ORDINANCE NO. 2016-24

AN ORDINANCE AMENDING WALTON CODE OF ORDINANCES CHAPTER 22, THE "WALTON COUNTY WATERWAYS AND BEACH ACTIVITIES ORDINANCE"; DELETING SECTION 22-52, WHICH MAKES NO FINDING OF FACT THAT THE PUBLIC EITHER HAS OR HAS NOT CUSTOMARILY USED THE BEACH; PROVIDING FOR PURPOSE, LEGISLATIVE FINDINGS, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Walton County Board of County Commissioners adopted an Ordinance creating Chapter 23, Walton County Code of Ordinances, which establishes that no entity shall interfere with the public's ability to continue its longstanding customary use of the dry sand areas of the beach; and

WHEREAS, the Walton County Board of County Commissioners finds it necessary to delete Section 22-52 of this Ordinance so that it does not conflict with the newly enacted Chapter 23;

WHEREAS, the Walton County Board of County Commissioners finds it necessary to include a definition for the term "tent" as that term appears in the newly enacted Chapter 23;

NOW THEREFORE, be it ordained by the Walton County Board of County Commissioners that Chapter 22, the "Walton County Waterways and Beach Activities Ordinance," is hereby amended as follows:

Sec. 22-01. - Title and citation.

This chapter shall be known and cited as the "Walton County Waterways and Beach Activities Ordinance."

Sec. 22-02. - Definitions.

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

Aircraft means any motor vehicle or contrivance now known or hereinafter invented, which is used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term "aircraft" shall include ultra light aircraft and seaplanes.

Alcoholic beverage means distilled spirits and all beverages containing one-half of one percent or more alcohol by volume.

All terrain vehicle means any motorized off-highway vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on three or more nonhighway tires and not registered or licensed for highway use.

Bather means any person who is in the same water as a vessel, 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 in which bathers are located or may be located, whether or not designated by signs or other form of notification.

Bay means Choctawhatchee Bay.

Beach means the soft sandy portion of land lying seaward of the seawall or the line of permanent dune vegetation.

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

Boat. See vessel.

Camping means the erection of shelter or similar structures for the purpose of sleeping; or lying upon the beach on a bedroll, blanket, or other protective garb for the purpose of sleeping.

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

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 west boundary line of Lakeshore Drive eastward for a distance of 66 feet.

(3) Walton Park. An area extending from the west boundary line of Walton Park westward for a distance of 1,600 feet (temporarily closed).

(4) Seagrove Beach. An area extending from the east boundary line of One Seagrove Place eastward for a distance of 1,600 feet (temporarily closed).

Gulf. The Gulf of Mexico.

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.

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

Permit means beach vendor's permit, vehicle permit, dog permit, special event permit issued by the county and/or bonfire or fireworks permit issued by the South Walton Fire District.

Personal watercraft means a small A-1 or A-2 vessel which uses an outboard motor, or 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; or a craft less than 13 feet in length designed to be operated by a person or persons sitting, standing, or kneeling on the craft rather than within the confines of a hull.

Rafts, floats, and flotation devices means any device, whether of canvas, vinyl, rubber, styrofoam or other substance, intended or capable of assisting in the flotation of a person in or on the water in the Gulf of Mexico, and all other waters of the State of Florida.

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

Sand fence means a tool used in dune restoration projects for rebuilding sand dunes, which are usually 2 to 4 feet high with a maximum of 10 foot long spurs spaced at a minimum of 7 feet on an alignment diagonal to the Gulf.

Seaplane means any aircraft as defined herein that is capable of landing and/or lifting off from a water surface.

Sea turtle nesting season means May 1 to October 31 of any given year.

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 article or any rule or regulation issued under the authority of this article;

(2) Any activity or event that is organized and promoted to attract, and is likely to attract, a crowd of more than 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 means 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 windsurfboards and sailboards. This definition shall not include rubber rafts, floats, belly boards, or boogie boards, but does include stand-up paddle boards.

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

Tent means a portable shelter of skins, canvas, plastic, or the like, supported by one or more poles or a frame and often secured by ropes fastened to pegs in the ground. The term tent includes, but is not limited to, camping tents, beach tents, and sun shelters. The term tent does not include baby beach shade tents.

