROVIDING FOR A PURPOSE AND INTENT; PROVIDING FOR REGULATION OF USE AND CONDUCT ON THE BEACH AND WATER BODIES SOUTH OF HIGHWAY 20; PROVIDING FOR REGULATION OF VESSELS AND WATER SKIING; PROVIDING FOR REGULATION OF PERSONAL WATERCRAFT; PROVIDING FOR PERMITTED VEHICLES ON THE BEACH; PROVIDING FOR THE REGULATION OF SPECIAL EVENTS; PROVIDING FOR THE REGULATION OF BEACH VENDORS; PROVIDING A PENALTY FOR VIOLATION OF THE ORDINANCE; REPEALING ANY ORDINANCE OR RESOLUTION IN CONFLICT HEREWITH.

WHEREAS, the Board of County Commissioners finds that the safety, health, and welfare of the citizens of, and visitors to, Walton County would be best protected by the regulation of recreational beach and water activities in the County;

WHEREAS, The Board of County Commissioners finds that it is in the public's best interest to regulate beach and water related activities;

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners to adopt the following:

Section 1. Definitions.

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Alcoholic beverage means a beverage containing more than one percent of alcohol by weight.

All terrain vehicle means any motorized off-highway vehicle fifty (50) inches or less in width, having a dry weight of 600 pounds or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be

straddled by the operator, and having handlebars for steering control.

Animal means any animate being other than a human which is endowed with the power of voluntary motion.

Bather means any person who is in the Gulf of Mexico or the Choctawhatchee Bay, whether said person is swimming, wading, or engaged in any other activity in the water.

Bathing Area means any area of the beach and adjoining waters of the Gulf of Mexico or the Choctawhatchee Bay in which bathers are located, or may be located, whether or not designated by signs or other form of notification.

Beach means the area of white, sandy beach between the vegetation line and the waters of the Gulf of Mexico.

Beach Activity Coordinator means the person so designated by the Board of County Commissioners.

Bloodbaiting means the use of blood or bloody fish parts to attract sharks.

Boat. See Vessel.

Camping means the erection of shelter or a similar structure for the purpose of sleeping; or sleeping or lying upon the beach either under or outside of any shelter, vehicle, bedroll, blanket, or other protective garb.

Chumming means the throwing of bait or fish parts into the water to attract fish.

County or Walton County means the unincorporated area of Walton County, Florida.

Designated limited access areas means the following described locations:

- (1) Grayton Beach: An area extending the distance of beach described in the lease between Walton County and State of Florida Internal Improvement Trust Fund/Bureau of State Lands, Number 3884, dated October 1986.
- (2) Inlet Beach: An area extending from the East boundary line from Lakeshore Drive eastward for a distance of 600 feet.
- (3) Walton Park: An area extending from the west boundary line of Walton Park westward for a distance of 1600 feet.(Temporarily closed)
- (4) Seagrove Beach: An area extending from the east boundary line of One Seagrove Place eastward for a distance of 1600 feet. (Temporarily closed)

Idle Speed means the lowest speed at which a vessel or sailcraft can operate and maintain steering control.

Jet ski. See Personal watercraft.

Motor vehicle means any vehicle which is self-propelled, including golf carts and any rented concession vehicle, but not including bicycles.

Person means any natural person, firm, partnership, association, corporation, and any other legal entity.

Personal watercraft is as defined by Section 327.02(28), Florida Statutes, and means a vessel less than sixteen (16) feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power, and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel; i.e., Jet Ski.

Operate or operation means to navigate or otherwise use any aircraft or vessel in or on the water.

Sailcraft means a wind-propelled vehicle used or capable of being used as a means of transportation on or in the water, including sail boats, sailboards, and windsurf boards.

Solicit or canvass means any act, delivery, or exchange not initiated by the prospective customer or which directs attention to any business, mercantile, or commercial establishments, or any other commercial activity, for the purpose of directly or indirectly promoting commercial interests through sales, rentals, or any exchange of value.

Special events means:

- (1) Any use, activity, or event conducted or promoted on the beach that would constitute a violation of any provision of this ordinance or any rule or regulation issued under the authority of this ordinance;
- (2) Any activity or event that is organized and promoted to attract, and is likely to attract, a crowd of more than fifty (50) persons to a certain place on the beach at a certain time under circumstances that are likely to interfere with the public's right of access and use of the beach or create a need for additional police, lifesaving, or other services; or
- (3) Any activity or event on the beach that is promoted or sponsored by commercial interests and will advertise or promote private commercial interests.

