



**COUNTY DEPARTMENT
SUBMISSION FORM
BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA**

Requested Meeting Date:
January 12, 2010

Meeting Location:
SWA

Submission Deadline:
January 5, 2010

County Department: Office of the County Attorney **Contact Person:** Michael S. Burke, Esq.

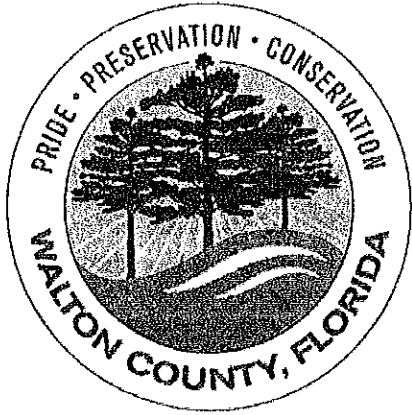
TOPIC:
Beach Driving Permits

REQUESTED ACTION:
Hold Public Hearing (Continued from December 8, 2009)

SUMMARY EXPLANATION OR HISTORY:

MATERIAL/EXHIBITS ATTACHED:
Memorandum and Proposed Draft Ordinance

ADMINISTRATION CONTACT INFORMATION:
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WALTON COUNTY BOARD OF COUNTY COMMISSIONERS

OFFICE OF THE
COUNTY ATTORNEY
161 E. Sloss Avenue
DeFuniak Springs, FL 32433
850-892-8110
850-892-8471 (FAX)

MEMORANDUM

To: Walton County Board of County Commissioners

From: Mike S. Burke, Office of the County Attorney

Date: January 5, 2010

Subject: Beach Driving Permits; Amendment to Section 22-57, Code of Ordinances

Below please find an excerpt from the proposed amendment to the Beach Driving Permits Ordinance, section 22-57, Code of Ordinances (the entire amended ordinance is attached hereto as **Exhibit A**). This represents a consensus of the comments that I have received up to today regarding the amendment of the ordinance.

It is best described as the "Grandfathering" proposal that was suggested at one of our earlier public hearings. A total of 816 permits could be issued each year, however, that number will decline as people fail to renew their permits each succeeding year, except that the number of Charter Operator Permits is fixed at 20 and does not decline each year. Additionally, this proposal only allows one (1) permit to be issued for each parcel of real property upon which a habitable residence is built. It also allows for the continued use of recreational trailers.

If you have questions or further comments, please do not hesitate to contact me.

Suggested Amendment

(c) There may be up to 553 permits issued each year to Walton County residents that are real property owners and up to 263 permits issued to non-resident Walton County real property owners for a total of up to 816 permits issued each year. Additionally, there may be up to 20 permits issued to Charter Operators. The number of permits issued each year to residents and non-residents shall be reduced by the number of permits that are not renewed the following year. The permits shall be issued each year based on the requirements of this Code, including, but not limited to, the criteria set forth below.

(i) Walton County Real Property Owners, Residents; 553 Permits Total.

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 a properly registered and authorized vehicle along the designated limited access areas on the beaches of Walton County, if the following criteria are met, in addition to any other requirements contained in this Code:

a. The person applying for the permit must have had a permit for the preceding year. Each parcel of property shall only be entitled to one vehicle permit and one trailer permit each year.

b. The real property shall have constructed on it a habitable residence.

c. The ad-valorem taxes for the real property shall not be delinquent.

d. The vehicle being registered must be titled in the name of the real property owner.

e. Proof of real property ownership (such as a deed or tax receipt) and proof of residency (such as voter's registration card, homestead exemption card, or driver's 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 or owned by multiple owners, the person applying for the permit shall show proof that they own a controlling interest in the property or that they are otherwise entitled to obtain a permit for the property. "Controlling interest in the property or that they are otherwise entitled" means that the person applying for the permit holds more than 50% ownership interest in the property or has a resolution signed by the other owners of the property granting the person applying for the permit the authority to apply for the permit.

(ii) Walton County Real Property Owners, Non-Residents; 263 Permits Total.