Ultralight aircraft or ultralight 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 any properly licensed, tagged, permitted 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 or rent or as part of a contractual agreement any services, goods or materials to be consumed or placed on the beach, in the bay or in the gulf or their adjoining waters, including, but not limited to, organized and for-profit instructional or exercise classes such as yoga, painting, swimming, surfing, etc.

Vessel as defined in F.S. § 327.02(36), means a motor propelled or artificially propelled vessel and every other description of boat, watercraft, barge, and air boat other than a seaplane on the water, used or capable of being used as a means of transportation on or in the water, including jet skis.

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

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

Sec. 22-1. - Use of public boat ramps.

(a) Title. This section shall be known as the public boat ramp ordinance of the county.

(b) Findings. The docking of boats at public boat ramps may deny others the use of public boat ramps. The docking may also present a hazard to other boaters and the public wishing to use the public boat ramps.

(c) Purpose and intent. The purpose and intent of this section is to improve the access and use of public boat ramps located in the county.

(d) Complaints. If any person wishing to use a public boat ramp in the county comes upon a boat docked or anchored which is hampering access or causing a hazard, he should call the code enforcement or sheriff's office. After a complaint is received, the appropriate agency will be notified.

Sec. 22-2. - Reserved.

Sec. 22-3. - No wake zones.

(a) The county board of commissioners reserves the right to declare restricted waterways within its boundaries.

(b) The areas of enforcement shall be all waters, creeks and canals located within the boundaries described in this section for the purpose necessary to protect the safety of the public as such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards in compliance with F.S. § 327.46.

(c) Implementation of the boating restricted areas is contingent upon receiving all applicable state and/or federal authorizations to insure compliance with Chapter 68D-23, Florida Administrative Code and to assist in navigation consistent with the United States Aids to Navigation System.

(d) No person except a law enforcement officer, authorized emergency personnel, or other person actually engaged in a rescue attempt, shall operate any vessel or sailcraft in excess of idle speed, defined herein, in the following list of restricted waterways:

(1) Within 500 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.

(2) Areas that have been clearly marked by buoys or some other distinguishing device for bathing, swimming, or which has been otherwise restricted by the county.

(3) Within 500 feet offshore from all sandy beaches or shorefront bathing areas on the Gulf of Mexico.

(4) In the areas designated by "No Wake Zone" signs in the following waterways:

a. Mack Bayou.

b. Buck Bayou.

c. Black Creek at McDaniels Fish Camp.

d. Black Creek at Black Creek Lodge.

e. Black Creek at bridge on County Road 3280.

f. Lake Powell within Walton County.

g. Basin Bayou.

h. Sister River at Steel Field.

i. Bunker Creek.

j. Hewett Bayou.

k. Hogtown Bayou.

l. Alaqua Creek.

m. Tucker Bayou.

n. Mallet Bayou.

o. Churchill Bayou.

p. Musset Bayou.

(5) 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.

Secs. 22-4—22-11. - Reserved.

Sec. 22-12. - Vessel speed not to exceed reasonable speed under existing conditions.

Nothing contained in this chapter shall be construed to authorize or approve the speed of any vessel or sailcraft in excess of that which is reasonable and proper under the existing conditions or circumstances including, but not limited to, the presence of water skiers, bathers, fishermen, natural hazards or other water traffic.

However, the provisions of this chapter shall not be construed to restrict law enforcement or rescue vessels, or vessels when conducting official duties or operating under emergency conditions or to prohibit racing or exhibition of vessels or sailcraft during a publicly announced, properly authorized, supervised and adequately patrolled regatta, speed trial or exhibition.

Secs. 22-13—22-30. - Reserved.

Sec. 22-31. - Horses, dogs on beaches.

(a) No person owning or having charge, care, custody or control of any horse shall cause, permit or allow the animal onto or upon any public beaches in the county.