- (4) Special Events does not include private parties on private property unless they are of such a nature to create a need for additional police, lifesaving, or other services.

Surfboard mean a fiberglass, epoxy, closed-cell neoprene or styrofoam instrument with one or more fiberglass fins or skegs attached or inserted into the belly or bottom of the surfboard. This definition shall include windsurf boards and sailboards. This definition shall not include rubber rafts, floats, belly boards, or boogie boards.

Surfing means the riding or paddling of a surfboard within the waters of the Gulf of Mexico abutting or adjacent to the beach.

Ultralight aircraft means any heavier-than-air, motorized aircraft which meets the criteria for maximum weight, fuel capacity, and airspeed established for such aircraft by the Federal Aviation Administration under part 103 of the Federal Aviation Regulations.

Vehicle means every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway.

Vending means offering for sale, rent, or as part of a contractual agreement any services, goods or materials to be consumed or placed on the beach, in the Gulf of Mexico, or the Choctawhatchee Bay.

Vessel is as defined by Section 327.02(37), Florida Statutes, and means (and is synonymous with boat as referenced in section 1(b) Article VII of the State Constitution and) includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation.

Water based activities means those vendor operations in which the customer will participate in an activity on or in the water. This includes, but is not limited to, ocean kayak rentals, water trampolines, climbing walls, inflatable boat rides, personal watercraft rentals, and parasail operations.

Water body means Gulf of Mexico, Choctawhatchee Bay, rivers, creeks, lakes, and bayous located south of Florida Highway 20 in Walton County.

Water's edge means that portion of the shore at any given time of the day where the tide flows and ref lows along a water body.

Windsurf board means a surfboard equipped with a sail and designed to be propelled by the wind. The term "windsurf board" shall be synonymous with the term "sailboard."

Section 2. Authority; purpose and intent.

This ordinance is adopted pursuant to Section 125.01 Florida Statutes. It is intended to regulate comprehensive public health, safety and welfare on or pertaining to the beach and water bodies south of Highway 20. Local government policy toward the beach and water bodies should be guided by the recognition that proper management of the beach and water bodies is vital to the economic development of the County and that all reasonable competing uses of the beach and water bodies must be protected and balanced. The highest value should be given to protecting and enhancing the quality of life of and on the beach and water bodies and the public right of access to the beach and water bodies in order to enjoy the beach and water bodies as a source of pleasant, safe, clean and wholesome recreation.

This ordinance makes no finding of fact that the public either has or has not customarily used any particular piece of gulf front property beach.

Section 3. Preemption of county ordinances.

This ordinance shall govern conduct on the beach and water bodies south of Highway 20 and shall preempt any conflicting ordinances. It shall be construed to repeal the provisions of the following existing ordinances:

96-13; 96-14; 97-13; 97-25; 98-6; 98-10; 00-18; and 2002-03.

Provisions of federal and state park rules and regulations, where applicable, shall preempt the provisions of this ordinance where in conflict.

Section 4. Regulation of Use and Conduct on the beach and water bodies.

A. Overnight camping.

It shall be unlawful to camp overnight on the beach.

B. Fires.

- (1) It shall be unlawful for any person to ignite or maintain, or participate in the maintenance of, a bonfire or campfire on the beach of the Gulf of Mexico, without a permit as provided herein. No fires will be allowed within 100 feet of a marked turtle nest or within 50 feet of vegetation line or within 100 feet of any habitable structure.
- (2) It shall be unlawful and a violation of the ordinance for a person to fail to clean up after the fire has been extinguished.
- (3) All fires must be in County issued containers and only combustible material free of nails, glass, and other potentially dangerous items may be used in any fire.

