

2015-22

AN ORDINANCE AMENDING WALTON CODE OF ORDINANCES SECTION 22-57; PROVIDING FOR AN ADDITIONAL NUMBER OF GRANDFATHERED PERMITS FOR VEHICLES ON THE BEACH TO INDIVIDUALS WHO HELD PERMITS PRIOR TO 2010.

WHEREAS, on February 10, 2015, the Walton County Board of County Commissioners discovered during the public hearing for the adoption of the Grayton Beach Neighborhood Plan that many individuals who held permits for vehicles on the beach prior to 2010 missed the opportunity to gain grandfathered status under Section 22-57, Walton County Code of Ordinances;

WHEREAS, the Walton County Board of County Commissioners finds that many individuals who held permits for vehicles on the beach prior to 2010 missed the opportunity to gain grandfathered status under Section 22-57 due to hardship;

WHEREAS, the Walton County Board of County Commissioners finds it necessary to amend Section 22-57, Walton County Code of Ordinances, to provide 50 additional permits for vehicles on the beach for those individuals who held permits prior to 2010.

WHEREAS, the Walton County Board of County Commissioners finds that providing only 50 additional permits for vehicles on the beach will have a de minimis impact on the County's Beaches.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Walton County, Florida, that Section 22-57 of the Walton County Code of Ordinances be amended as follows:

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.


This Ordinance shall become effective immediately upon passage by the Walton County Board of County Commissioners.

PASSED AND DULY ADOPTED in regular session, by the Board of County Commissioners of Walton County, Florida, this 14th day of July, 2015.

BOARD OF COUNTY COMMISSIONERS

OF WALTON COUNTY, FLORIDA

Attest:


 Alex Alford, Clerk of Circuit Court
 and County Comptroller


 Bill Imfeld, Chair

