



Walton County Development Services Division

Walton County South Walton Courthouse Annex
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October 13, 2009

Memorandum For: Board of County Commissioners

Submitted by: Gerry Demers

Subject: Modification to Driving on the Beach Ordinance

Background: The Walton County Tax Collector issues permits to allow real property owners and immediate family members to drive authorized vehicles on the beach in the designated limited access areas. The Tax Collector requested clarification on what is required for proof of ownership and how to determine eligibility of property owners of land that is titled in the name of a business.

Status: A draft ordinance was presented to the Board on September 8, 2009 that clarified the concerns of the Tax Collector. Additional comments were received from residents of south Walton County and Sandestin Security. The Board directed me to incorporate these suggestions into the ordinance for them to consider at the October 13, 2009 board meeting.

Changes: Changed the eligibility requirements to limit access to only real property owners that are also permanent residents of Walton County.

Changed the eligibility requirements so that the vehicle must be owned and registered in Walton County in the name of the real property owner (no longer includes members of household).

Adds a provision for private security vehicles to obtain a vendor permit and be allowed to operate a four-wheeler on their portion of the beach.

Action Needed: Approve all, some, or none of the changes proposed to Section 22-57 of the Walton County Code of Ordinances shown in exhibit A. New changes are shown in red.

ORDINANCE
2009-_____

An Ordinance amending Walton County Ordinance 2003-07, 2005-11 and section 22-57 of the Walton County Code to clarify the requirement to show proof of address to obtain permits to drive on the beach; to clarify eligibility of property owners of land that is titled in the name of a company; providing for severability; and providing for an effective date.

WHEREAS, the Walton County Tax Collector issues permits for citizens to drive on the beaches of Walton County;

WHEREAS, the Walton County Tax Collector desires clear guidance of who is eligible to obtain such permits;

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;

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

Section 1. Authority, purpose and intent.

This ordinance is adopted pursuant to Section 125.01 Florida Statutes.

Section 2. Section 22-57 of the Walton County Code is amended to read:

Section 22-57. 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 beach 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, who are residents of Walton County, and immediate family members residing with the property owners in Walton County may obtain a permit for the use of properly registered and authorized vehicles along the designated limited access areas on the beaches of Walton County. The vehicle being registered must be owned and registered in Walton County by a member of the household in the name of the real property

owner. Proof of real property ownership and proof of address for immediate family members (such as deed or tax receipt) driver's license or voter registration card) is required and proof of residency (such as voter's registration card, homestead exemption card, or drivers license) must be presented to the Tax Collector at the time of application to document the requirements of this section. For property titled in the name of a business, in addition to showing proof of residency, a person must show proof that they own a controlling interest in the property to be considered eligible for a beach access permit (copy of State or other document showing percentage of ownership or list of officers). A copy of this beach access permit and the application showing the name of the individual to whom it was issued must remain in the vehicle while being operated on the beach.

(d) The Walton County Tax Collector will issue the permits upon receipt of a completed application. The Walton County Tax Collector shall retain \$5.00 (five dollars) as a processing fee.

(e) Only four-wheel drive vehicles that have a current motor vehicle registration to be driven on the highways shall be permitted.

(f) The designated limited access area permit described in subsection (c) above, shall cost the sum of \$105.00 per vehicle. One decal (vehicle permit) shall be issued for each vehicle authorized to use the limited access area. Permanently disabled landowners who meet the requirements of subsection (c) above, upon proof of disability (Florida Handicap Parking Placard, SSI Disability letter, etc.), 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 \$30.00. 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 five miles per hour.

(i) Any reckless driving along the designated limited access of the public beaches shall constitute a violation of this article.

(j) Conviction for violation of this article 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 issued by Walton County may include all-terrain vehicles that are restricted to setting up and breaking down vending sites only. Private security all-terrain vehicles may obtain a beach vendor permit, for a reduced fee of \$100, which will allow them to access the beach within the limits specified in the permit.

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 _____ day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:

Martha Ingle
Clerk of Court

BY: _____
Sara Comander, Chair