(b) All dogs shall be prohibited from public beaches of Walton County except:

  (1) Dogs assisting those who are sight and hearing impaired or service animals; or

  (2) Dogs owned by Walton County real property owners or permanent residents who have obtained a permit and who maintain the dog on a leash. Proof of real property ownership or county residency is required (such as deed, driver's license, tax receipt, utility bill, lease agreement, or voter's registration showing address). For property titled in the name of a business, a person must show proof that they own a controlling interest in the property to be considered eligible for a permit (copy of state or other document showing percentage of ownership or list of officers). The permit will allow leashed dogs on the beach between the hours of 4:00 p.m. and 8:00 a.m. of the following day during Daylight Savings Time and between the hours of 3:00 p.m. and 9:00 a.m. of the following day during non-Daylight Savings Time. Any Walton County real property owner or permanent resident desiring a permit shall be required to pay a reasonable fee, which shall be set by resolution of the board and amended as necessary.

(c) Owners of dogs shall be responsible for pick up of their dogs' waste.

(d) Permits may be issued by the board's designee upon receipt of a completed application. All permits issued shall be for a period of one year and will expire on August 1 of each year with a grace period until August 15 of each year. Proof of rabies vaccination must be presented prior to obtaining a permit.

(e) Nothing in this section shall be interpreted to apply to a property owner of the sandy area next to the mean high tide which would interfere with the property owner's right to have their own dog or horse on their property.

Secs. 22-32—22-52. - Reserved.

Sec. 22-53. - Application.

This chapter shall govern conduct on the beach and water bodies south of Highway 20.

Sec. 22-54. - 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, campfire, or other activity that results in an open flame on the beach of the Gulf of Mexico, without a permit as provided herein. No fires will be allowed within 200 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 containers approved by the SWFD and only combustible, non-toxic 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 coordinator [of the] 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 SWFD.

(5) The fee for the issuance of the fire permit shall be set by resolution of the Board and amended as necessary.

(6) Permits shall not be issued when the 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 Florida Fire Service issues a no burn order.

(7) Issuance of a permit by the 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 container approved by the SWFD; however, under no circumstances may fires be directly on the sandy beach so as to contaminate the white sand. Property owners shall register to be provided a single permit and shall be required to notify the

SWFD when a fire will be burned. This permit issued to property owners may not be used by other persons, tenants, renters, or visitors, and is non-transferable.

(9) Fireworks displays south of the Choctawhatchee Bay shall require a permit from the SWFD, and may only be issued to a person or company maintaining a valid, current Bureau of Alcohol, Tobacco and Firearms Explosive (BATFE) license. At a minimum this shall be a low explosive license.

(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 2,500 feet from shore to intentionally fish for sharks or to fish by those methods commonly known 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, and only within the conditions of their permit. No soliciting or canvassing shall per permitted at the public beach parking areas.

(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 briquettes or ashes, cigarette butts, 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) Personal property on the beach between one hour after dusk and one hour after sunrise.

(1) It shall be unlawful for any person to leave an item of personal property on the beach between one hour after dusk and one hour after sunrise, unless a permit has been granted by Walton County.

(2) County Permit:

a. Any person that desires to leave an item of personal property on the beach between one hour after dusk and one hour after sunrise must apply for a permit from Walton County, and must obtain all necessary permits from state and federal agencies. No county permit shall be issued for any of the following items:

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

2. 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;

3. Obstructions, including, but not limited to ropes, chains, signs or fences, except sand fences which have received all necessary permits from state and federal agencies;

4. Items prohibited by federal or state law or items prohibited by the Walton County Code of Ordinances.

b. There shall be no fee for obtaining the county permit discussed in subsection (2)a. above. Such permits shall include the following:

1. Name and contact information of the owner or person in possession and control of the item;
2. Description of the item;
3. Location of the item;
4. Duration of time the item will remain in such location; and
5. 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 the county due to hurricane, severe weather systems, or other emergencies that impact the beach. A public notice will be posted on the county website concerning allowing vendors on the beach to retrieve their equipment and the conditions for retrieval. Violations of those conditions can result in civil citations and/or loss of vendor permit.

d. Take provision. The 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 of personal property which remains on the beach between one hour after dusk and one hour after sunrise, unless a permit has been obtained from the county by the owner or person in possession and control of the item, shall be deemed abandoned and shall become the property of the county which may dispose of the item in accordance with Florida Statutes.