- (4) All persons desiring to obtain a 24 hour permit for a fire on public or private land within the area described herein above shall apply for a fire permit from the Beach Activity Coordinator. All applications for fire permits shall set forth in detail the following
 - (a) Full name and address of the applicant;
 - (b) The date and time the fire is to be set;
 - (c) The kind or type of fire to be set;
 - (d) The materials to be burned;
 - (e) The specific location of the fire;
 - (f) Written consent of private property owners;
 - (g) The safeguards to be taken to protect the public and other property from injury; and
 - (h) Such other information as may be prescribed by the Beach Activity Coordinator.
- (5) The fee for the issuance of the fire permit shall be fifty dollars (\$50).
- (6) Permits shall not be issued when the Beach Activity Coordinator has good reason to believe that the proposed fire will endanger the public health, safety, welfare, or other people or property, or when the Division of Forestry issues a NO BURN ORDER.
- (7) Issuance of a permit by the County shall not excuse or relieve the applicant from any liability or responsibility for damages which may result from carelessness or neglect in setting, starting, looking after, or guarding a fire.
- (8) Owners of property adjacent to the Gulf of Mexico are exempt from the requirement to have all fires in a County issued container and from the fee. Property owners shall be provided a single permit and shall be required to notify the Beach Activity Coordinator or his designee when a fire will be burned.
- (9) Fireworks shall be used in accordance with Chapter 791 Florida Statutes.

C. **Fishing.**

It shall be unlawful for any person:

- (1) To fish in the Gulf of Mexico after having been warned by any law enforcement officer that the health and safety of bathers is being endangered; or
- (2) While on the beach or within 2500 feet from shore to intentionally fish for sharks or to fish by those methods commonly know as “chumming” or “bloodbaiting.”

Nothing in this section shall be construed to create a duty on the part of any County employee to prevent fishing or to warn of the presence of sharks in the Gulf of Mexico.

D. Glass containers.

It shall be unlawful for any person while on the beach to possess or utilize any glass or ceramic bottle or container.

E. Soliciting and canvassing.

It shall be unlawful for any person to solicit or canvass on the beach, except those operating with a beach vendor permit.

F. Littering.

It shall be unlawful for any person to discard or otherwise dispose of or abandon any trash, garbage, bottles, containers, cans, dead fish or parts thereof, charcoal briquets or ashes, or any other litter on the beach, except in designated containers for that purpose. It is further unlawful to dispose of any household garbage on the beach.

G. Obstructions on the beach.

It shall be unlawful for beach chairs, umbrellas, tents, and other such personal articles to be on the beach in such a manner that they interfere with beach maintenance, nesting turtles, or emergency vehicles.

H. Swimming and Surfing.

Authority to close or restrict use of beach and water bodies.

The Director of Emergency Operations, or the Walton County Sheriff’s Department shall have the authority to declare that an emergency exists and temporarily close or restrict the use of the beach and adjacent waters for use by the public when conditions endangering the safety of the public are present.

It shall be a violation of this Ordinance for any person, having been given actual or constructive notice such as by the posting of signs or the making of public announcements, to violate any restriction or order given under the terms of this section.

I. Sound Amplification.

No audio device, such as loudspeakers, television, radio, compact disc, tape, record player, or musical instrument, except equipment used by law enforcement, rescue or beach safety personnel, shall be used on the beach and water bodies in any manner, that can be heard by a person using normal hearing facilities, at a distance of 100 feet or more from the source of the sound.

J. Removal of Beach Sand.

No beach sand may be removed from the beach.

K. Removal of water.

No water may be pumped from the Gulf of Mexico except for permitted construction under guidelines established by the county.

L. Animals on the beach shall be governed by ordinance 2001-21.

Section 5. Vessels.

No person, except a law enforcement officer, authorized emergency personnel, or other person actually engaged in a rescue attempt, shall:

A. Operate any vessel or sailcraft in excess of idle speed, defined herein, in the following areas:

- (1) Within 750 feet offshore from all sandy beaches or shorefront bathing areas on the Gulf of Mexico;
- (2) In all bayous on the south side of the Choctawhatchee Bay, EXCEPT Horseshoe Bayou and Hogtown Bayou west of the mouth of Churchill Bayou;
- (3) Within 350 feet of any shore or dock along the entire shoreline of

Choctawhatchee Bay, Hogtown Bayou, Alaqua Bayou, LaGrange Bayou, Basin Bayou, and Mallet Bayou, EXCEPT that this provision shall not apply to the water encompassed by the shipping channel in LaGrange Bayou and the water within the designated limits of the

Intracoastal Waterway; and

- (4) In the waters of Alaqua Creek north from Portland Park to State Road 20 bridge.
- B. Operate a vessel or sailcraft closer than 750 feet perpendicular from the water's edge where bathers are present, except to go to and from the shore by the most direct means possible in a safe and reasonable manner.
- C. Operate a vessel or sailcraft within an area which has been clearly marked by buoys or some other distinguishing device for bathing, swimming, or which has been otherwise restricted by the County.
- D. Operate a vehicle, vessel, or sailcraft of any description, whether motorized or not, surf, or otherwise use any other equipment in the Gulf of Mexico or the Choctawhatchee Bay when under the influence of any alcoholic beverage, or any chemical substance as set forth in Florida Statutes, to the extent that the person's normal faculties are impaired.

