

ORDINANCE
2011-_____

AN ORDINANCE AMENDING WALTON COUNTY ORDINANCE 2011-02, SECTION 22-57 OF THE WALTON COUNTY CODE OF ORDINANCES, TO DESIGNATE THE WALTON COUNTY CLERK OF COURT AS THE ISSUING AUTHORITY FOR "BEACH DRIVING" PERMITS; TO PROVIDE FOR REPLACEMENT PERMITS; TO PROVIDE FOR A REDUCED FEE FOR PERMITS FOR DISABLED PERSONS; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Walton County Tax Collector wishes to terminate the issuance of Beach Driving permits by her office; and

WHEREAS, the Walton County Clerk of Court ("Clerk of Court") has expressed a desire to accept this responsibility; and

WHEREAS, the Walton County Board of County Commissioners finds that it is in the best interest of the health, safety, and the general welfare of the public to designate the Walton County Clerk of Court as the issuing authority for Beach Driving permits.

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. Those who have a valid Beach Access Permit, as of the effective date of this Ordinance, may renew such permits beginning on May 15th 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) below.

(c) An additional 150 permits may be issued each year, which are only valid for one (1) year and are non-renewable. Walton County residents that meet the requirements of section (d)(i) or (iii) below may submit applications between April 1st and May 10th of each year. A lottery selection will be conducted by the County Administration Office on May 15th and all applicants will be notified of the results. Those selected in the lottery may purchase permits from the Clerk of Court beginning on June 1st.

(d) 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 Resident Real Property Owners and Registered Voters.

Walton County registered voters or real property owners, who are residents of Walton County, and immediate family members residing with them 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 as of the effective date of this ordinance 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) 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 Clerk of Court 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% 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.

(ii) Walton County Non-Resident Real Property Owners.

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 as of the effective date of this ordinance 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 Clerk of Court 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% 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.

(iii) Walton County Charter Fishing Operations; 15 Permits Total.

Under this section (c) (iii), there shall be a limit of 15 permits total to be issued which shall be issued to the first 15 applicants to file completed applications. 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 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 Clerk of Court 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. Additionally, at all times while a properly permitted vehicle and boat trailer are on the designated limited access area, the properly permitted vehicle and properly permitted boat trailer shall remain connected to the properly permitted vehicle.

(e) The Clerk of Court will issue the permits annually upon receipt of a completed application. The Clerk of Court shall retain \$10.00 (ten dollars) as a processing fee for each permit issued. On or about October 1 of each year the Clerk of Court shall submit to the Walton

County Board of County Commissioners a written report of the number of permits that have been issued during the current year.

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

(g) The designated limited access area permit described above shall cost the sum of \$125.00 per vehicle. One decal (vehicle permit) shall be issued for each vehicle authorized to use the limited access area. Replacement permits, for newly purchased vehicles, will be issued to the original permittee for a fee of \$10.00, which will be retained by the Clerk of Court as a processing fee. Non-residents with 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 disabilities, upon proof of disability (Florida Disability Parking Placard, SSI Disability letter, etc.) may be issued an annual permit for \$10.00 from the Clerk of Court upon obtaining an eligibility letter from County Administration.

(h) 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.~~

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

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

(k) Conviction for violation of this article shall result in automatic revocation of the vehicle permit.

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

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

(n) All access areas shall be appropriately marked and designated as such.

(o) 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.

(p) 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 _____, 2011.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:

Martha Ingle
Clerk of Court

BY: _____
Larry Jones, Chair