(4) Enforcement. It shall be the duty and responsibility of the county sheriff's office and/or the county code enforcement department to enforce all provisions of this section.

(h) Swimming and surfing.

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

(2) The board of county commissioners, director of emergency operations, or the county sheriff's office 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.

(3) It shall be a violation of this article 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. Those persons surfing as defined herein with a surfboard are exempt from this section, unless a mandatory evacuation order for the adjacent beach property has been issued.

(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 faculties, 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. Additionally, pumping or conveying through channels or piping of water into the Gulf of Mexico is prohibited without proper permits.

(l) Animals. Animals on the beach shall be governed by section 22-31.

(m) Use of rafts, floats, and other flotation devices. No person shall use any raft, float, body board, or other flotation device of any description, except for a vessel, sailcraft, stand up paddle board, or surfboard, more than 500 feet from the water's edge.

(n) Breach of the peace; disorderly conduct. No person shall commit such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engage in brawling or fighting, or engage in such conduct as to constitute a breach of the peace or disorderly conduct.

Sec. 22-55. --Prohibition of obstructions on the beach.

It shall be unlawful for any person to place, construct or maintain an obstruction on the beach. Obstructions include, but are not limited to ropes, chains, signs, or fences.

Exemption. Sand fences which have received all necessary permits from state and federal agencies are exempt from the prohibition contained in this section.

Sec. 22-56. - Personal watercraft.

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

(a) Closer than 500 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.

Sec. 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 the county unless permitted as provided herein. This section does not apply to the use of heavy equipment and other types of vehicles on the beach for local and/or state permitted coastal construction projects that will not result in the unauthorized take of federally listed species, as determined by the USFWS.

(b) Before any vehicle shall be allowed in the designated limited access areas on the public beaches of the 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. Those who have a valid beach access permit as of the effective date of Ordinance No. 2011-57, and those who held a valid beach access permit with an expiration date of June 1, 2009 and who obtained a valid permit pursuant to subsection (d), may renew such permits beginning on May 15 of each year. Failure to renew said permit will result in loss of grandfathered status and such applicants shall apply for future permits under subsection (c). Revocation of grandfathered permits for violations of this chapter are permanent and may not be reinstated. Grandfathered permits are in the name of the individual permit holder and may not be transferred.

(c) An additional 150 permits may be issued each year, which are only valid for one year and are nonrenewable. Vehicles and trailers issued a beach access permit under this paragraph must be registered in the State of Florida. County residents that meet the requirements of subsection (e)(1) may submit applications between April 1 and May 10 of each year. A lottery selection will be conducted by the county administration office on May 15 and all applicants will be notified of the results. Those selected in the lottery will have 30 calendar days to purchase permits from the county beginning June 1. Those who fail to purchase their permit within the 30 days will forfeit their chance to obtain the beach driving permit for that calendar year.

(d) Up to an additional 50 permits shall be issued for those individuals who held a valid beach access permit with an expiration date of June 1, 2009. Those individuals who held a valid beach access permit with an expiration date of June 1, 2009 and meet the requirements of subsection (e)(2) may submit applications between July 20, 2015 and August 21, 2015. Should more than 50 individuals submit applications between July 20, 2015 and August 21, 2015, a one-time lottery selection will be conducted by the county administration office on August 28, 2015 and all applicants will be notified of the results. Those selected in the lottery will have 20 calendar days to purchase permits from the county beginning August 31, 2015. Those who fail to purchase their permit within the 20 days will forfeit their chance to obtain a grandfathered beach driving permit.

(e) The permits shall be issued by the board's designee each year based on the requirements of this Code, including, but not limited to, the criteria set forth below.

(1) County resident real property owners and registered voters. County registered voters or real property owners, who are residents of the county, and immediate family members residing with them in the 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 the

county, if the following criteria are met, in addition to any other requirements contained in this Code:

a. Each parcel of property shall only be entitled to one vehicle permit each year.

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

c. The vehicle being registered must be titled in the name of the permit holder.

d. Proof of real property ownership (such as a deed or tax receipt) or a voter's registration card and proof of residency (such as voter's registration card, homestead exemption card, or driver's license) must be presented to the board's designee 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 owns more than 50 percent ownership interest in the property or has a resolution signed by the other owners of the property grants the person applying for the permit the authority to apply for the permit.