Section 6. Personal watercraft.

No person shall operate a personal watercraft in excess of idle speed:

- A. Closer than 750 feet perpendicular from the water's edge except to go to and from the shore, except personal watercraft operated:
 - (1) In the channel of the intracoastal waterway east of the Choctawhatchee Bay; and
 - (2) On rivers.
- B. In an unsafe, reckless, or careless manner endangering the life, limb, or property of any person.
- C. Personal watercraft are prohibited from launching from County or State owned properties or parks located on the Gulf of Mexico.
- D. Personal watercraft are prohibited in coastal dune lakes, including that portion of Lake Powell located within Walton County.
- E. No commercial personal watercraft operations will be permitted from Topsail Hill to the Bay County Line.

Section 7. Permitted Vehicles on the Beach.

- A. It shall be unlawful for any person to drive, or cause to be driven, an unauthorized vehicle on the beaches of Walton County unless permitted as provided herein.
- B. Before any vehicle shall be allowed in the designated limited access areas on the public beaches of Walton County, a permit must be obtained for the vehicle in the form of a decal, and permanently affixed in the back window of said vehicle, or the rear of the motor vehicle.
- C. Walton County real property owners and immediate family members residing with the property owner may obtain a permit for the use of vehicles along the designated limited access areas on the beaches of Walton County. Proof of real property ownership is required.
- D. The Walton County Clerk of Court will issue the permits upon receipt of a completed application.
- E. Only four-wheel drive vehicles shall be permitted.
- F. The designated limited access area permit described in subsection C above, shall cost the sum of \$100.00 per vehicle. One decal (vehicle permit) shall be issued for each vehicle authorized to use the limited access area. Permanently disabled landowners, upon proof of disability, will be exempt from this fee.
- G. In addition to the designated limited access area permit described in subsection C above, individuals launching boats shall be required to have a corresponding trailer decal for an additional \$25.00. The decal shall be placed on the tongue of the trailer.
- H. The speed limit of authorized vehicles along the designated limited access on the public beaches of Walton County shall be 5 miles per hour.
- I. Any reckless driving along the designated limited access of the public beaches shall constitute a violation of this ordinance.
- J. Conviction for violation of this ordinance shall result in automatic revocation of the vehicle permit.
- K. All permits issued shall be for a period of one year and will expire June 1 of each year.
- L. Permitted vehicles are not allowed on the beach other than in the designated limited access areas.
- M. All access areas shall be appropriately marked and designated as such.

- N. Driving is prohibited from 10:00 p.m. until sunrise, with the exception of vehicles launching or recovering boats. All vehicles launching boats must be parked in designated parking areas.
- O. All-terrain vehicles are not permitted on the public beach. All-terrain vehicles used by Sheriff Department Officers and County employees for official business may be driven on the beach. Beach vendor permits may include all-terrain vehicles that are restricted to setting up and breaking down vending sites only.

Section 8. Aircraft.

No person operating, directing, or responsible for any airplane, seaplane, helicopter, glider, balloon, dirigible, parachute, ultralight, or other aerial apparatus shall take off from or land on the beaches or water bodies.

Section 9. Temporary Use for Special Events.

A. Policy and Objective.

This ordinance is intended to ensure broad beach usage by allowing temporary uses of the beach for purposes which otherwise would be prohibited. These special uses would be allowed by a permit that waives certain restrictions under specific conditions which still protect the public health, safety, and welfare. The permitting process is intended to provide a convenient procedure to be followed by beach users.

B. Permit Required.

No person shall organize, promote, or conduct a special event, except as provided in a special event permit issued pursuant to this section.

