

**ORDINANCE**

**2010-09**

**AN ORDINANCE AMENDING SECTION 4, PARAGRAPH B. OF WALTON COUNTY ORDINANCE 2003-07; AMENDING THE PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS TO HAVE FIRES ON THE BEACHES OF THE GULF OF MEXICO; AMENDING THE PROCEDURES AND REQUIREMENTS TO HAVE FIREWORKS DISPLAYS; PROVIDING FOR CONFLICT, SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the Walton County Board of County Commissioners (the Board) 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; and

**WHEREAS**, the Board has an expressed duty to protect the public safety, health, and welfare of the citizens and visitors of Walton County; and

**WHEREAS**, the Board finds that it is in the best interest of the health, safety, and welfare of citizens and visitors to modify the regulation of fires on the beaches on the Gulf of Mexico and to further regulate fireworks;

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

**Section 1. AUTHORITY.**

This ordinance is adopted pursuant to Section 125.01, Florida Statutes.

**Section 2. Sections 4 “Regulation of Use and Conduct on the beach and water bodies,” paragraph B. “Fires” is amended as follows** (deletions are ~~strike-through~~ additions are underlined):

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

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~~ approved 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~~ South Walton Fire District (SWFD). 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~~ SWFD.
- (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~~ SWFD 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~~ SWFD 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 requirements to have all fires in a County ~~issued~~ approved container and from the fee. Property owners shall register to be provided a single permit and shall be required to notify the SWFD ~~Beach Activity Coordinator or his designee~~ when a fire will be burned.
- (9) ~~Fireworks shall be used in accordance with Chapter 791 Florida Statutes~~ Fireworks displays south of the Choctawhatchee Bay shall require a permit from the SWFD, and may only be issued to licensed distributors/wholesalers.

**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 8<sup>th</sup> day June, 2010.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
WALTON COUNTY, FLORIDA

*Kim Wilkins*  
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fa Martha Ingle  
Clerk of Court

By: *Scott G. Brannon*  
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Scott Brannon, Chair