(2) County nonresident real property owners. 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 the 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 as of the effective date of Ordinance No. 2011-57, or, the person applying for the permit must have had a permit with an expiration date of June 1, 2009 and had obtained a permit pursuant to subsection (d), and for the year preceding the date of application. Each parcel of property shall only be entitled to one vehicle permit each year.

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

c. The vehicle being registered must be titled in the name of the permit holder.

d. Proof of real property ownership (such as a deed or tax receipt) must be presented to the board's designee 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 owns more than 50 percent ownership interest in the property or has a resolution signed by the other owners of the property grants the person applying for the permit the authority to apply for the permit.

(3) County charter fishing operations; 15 permits total. Under this subsection, (d)(3), there shall be a limit of 15 permits total to be issued which shall be issued first to the applicants renewing their permits from the previous year. If permit holders do not renew their permit by June 15 of each year, an additional number of permits (that would bring

the total to 15) may be issued. County residents that meet the requirement of this paragraph may submit applications between May 1 and June 15 of each year. A lottery selection will be conducted by the county administration office on June 20 and all applicants will be notified of the results. Those selected by lottery will have 30 calendar days to purchase permits from the county beginning July 1. Those who fail to purchase their permit within the 30 days will forfeit their chance to obtain the charter fishing beach driving permit. To qualify under this paragraph, county residents that are also licensed charter boat captains and operate charter fishing businesses in the 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 the county, if the following criteria are met, in addition to any other requirements contained in this Code:

a. The vehicle and boat trailer being registered shall be owned by the charter operator and used for the charter operation.

b. Proof of residency (such as voter's registration card, homestead exemption card, or driver's license) must be presented to the board's designee at the time of application.

c. Proof of a current Coast Guard captain's license.

d. Proof of a current Florida charter fishing license.

e. Proof of liability insurance of not less than $500,000.00 for general public liability per occurrence.

(f) A copy of the beach access permit receipt showing the name of the individual to whom it was issued must remain in the vehicle while being operated on the beach. Additionally, at all times while a properly permitted boat trailer is on the designated limited access area, the properly permitted boat trailer shall remain connected to the properly permitted vehicle.

(g) The board's designee will issue the permits annually upon receipt of a completed application. If the board's designee is a constitutional officer, they shall retain a processing fee as set by the board by resolution. On or about April 1 of each year the board's designee shall submit to the board of county commissioners a written report of the number of permits that have been issued during the current year.

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

(i) The fees for the designated limited access area permit described above shall be set by resolution of the board. One decal (vehicle permit) shall be issued for each vehicle authorized to use the limited access area. Replacement permits, for newly purchased vehicles or lost permits, will be issued to the original permittee for the processing fee only. A detailed explanation, accompanied by proof, such as a law enforcement report, is required for lost or stolen permit decals. Nonresidents with mobility disabilities, upon proof of disability (disability parking placard, SSI disability letter, etc.), will be eligible to receive a no cost temporary permit from the code enforcement department. Residents with mobility disabilities, upon proof of such disability (Florida disability parking placard, SSI disability letter, etc.), may be issued an annual permit for the processing fee only, upon obtaining an annual eligibility letter from county administration.

(j) In addition to the designated limited access area permit described in subsection (d), individuals launching boats shall be required to have a corresponding trailer decal for each trailer, for an additional fee as set by the board. The decal shall be placed on the tongue of the trailer.

(k) The speed limit of authorized vehicles along the designated limited access on the public beaches of the county shall be five miles per hour.

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

(m) Conviction for violation of this article shall result in fines imposed and could result in revocation of the vehicle permit.

(n) All permits issued shall be for a period of one year and will expire June 1 of each year.

(o) Permitted vehicles are not allowed on the beach other than in the designated limited access areas.

(p) All access areas will be appropriately marked and designated as such.

(q) During turtle nesting season driving is prohibited from 10:00 p.m. until 8:00 a.m. or after the morning nesting survey has been completed (if completed earlier than 8:00 a.m.), with the exception of vehicles launching or recovering boats. When driving between dusk and 10:00 p.m., headlights must be on dim and used only when in motion. Headlights must have red filters over the headlights. Light wavelength with red filters should be > 560 nm. All vehicles launching boats must be parked in designated parking areas so as to not obstruct other beach users.