C. Permits for Special Events.

- (1) Such a permit shall according to its terms may constitute a temporary waiver of one or more provisions of this chapter.
- (2) Permits are required for special events with fifty (50) or more people expected.
- (3) The Beach Activities Coordinator shall create an application for the permit that requires the applicant to provide, at a minimum, the following information:
 - (a) Date and time of the special event;

- (b) Location of the special event;
 - (c) Description of the special event;
 - (d) Anticipated crowd size;
 - (e) Sponsor of the special event;
 - (f) Written consent from the property owner; and
 - (g) Any other information required by the Beach Activity Coordinator.
- (4) Special events over 100 people will require the special event sponsor to provide security and adequate parking.
 - (5) Special event sponsors are required to clean the beach immediately after the event has been completed.
 - (6) The fee for the special event permit shall initially be \$50.

Section 10. Beach Vendors.

A. Policy.

The County finds that the use and enjoyment of the beach by the public is enhanced by the provision of certain goods and services so long as individual peace and quiet is not unreasonably disturbed; that a comprehensive and effective program of beach management for the enjoyment of the beach by the public requires flexibility in the number, location, and type of beach vendors; and that as the trustee of the public interest in the beach, the County has the power to regulate the provision of goods and services by private vendors making use of the public interest on the beach.

B. Permit Required.

A vendor permit shall be required for the sale, rental, or solicitation of any merchandise, services, goods, or property of any kind or character. A permit shall grant to the vendor the right to sell or rent specified goods or services on the beach from a fixed location. A vendor with multiple locations will need a permit for each location. Such permit shall provide the exclusive authority to sell or rent goods or services within a defined area or zone of operation on the beach.

A permit will be issued upon completion of required application and submission of required documents and payments. Applications shall be made to the Beach Activity Coordinator.

C. The fee for beach vendor permits shall initially be:

- (1) Beach chair and umbrella vendors up to 200 chairs and 100 umbrellas for initial location- \$500.
 - (a) \$50 for each additional 200 chairs and 100 umbrellas
 - (b) \$50 for each additional location; and
 - (c) A \$250 credit for vendors with an employee on-site during the season and during normal business hours who is lifeguard certified by a recognized organization.
- (2) Water based activities - \$500.
- (3) Personal watercraft operations - \$500 for water based activities plus \$50 per vehicle.
- (4) Parasail operations - \$500 for water based activities plus an additional \$1,000 per location.
- (5) A permit will be required for each type of activity.

D. Operations and Maintenance Generally.

- (1) Each vendor shall continuously have on file with the County a statement fully disclosing those natural persons owning, leasing, or having an ownership or leasehold interest in the vending operation and those natural persons who shall be principally responsible for its operation or who in any manner assist with the operation of the concession.
- (2) The vendor must have and maintain a telephone or marine radio at its land-based operations center.
- (3) All equipment shall be maintained so as to promote an attractive appearance and to ensure safety of operation and quality of services. Beach chairs and umbrellas must be placed at a reasonable set back from the water's edge.
- (4) All activities related to the business operation of each vendor must be confined within its assigned and designated area.
- (5) Each vendor shall have a trash receptacle on the site, and shall, at the end of each business day, be required to ensure that all trash resulting from operations within a distance of 100 feet measured in any direction is removed from the beach.

- (6) Temporary beach storage boxes shall be allowed on the beach, but must be placed as far landward as possible but seaward of the vegetation lines. Each vendor shall ensure that all equipment is removed from the beach and stored after business hours each day. Failure to do so may result in the revocation of the license.
- (7) Beach vendors shall be required to display the Beach Vendor Permit number on each temporary storage box.
- (8) No vending on private property without written authorization from the property owner.

E. Operations and Maintenance for Water Based Activity Operations.

In addition to the requirements in subsection D, vendors of water-based activity operations shall be subject to the following:

