

**ORDINANCE
2008-25**

**AN ORDINANCE OF WALTON COUNTY, FLORIDA,
AMENDING SECTION 4.G OF ORDINANCE 2003-07 AND
SECTION 22-54(g) OF THE WALTON COUNTY CODE OF
ORDINANCES, CONCERNING OBSTRUCTIONS ON THE
BEACH, TO CLARIFY WHICH ITEMS ARE PROHIBITED
OBSTRUCTIONS; TO PROVIDE FOR A PERMITTING SYSTEM
FOR LEAVING ITEMS ON THE BEACH OVERNIGHT; TO
PROVIDE FOR REMOVAL OF ALL ITEMS DURING A STATE
OF EMERGENCY; TO PROVIDE FOR A TAKE PROVISION;
DEEMING NON-PERMITTED ITEMS ABANDONED; AND
PROVIDING FOR ENFORCEMENT, PENALTIES,
SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners finds that the health, safety, and welfare of the citizens of, and visitors to, Walton County would be best protected by the regulation of recreational beach activities in the County; and

WHEREAS, the Board of County Commissioners finds that it is in the public's best interest to regulate beach related activities; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public to prohibit items that interfere with beach maintenance, nesting turtles, or emergency vehicles from remaining on the beach overnight.

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

Section 22-54. Regulation of Use and Conduct on the beach and water bodies.

G. Obstructions on the beach.

1. It shall be unlawful for items generally used for swimming, sunbathing, or beach recreation to remain on the beach between one (1) hour after dusk and one (1) hour after sunrise, except as otherwise permitted in this ordinance. As used in this section, the phrase "items generally used for swimming, sunbathing, or beach recreation" shall include, but not be limited to, beach chairs, umbrellas, tents (including tent frames), hammocks, volleyball nets, picnic tables and tiki huts.
2. **Exceptions.**
 - a. Permitted Items: any person that desires to leave an item on the beach for more than

the permitted time shall obtain all necessary permits from state and federal agencies as well as a Walton County permit; provided, however, that no County permit shall be issued for any of the following items:

- i. Items that will obstruct, hinder or otherwise impede emergency and maintenance vehicles from traversing the beach;
 - ii. 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; or
 - iii. Items which in the reasonable discretion of the County Administrator or his/her designee determines to be an item which should not remain on the beach for more than the permitted time because to do so would be injurious to the environment, or the health, safety, or welfare of the public.
- b. **Permits:** There shall be no fee for obtaining the Walton County permit discussed in (2)(a) above. Such permits shall include the following:
- i. Name and contact information of the owner or person in possession and control of the item;
 - ii. Description of the item;
 - iii. Location of the item;
 - iv. Duration of time the item will remain in such location; and
 - v. 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 Walton County due to hurricane or other severe weather systems.
- d. **Take Provision:** Walton County will not be liable for any impacts to federally protected species resulting from any permitting. Such liability will rest with the individual applicant.
3. **Abandonment:** any item generally used for swimming, sunbathing, or beach recreation which remains on the beach for more than the permitted time, unless a permit has been obtained from Walton County by the owner or person in possession and control of the item, shall be deemed abandoned and shall become the property of Walton County which may dispose of the item in any manner it sees fit.
4. **Enforcement:** it shall be the duty and responsibility of the Walton County Sheriffs'

Department and/or the Walton County Code Enforcement Department to enforce all provisions of this section.

5. Penalties.

- a. Any person to whom a citation is issued shall pay the fine by the designated date or appear in county court at the time, date, and location designated in the citation.
- b. Minimum civil penalties for violations of this section are as follows:
 - i. First violation \$100.00
 - ii. Second violation \$200.00
 - iii. Third and subsequent violations Fine up to \$500.00 and/or up to 60 days in jail.

Severability

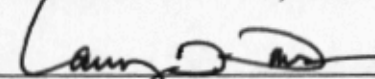
Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance and the remainder of the ordinance shall remain in full force and effect.

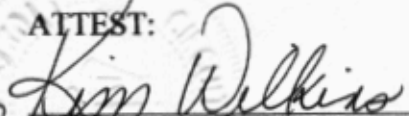
Effective Date

This ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED in regular session, by the BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, this 8th day of July, 2008.

BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA

By: 
Larry Jones, Chair

ATTEST:

Martha Ingle, Clerk of Court