(r) All-terrain vehicles are not permitted on the public beach. All-terrain vehicles used by sheriff department officers, South Walton Fire District, and county employees for official business may be driven on the beach. Beach vendor permits issued by the county for water-based activities or exclusive vending areas in excess of 1,000 linear beach front, may include all-terrain vehicles that are restricted to morning set up and evening break down of vending sites only. Private security all-terrain vehicles may obtain a permit for a single vehicle to patrol properties they maintain which are in excess of 1,000 linear beach front, for a reduced fee as set by resolution of the board, which will allow them to access the beach within the limits specified in the permit. All ATVs used for official non-emergency, permitted vendor, or private security must have red filters over the headlights. Light wavelength with red filters should be > 560 nm. See section 22-60(d)(9) for restrictions on vendors driving on the beach.

Sec. 22-58. - 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.

Sec. 22-59. - Temporary use for special events.

(a) Policy and objective. This article 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, 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 50 or more people expected. Permits are required for all weddings that are to be held on a public beach access, so as to not have more than one wedding taking place at the same time and place.

(3) The county 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 county.

h. The location of the walk-over or access to the beach that will be used for the event and permission from the owner if necessary.

(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.

Sec. 22-60. - 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. No beach vendor activities that require permanent installation of electricity or running water will be permitted as a vending operation by the county unless properly permitted with DEP and the building department. Food and beverage vending operations are not permitted on the sandy beaches.

(b) Permit required.

(1) 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 specific place permit shall grant to the vendor the right to sell or rent specified goods or services on the specific beach from a fixed beach location. A vendor with multiple locations will need a permit for each specific 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 specific beach. A vendor that is providing goods or services for use on the beach that does not have a defined area of the beach may only deliver the goods or services to the beach, but may not vend (solicit) from the beach. Delivery vendors must either remove their goods from the beach each day or store them at the toe of the dune only if the customer is using the items again the following day.

(2) A permit will be issued upon completion of required application and submission of required documents and payments. Applications shall be made to the county.

(c) Fee. The fee for beach vendor permits shall be set by resolution of the board and changed as necessary. Each type of activity shall require a separate permit.

(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 vending operation.

(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, and, on public beaches, must allow for a ten-foot clear corridor from lifeguard towers to the water, and must allow for private set up space and access aisles for access to the water.

(4) All activities related to the business operation of each vendor must be confined within its assigned and designated area. During the sea turtle nesting season, vendors shall be allowed access to the beach between 7:30 a.m., or after the morning sea turtle nesting survey has been completed, or whichever is earlier, and one hour after sunset.

(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 by specific place permitted vendors, but must be placed as far landward as possible but seaward of the vegetation lines. Beach storage boxes must be able to be removed entirely from the beach in the event of a declared emergency (storm) and can be no larger than four feet by four feet by eight feet (any exceptions must be contained in the vending permit). Multiple storage boxes at a vending location shall be placed at least ten feet apart and positioned so they are perpendicular to the waters edge. 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 fines or the revocation of the permit. Equipment that is not stored in a storage box, must be neatly stacked at the toe of the dune, perpendicular to the shoreline. Stacks must be at least ten feet apart. For vendors that vend on beach of 1,000 linear feet or greater, owned by the same owner or controlled by the same owner/association, are allowed up to one temporary beach hut per each 500 linear feet (i.e. 1,200 feet = maximum of two beach huts). The gross square footage of the footprint of huts, including decks, must be no more than 144 square feet. Huts must be able to be removed from the beach for storms and cannot have permanent utilities (i.e. must be hose/cord connected).

(7) Beach vendors shall be required to display the beach vendor permit number on each temporary storage box.

(8) No vending on private property shall occur without written annual authorization from the property owner. No vending on public beaches shall occur without written annual authorization from the county and any private property owner whose southern property line is contiguous to the proposed vending location.