- (1) The vendor must have an operations center located at a land-based location with direct access to the beach in the immediate area where the vending services are being provided for public use.
- (2) The vendor must provide “access corridors” for jet propelled boats or vessels entering into the Gulf of Mexico. Such “access corridors” shall be designated by the Board of County Commissioners or its designated representatives and shall be posted as such. The “access corridors shall not exceed 50 feet in width leading to the shore for pick-up or drop-off, and shall be marked by at least one (1) orange or red buoy not less than sixty (60) inches in circumference and anchored one hundred fifty (150) feet from the shoreline, one (1) orange or red buoy not less than sixty (60) inches in circumference and anchored three hundred (300) feet from the shoreline, and one (1) orange or red buoy not less than sixty (60) inches in circumference and anchored seven hundred fifty (750) feet from the shoreline, and two (2) orange or red cones or signs not less than twenty-eight (28) inches high erected at the waterline.
- (3) The vendor must have a motorized chase boat or personalized watercraft in good running condition in the water. The chase boat must meet all U.S. Coast Guard safety requirements. It must remain at the vendor’s base of operation during all hours of vendor’s operations. The chase boat shall be equipped with operational marine radio or cellular phone.
- (4) All vendors involving water sports and their designated employees shall be required to obtain lifesaving training. Proof of certification must be provided with the license application and upon request.

F. Operations and Maintenance for Parasail Operations.

In addition to the requirements in subsections D and E, vendors of parasail operations shall be subject to the following.

- (1) Each towboat rented, leased or hired within the County to pull a parasail, kite or the like, shall be registered with the County. The applicant for registration shall provide:
 - (a) The name, residence, and mailing address of the owner;
 - (b) The name, location, and mailing address of the parasail amusement offering the device;
 - (c) A description of the tow boat and device to be pulled, including a copy of the certificate of title where applicable;
 - (d) Evidence of Florida registration;
 - (e) A certificate of the insurance required by subsection H issued in favor of the County and stating that the County shall receive ten (10) days written notice in advance of cancellation;
 - (f) Current United States Coast Guard Certification that the parasail operator is a registered boat captain;
 - (g) A letter of approval or a contract from the abutting property owner or condominium allowing the operator to establish a pull-in site behind an individual's or condominium association's property or condominium;
 - (h) Each such towboat shall be the subject of a single application and each application shall be accompanied by a registration fee defined in section 11 .C
- (2) The Beach Activity Coordinator shall assign a permit decal, including a number or letter and a colored field, for each towboat and personal watercraft that is rented.
- (3) Each registration shall expire on February 1.
- (4) It shall be unlawful for any person to conduct or assist in conducting, in whole or in part within the County, a parasail, kite, or similar ride on or above the waters of the Gulf of Mexico or Choctawhatchee Bay in exchange for a fee or value, or solicit the same within the County, unless:

- (a) The tow boat and parasail, kite or the like used in such ride are insured and registered, and each person and business offering or assisting such ride is insured, as required under this division.
- (b) There is a minimum of 2000 feet between the land- based operations of vendors.
- (c) Permanent restroom facilities are provided.
- (d) The tow boat maintains an idle speed when within 750 feet (250 yards) of the shore.
- (e) The tow boat nor a parasailer does not come within 750 feet (250 yards) of the shoreline during actual operation (an exception exists when the tow boat is taking customers to and from the operational area to the shoreline).
- (f) There is provided for each rental location a water channel or access corridor perpendicular to the shoreline, not less than ten (10) feet in width nor wider than fifty (50) feet leading to the shore for pick-up or drop-off, and marked by at least one (1) orange or red buoy not less than sixty (60) inches in circumference and anchored one hundred fifty (150) feet from the shoreline, one (1) orange or red buoy not less than sixty (60) inches in circumference and anchored three hundred (300) feet from the shoreline, and one (1) orange or red buoy not less than sixty (60) inches in circumference and anchored seven hundred fifty (750) feet from the shoreline, and two (2) orange or red cones or signs not less than twenty-eight (28) inches high erected at the waterline.
- (g) There is a minimum of 2000 feet between airborne parasailers.
- (h) A ground crew is provided that has both a cellular phone for emergencies and a shore-to-towboat radio. A chase boat and/or jet ski shall also be at the operational site to assist the towboat in the event of an emergency.
- (I) A current registration decal issued under this section is permanently affixed to the towboat.
- (j) Parasail operation shall only be allowed from the western edge of Topsail Hill State Preserve to the Okaloosa-Walton County line.
- (k) Vessel Launch system. Every towboat used for parasail operations shall have a vessel launch system with an operable winch attached.

