CFN # 1110903, OR BK 2837 Page 602, Recorded 03/10/2010 at 09:06 AM, MARTHA INGLE, WALTON COUNTY CLERK OF COURT Deputy Clerk K DOUGLASS

ORDINANCE
2010-05

AN ORDINANCE AMENDING WALTON COUNTY ORDINANCE 2008-25, SECTION 4.G OF ORDINANCE 2003-07 AND SECTION 22-54(g) OF THE WALTON COUNTY CODE OF ORDINANCES, TO CLARIFY WHICH ITEMS ARE PROHIBITED OBSTRUCTIONS; TO ELIMINATE THE REQUIREMENT TO OBTAIN A COUNTY PERMIT TO LEAVE ITEMS ON THE BEACH OVERNIGHT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public to prohibit items that interfere with beach maintenance, nesting turtles, or emergency vehicles from remaining on the beach overnight;

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

Section 1. Authority, purpose and intent.

This ordinance is adopted pursuant to Section 125.01 Florida Statutes.

Section 2. Section 22-54 of the Walton County Code is amended to read:

G. Obstructions on the beach.

1. It shall be unlawful for items generally used for swimming, sunbathing, or beach recreation to remain on the beach between one (1) hour after dusk and one (1) hour after sunrise, except as otherwise permitted in this ordinance. As used in this section, the phrase "items generally used for swimming, sunbathing, or beach recreation" shall include, but not be limited to, beach chairs, umbrellas, tents (including tent frames), hammocks, volleyball nets, picnic tables and tiki huts.

2. **Exceptions.**

a. **Permitted Items**: any person that desires to leave an item on the beach for more than the permitted time shall obtain all necessary permits from state and federal agencies as well as a Walton County permit; provided, however, that no County permit shall be issued for any of the following items:

i. Items that will obstruct, hinder or otherwise impede emergency and maintenance vehicles from traversing the beach;

ii. Items that may be easily removed from the beach, even though removal may be inconvenient for the owner or person in possession and control of the item; ~~or~~

iii. Items which in the reasonable discretion of the County Administrator or his/her designee determines to be an item which should not remain on the beach for more than the permitted time because to do so would be injurious to the environment, or the health, safety, or welfare of the public; <u>or</u>

<u>iv. Items that are not easily removed from the beach because of size or weight, and that are moved to the toe of the dune. These items do not require a County permit but may still be subject to necessary permits from state and federal agencies. Items shall not be scattered along the toe of the dune, but shall be arranged in a compact configuration to avoid clutter and minimize obstructions to sea turtle nesting habitat. Additionally, care shall be taken to avoid and minimize impacts to the dune and dune vegetation.</u>

b. **Permits:** There shall be no fee for obtaining the Walton County permit discussed in (2)(a) above. Such permits shall include the following:

i. Name and contact information of the owner or person in possession and control of the item;

ii. Description of the item;

iii. Location of the item;

iv. Duration of time the item will remain in such location; and

v. Acknowledgement that owner or person in possession and control of the item will be liable for any impacts to federally protected species.

c. **State of Emergency**: all items, whether permitted or not, shall be removed from the beach within 24 hours of declaration of a state of emergency for Walton County due to hurricane or other severe weather systems.

d. **Take Provision**: Walton County will not be liable for any impacts to federally protected species resulting from any permitting or leaving of items on the beach at the toe of the dune. Such liability will rest with the individual applicant.

3. **Abandonment**: any item generally used for swimming, sunbathing, or beach recreation which remains on the beach for more than the permitted time, unless a permit has been obtained from Walton County by the owner or person in possession and control of the item, shall be deemed abandoned and shall become the property of Walton County which may dispose of the item in any manner it sees fit. Items that are not easily removed from the beach, and that are moved to the toe of the dune so as to not remain on the open part of the beach for more than the permitted time, will not be considered abandoned and do not require a permit from the County; however, they may still be subject to state and federal permit requirements.

4. **Enforcement**: it shall be the duty and responsibility of the Walton County Sheriff's Department and/or the Walton County Code Enforcement Department to enforce all provisions of this section.

5. **Penalties.**

a. 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 are as follows:

i. First violation	$100.00
ii. Second violation	$200.00
iii. Third and subsequent violations	Fine up to $500.00 and/or up to 60 days in jail.

Section 3. Severability

In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,

distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Effective Date

This Ordinance shall become effective when filed with the Secretary of State.

Adopted by the Board of County Commissioners of Walton County, Florida, at a duly advertised public hearing, this 9 day of March, 2010.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:

BY: _____
~~Scott Brannon~~, Chair
Kenneth Pridgen, Acting Chair

_____
Martha Ingle
Clerk of Court