Walton County real property owners may obtain a permit for the use of a properly registered and authorized vehicle along the designated limited access areas on the beaches of Walton County, if the following criteria are met, in addition to any other requirements contained in this Code:

- a. The person applying for the permit must have had a permit for the preceding year. Each parcel of property shall only be entitled to one vehicle permit and one trailer permit each year.
- b. The real property shall have constructed on it a habitable residence.
- c. The ad-valorem taxes for the real property shall not be delinquent.
- d. The vehicle being registered must be titled in the name of the real property owner.
- e. Proof of real property ownership (such as a deed or tax receipt) 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 or owned by multiple owners, the person applying for the permit shall show proof that they own a controlling interest in the property or that they are otherwise entitled to obtain a permit for the property. "Controlling interest in the property or that they are otherwise entitled" means that the person applying for the permits holds more than 50% ownership interest in the property or has a resolution signed by the other owners of the property granting the person applying for the permit the authority to apply for the permit.

(iii) Walton County Charter Fishing Operations; 20 Permits Total.

Walton County residents who are also licensed charter boat captains and operate charter fishing businesses in Walton County ("Charter Operator") may obtain a permit for the use of a properly registered and authorized vehicle along the designated limited access areas of the beaches of Walton County, if the following criteria are met, in addition to any other requirements contained in this Code:

- a. The vehicle and trailer being registered shall be owned by the Charter Operator.
- b. Proof of residency (such as voter's registration card, homestead exemption card, or driver's license) must be presented to the Tax Collector at the time of application.
- c. Proof of a current Coast Guard Captain's license.
- d. Proof of a current Florida charter fishing license.

A copy of the 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.

ORDINANCE 2010-_____

AN ORDINANCE OF WALTON COUNTY, FLORIDA (THE "COUNTY"), PROVIDING FOR AMENDMENT OF ORDINANCE NO. 2005-11; PROVIDING FOR TOTAL NUMBER OF PERMITS TO BE ISSUED; PROVIDING FOR RESIDENCY REQUIREMENTS; PROVIDING FOR REAL PROPERTY OWNERSHIP REQUIREMENTS; PROVIDING FOR CHARTER OPERATOR PERMITS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Walton County Board of County Commissioners issues permits for authorized vehicles to operate on limited access areas of Walton County Beaches;

WHEREAS, the Walton County Board of County Commissioners desires to limit the number of permits issued each year for vehicles to operate on designated limited access areas on the beach and for the use of other authorized vehicles;

WHEREAS, the 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 vehicles on the limited access areas of the beach;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, AS FOLLOWS:

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) There may be up to 553 permits issued each year to Walton County residents that are real property owners and up to 263 permits issued to non-resident Walton County real property owners for a total of up to 816 permits issued each year.

Additionally, there may be up to 20 permits issued to Charter Operators. The number of permits issued each year to residents and non-residents shall be reduced by the number of permits that are not renewed the following year. The permits shall be issued each year based on the requirements of this Code, including, but not limited to, the criteria set forth below.

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- a. The person applying for the permit must have had a permit for the preceding year. Each parcel of property shall only be entitled to one vehicle permit and one trailer permit each year.
- b. The real property shall have constructed on it a habitable residence.
- c. The ad-valorem taxes for the real property shall not be delinquent.
- d. The vehicle being registered must be titled in the name of the real property owner.
- e. Proof of real property ownership (such as a deed or tax receipt) and proof of residency (such as voter's registration card, homestead exemption card, or driver's 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 or owned by multiple owners, the person applying for the permit shall show proof that they own a controlling interest in the property or that they are otherwise entitled to obtain a permit for the property. "Controlling interest in the property or that they are otherwise entitled" means that the person applying for the permits holds more than 50% ownership interest in the property or has a resolution signed by the other owners of the property granting the person applying for the permit the authority to apply for the permit.

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Walton County residents that are also licensed charter boat captains and operate charter fishing businesses in Walton County ("Charter Operator") may obtain a permit for the use of a properly registered and authorized vehicle along the designated limited access areas of the beaches of Walton County, if the following criteria are met, in addition to any other requirements contained in this Code:

- a. The vehicle and trailer being registered shall be owned by the Charter Operator.
- b. Proof of residency (such as voter's registration card, homestead exemption card, or driver's license) must be presented to the Tax Collector at the time of application.
- c. Proof of a current Coast Guard Captain's license.
- d. Proof of a current Florida charter fishing license.

A copy of the 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, South Walton Fire Department, 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 January, 2010.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:

Martha Ingle
Clerk of Court

BY: _____
Scott Brannon, Chair