(9) Vendor driving on the beach. Vendor permits that specifically permit driving on the beach by off road, light weight vehicles must adhere to the following: During the sea turtle nesting season (May 1 through October 31, or the last marked nest has hatched, whichever is later), private vehicles involved in vending operations or special events permitted by the county shall be allowed access to the beach between 7:30 a.m. or after the morning sea turtle nesting survey has been completed, and sunset, as specified on their permit. Outside of the sea turtle nesting season, vehicular beach access shall be restricted to the period between sunrise and sunset, as specified on their permit. Vehicles shall not encroach on marked sea turtle nests or posted shorebird nesting sites, and under no circumstances shall vending equipment and/or supplies be placed within a nest barrier. Vendors shall not be allowed to drive through state parks. See section 22-57(q) for restrictions on vendor driving.

(10) Beach vendor's operations are limited to no more than 50 percent of the public beach frontage at any public beach access. The frontage shall be designated by the Walton County Tourist Development Council prior to May 1st of each year.

(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 two orange or red buoys not less than 60 inches in circumference and anchored 150 feet from the shoreline, two orange or red buoys not less than 60 inches in circumference and anchored 300 feet from the

shoreline, and two orange or red buoys not less than 60 inches in circumference and anchored 750 feet from the shoreline, and two orange or red cones or signs not less than 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 to be available to respond to emergencies. 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 a CPR certification or water safety certification recognized by the American Red Cross. Proof of certification must be provided with the license application and upon request.

(5) In the event that a vendor must leave any items on the beach at night, they must be moved to the toe of the dune and there must be a minimum of ten feet of space between each item for turtle passage.

(6) There shall be no storage of hazardous materials (such as fuel) on the beach.

(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 30 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 22-61(c).

(2) The county 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 2,000 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 feet in width nor wider than 50 feet leading to the shore for pick-up or drop-off, and marked by at least two orange or red buoys not less than 60 inches in circumference and anchored 150 feet from the shoreline, two orange or red buoys not less than 60 inches in circumference and anchored 300 feet from the shoreline, and two orange or red buoys not less than 60 inches in circumference and anchored 750 feet from the shoreline, and two orange or red cones or signs not less than 28 inches high erected at the waterline.

g. There is a minimum of 2,000 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.

l. Landing and take-off zones.

1. A landing and take-off zone measuring 30 feet wide and 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).

liability coverage in the amount of $500,000.00 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 $500,000.00 combined single limit per occurrence, and against property damage in an amount not less than $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. Walton County Board of County Commissioners shall be listed as certificate holder and additionally insured on the insurance 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) Acknowledgment 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 22-62, the vendor permit may be revoked for violation of this article.

(j) Flag system. Beach vendors will be required to provide a sign or placard at their vending location, describing the established county colored flag system.

Sec. 22-61. - Public beach parking.

No overnight parking or blocking of parking spaces is permitted in the TDC maintained beach access parking lots. Signs are posted for hours of operation.

Sec. 22-62. - Penalty; fees and fines.

The board of county commissioners is authorized to set the amount of any fee or fine that is designated in this chapter by a resolution of the board and amend such resolution as the board determines is necessary. A deputy of the sheriffs office or a county code enforcement officer may issue a citation pursuant to the provisions of section 12.02.00 of the county land development code for any violation of the provisions of this section and the county may use any other lawful methods of enforcement and remedy to gain compliance with the provisions of this chapter, including those in section 1-6 of this Code. Any fees and/or fines collected pursuant to this chapter are to be remitted through the clerk of court and placed in the general fund of the board of county commissioners and the clerk of the court shall retain $10.00 from each fee or fine collected. For each violation of any section of this chapter, the county may assess a fine up to $500.00 per violation.

SEVERABILITY

If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such

determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by the Walton County Board of County Commissioners, as provided by law.

PASSED AND DULY ADOPTED in regular session, by the Board of County Commissioners of Walton County, Florida, this 25th day of October, 2016.

Attest:

Alex Alford, Clerk of Circuit Court and County Comptroller

BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA

Sara Comander, Chair

CERTIFIED A TRUE COPY
Oct. 26 20 16
ALEX ALFORD
CLERK OF COURTS &
COUNTY COMPTROLLER
WALTON COUNTY, FLORIDA
BY: _____
DEPUTY CLERK