- (I) Landing and take-off zones.
 - (1) A landing and take-off zone measuring thirty (30) feet wide and fifty (50) feet long is established offshore. This area shall be clearly marked on the shore indicating the landing and take-off zone in the Gulf of Mexico.
 - (2) Except in cases of emergency, the landing or take-off of such ride is made from and to such zone established (beach launches and recoveries of airborne parasailers are strictly prohibited).
 - (3) No person shall knowingly swim within any channel properly marked pursuant to subsection (2)(f).
 - (4) No person shall knowingly remain within any properly sized and clearly marked landing and take-off zone established pursuant to this subsection.
 - (5) Parasail towboats shall be prohibited from operation in any coastal dune lake of South Walton County.
- (m) In the event there is an accident involving a parasail amusement, the permitted vendor shall immediately notify the County in accordance with 46 CFR 4.05-1- Notice of Marine Casualty.

G. Operations and Maintenance of Personal Watercraft.

In addition to the requirements in subsection D and E, vendors of personal watercraft rentals shall be subject to the following.

- (1) Each personal watercraft rented, leased, or hired shall be registered with the County. The application for registration shall include:
 - (a) The name, residence, and mailing address of the owner;
 - (b) The name, location and mailing address of the personal watercraft vendor offering the device;
 - (c) Evidence of Florida registration;
 - (d) A certificate of the insurance required by subsection H issued in favor of the County and stating that the County shall receive ten (10) days written notice in advance of cancellation;

- (e) A letter of approval or a contract from the abutting property owner or condominium allowing the operator to establish a pull-in site behind an individual's or condominium association's property or condominium; and
 - (f) Each personal watercraft shall be the subject of a single application and each application shall be accompanied by a registration fee defined in section 11.0.
- (2) The Beach Activity Coordinator shall assign a permit decal, including a number or letter and a colored field for each personal watercraft that is rented.
 - (3) Each registration shall expire on February 1.
 - (4) Personal watercraft vendors shall be subject to the restriction in section 6.

H. Insurance.

- (1) It shall be unlawful for any vendor to operate unless the vendor shall have first procured and filed with the County a liability insurance policy, or a duly executed certificate of insurance, the terms and conditions of which shall provide for the protection of all persons suffering injury, loss, or damage to the person, or to property, by reason of the operation of any beach concession.
- (2) The insurance policy or certificate of insurance shall provide comprehensive general liability coverage in the amount of \$500,000 and shall be executed by an insurance company authorized to do business in the State of Florida. Additionally, each person and business renting such devices, or offering or assisting such rides, within the County shall be insured against general public liability in an amount not less than five hundred thousand dollars (\$500,000.00) combined single limit per occurrence, and against property damage in an amount not less than fifty thousand dollars (\$50,000.00) per occurrence.
 - (a) The insurance policy or certificate of insurance shall contain a provision whereby every company executing the same shall obligate itself to notify the County in writing at least 30 days before any alteration, modification, or cancellation of such policy.
 - (b) No authorization shall be issued to operate any concession unless and until such liability insurance policy or certificate of insurance is filed with the County, and failure of the vendor to procure a liability insurance policy as described in this section and keep such policy on

file with the County at all times shall be grounds for suspension of the authorization until such time as insurance is obtained.

- I. All vendors shall sign an acknowledgment that he or she has read this section and understands its terms. In addition to those penalties in section 12, the vendor permit may be revoked for violation of this ordinance.

Section 11. Penalty.

- A. Any person found in violation of the above provisions shall face the following civil penalties. Any person to whom a citation is issued shall pay the fine by the designated date or appear in county court at the time, date, and location designated in the citation.
- B. Minimum civil penalties for violations of this section not otherwise listed below are as follows:
 - 1. First violation \$100.00
 - 2. Second violation \$200.00
 - 3. Third and subsequent violations Fine up to \$500.00 and/or up to 60 days in jail.
- C. Minimum civil penalties for violations of section 4.D (glass on beach)
 - 1. First violation \$25.00
 - 2. Second violation \$75.00
 - 3. Third and subsequent violations Fine up to \$500.00 and/or up to 60 days in jail.
- D. Minimum civil penalties for violations of section 7.A (driving on beach without a permit)
 - 1. First violation \$200.00
 - 2. Second violation \$300.00
 - 3. Third and subsequent violations Fine up to \$500.00 and/or up to 60 days in jail.
- E. Minimum civil penalties for violations of section 7.N (driving permitted vehicle on beach after hours).

- | | | |
|----|---------------------------------|---------------------------------------------------|
| 1. | First violation | \$75.00 |
| 2. | Second violation | \$150.00 |
| 3. | Third and subsequent violations | Fine up to \$500.00 and/or up to 60 days in jail. |
- F. Minimum civil penalties for violations of section 4.B (fire on beach without a permit)
- | | | |
|----|---------------------------------|---------------------------------------------------|
| 1. | First violation | \$200.00 |
| 2. | Second violation | \$300.00 |
| 3. | Third and subsequent violations | Fine up to \$500.00 and/or up to 60 days in jail. |
- F. Minimum civil penalties for violations of section 4.A (overnight camping)
- | | | |
|----|---------------------------------|---------------------------------------------------|
| 1. | First violation | \$100.00 |
| 2. | Second violation | \$200.00 |
| 3. | Third and subsequent violations | Fine up to \$500.00 and/or up to 60 days in jail. |
- G. Minimum civil penalties for violations of section 4.F (littering on beach.)
- | | | |
|----|---------------------------------|---------------------------------------------------|
| 1. | First violation | \$200.00 |
| 2. | Second violation | \$300.00 |
| 3. | Third and subsequent violations | Fine up to \$500.00 and/or up to 60 days in jail. |
- H. Minimum civil penalties for violations of section 9.B (un-permitted special event)
- | | | |
|----|---------------------------------|---------------------------------------------------|
| 1. | First violation | \$100.00 |
| 2. | Second violation | \$200.00 |
| 3. | Third and subsequent violations | Fine up to \$500.00 and/or up to 60 days in jail. |

Any person electing to appear or required to appear in court waives the right to pay the minimum civil penalties.

- J. Penalties shall be in addition to court costs as established by the county court.
- K. The maximum civil penalty for each violation shall be \$500.00.
- L. If a person to whom a citation is issued does not contest the citation and elects to pay the applicable civil penalty in lieu of appearing in county court, the civil penalty shall be less than the maximum civil penalty.

Section 12. Fees and Fines.

- A. Any funds generated by the fees and fines provided for in this ordinance shall be used for the enforcement of this ordinance.
- B. The dollar amounts set for the fees and fines shall be changed by resolution by the Board of County Commissioners.

Section 13. Severability

Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance and the remainder of the ordinance shall remain in full force and effect.

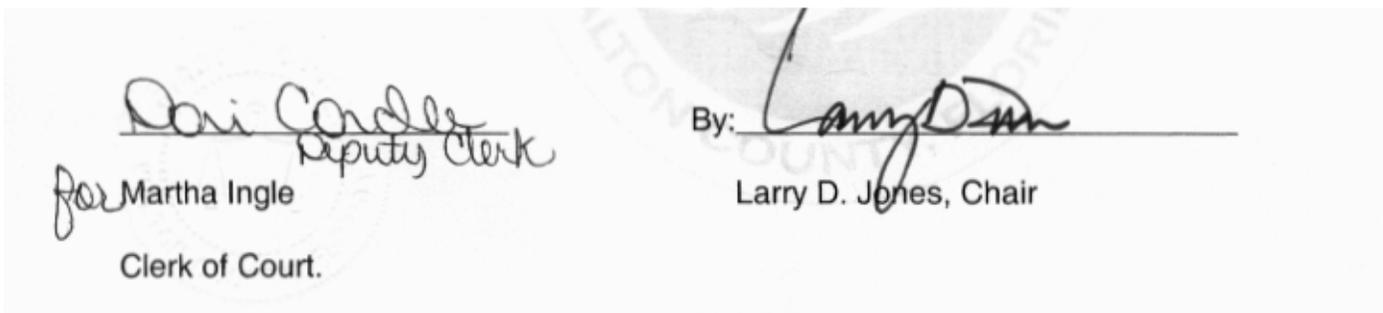
Section 14. Effective Date

This ordinance shall take effect as provided by law.

Duly enacted, by the Board of County Commissioners of Walton County, Florida, at a regular meeting, on the 8th day of April, 2003.

BOARD OF COUNTY
COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:



The image shows two handwritten signatures on a document. On the left, the signature of Dori Cordle is written over a horizontal line, with the text "Dori Cordle" and "Deputy Clerk" written below it. To the left of this signature, the text "for Martha Ingle" and "Clerk of Court." is written. On the right, the signature of Larry D. Jones is written over a horizontal line, with the text "By: Larry D. Jones, Chair" written below it. A faint circular seal of Walton County, Florida, is visible in the background behind the signatures.