

ORDINANCE 2019 - 03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; AMENDING CHAPTER 16, ARTICLE II OF THE OKALOOSA COUNTY CODE OF ORDINANCES RELATED COUNTY RECREATIONAL AREAS; AMENDING THE PROVISIONS OF THE CODE ALLOWING BEACH SERVICE VENDORS, EVENTS AND ACTIVITIES IN COUNTY PARKS, BEACHES AND OTHER RECREATIONAL AREAS; AMENDING THE ACCESS BY QUALIFIED BEACH VENDORS AND WEDDING EVENTS; CLARIFYING PROVISIONS OF THE CODE RELATED TO BEACH SERVICE VENDORS AND WEDDING EVENTS; PROVIDING FOR PERMIT REQUIREMENTS AND PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners previously adopted Chapter 16, Article II of the Okaloosa County Code of Ordinances titled “County Recreational Areas” addressing use the County beaches, parks and other recreational areas by service vendors and wedding events; and

WHEREAS, there is a need to clarify the language of the Code to address the permits and approval of events and activities at the beaches, parks, and other recreational areas for service vendors; and

WHEREAS, there is further a need to clarify the language of the Code to address Wedding Vendors and Events.

THEREFORE, be it ordained by the Board of County Commissioners of Okaloosa County, Florida:

SECTION 1: Chapter 16, Article II, titled “County Recreation Areas”, of the Okaloosa County Code of Ordinances is hereby amended as follows:

(~~striken~~ words indicate deletions, underlined words indicate additions)

Sec. 16-41. - Definitions.

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

Alcoholic beverage means a beverage containing more than one percent of alcohol by weight.

All terrain vehicle means any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 600 pounds or less, traveling on three or more low pressure tires.

Animal means any animate being other than a human which is endowed with the power of voluntary motion.

Bather means any person who is in the Gulf of Mexico, Choctawhatchee Bay, bayous, rivers, streams and lakes, whether said person is swimming, wading, or engaged in any other activity in the water.

Beach and shores means the coastal and intracoastal shoreline bordering upon the waters of the Gulf of Mexico, Choctawhatchee Bay, and any water bodies under the jurisdiction of Okaloosa County between the mean high-water and the water's edge. On Okaloosa Island, beach means the area of white sandy beach between the southern most property line of the adjacent parcels and the waters of the Gulf of Mexico.

Beach service means a permitted beach qualified vendor that makes available, including but not limited to: beach chairs, umbrellas, and/or towels or other common beach equipment or personal property as defined below to any public customer.

Blood baiting means the use of blood or bloody fish part to attract sharks.

Boat. See "vessel."

Camping means the erection of shelter or a similar structure for the purpose of sleeping; or sleeping or lying upon the beach or recreational area either under or outside of any shelter, vehicle, bedroll, blanket, or other protective garb.

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

County or Okaloosa County means the unincorporated area of Okaloosa County, Florida.

Dwelling unit (for purposes of this Article) means each individual townhouse unit, hotel/motel unit/room, condominium unit, or other property division intended as a residential dwelling or rental unit.

Fireworks means firecrackers, torpedoes, rockets, toy firearms, cannons, or other fireworks or explosives of or containing flammable material or any substance, compound, mixture, or article which in conjunction with any other substance or compound, may explode, discharge, or burn.

Idle speed means the lowest speed at which a vessel or sailcraft can operate and maintain steering control.

Motor vehicle means any vehicle which is self-propelled, including golf carts.

Operator means any natural person, firm, partnership, association, corporation, and any other legal entity.

Park means any area designated by deed, recorded plat, or contractual agreement for use by the general public of Okaloosa County for park purposes.

Person means any natural person, firm, partnership, association, corporation, and any other legal entity.

Personal property means all types of personal property, including, but not limited to, tents (including tent frames), canopies, cabanas, umbrellas and other shading devises, picnic tables, tiki

huts, volleyball nets, hammocks, beach chairs and other furniture, kayaks, canoes, catamarans, floats, surf boards, kites, coolers, toys and blankets.

Personal watercraft is as defined by Section 327.02(28), Florida Statutes, and means a vessel less than 16 feet in length which uses an 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; i.e., jet ski.

Recreational area means any area designated by deed, recorded plat, or contractual agreement for use by the general public of Okaloosa County for recreational purposes.

Sailcraft means a wind-propelled vehicle used or capable of being used as a means of transportation on or in the water, including sailboats, sailboards, and windsurfboards.

Shoreline means the beaches, river shores and lake shores under the jurisdiction of Okaloosa County.

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 interest through sales, rentals, or any exchange of value.

Special events means:

- (1) Any use, activity, or event conducted or promoted at any county park, beach or recreational area of Okaloosa County that would constitute a violation of any provision of this ordinance 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 49 persons to a certain place at any county park, beach or recreational area 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 at any county park, beach or recreational area that is promoted or sponsored by commercial interest and will advertise or promote private commercial interest.
- (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, paddle boards, and sailboards. This definition shall not include rubber rafts, floats, belly boards, or boogie boards.

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

Ultralight aircraft 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 every 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, rent, or as part of a contractual agreement any services, goods or materials to be consumed or placed on the beach, or recreational area without a permit, lease contract or franchise duly issued or executed by the governing body of the county.

Vessel is as defined by Section 327.02(37), Florida Statutes, and means (and is synonymous with boat as referenced in section 1(b) Article VII of the State Constitution) and includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation.

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 body means Gulf of Mexico, Choctawhatchee Bay, and bayous, rivers, creeks, lakes located in Okaloosa County.

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.

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

Sec. 16-42. - Authority; purpose and intent.

This article is adopted pursuant to Section 125.01, Florida Statutes. Unless stated otherwise, is intended to regulate comprehensive public health, safety and welfare on or pertaining to the county beaches, James Lee Park and all parks and recreation areas in the unincorporated areas of Okaloosa County. Local government policy toward the beach, county parks, water bodies and recreational areas should be guided by the recognition that proper management of these areas is vital to the economic development of the county and that all reasonable competing uses of these areas must be protected and balanced.

This article makes no finding of fact that the public either has or has not customarily used any particular place of gulf front property beach.

Sec. 16-43. - Regulation of use and conduct at the beach, county parks, water bodies, and all recreational areas in unincorporated areas of Okaloosa County.

- (a) *Overnight camping.* Overnight camping is restricted to posted parks only. Otherwise it shall be unlawful to camp or leave non permitted items such as, but not limited to, personal property as defined in subsection 16-41 above, collapsible structures, tents (including tent frames), umbrellas, sheds, trailers, etc. unattended overnight and/or those time periods during which the beaches, county parks, or recreational areas are closed.
- (b) *Fires and fireworks.* It shall be unlawful for any person, firm, corporation, or other legal entity to ignite any substance or material or to light or participate in the lighting of any fire between the vegetation line or mean high water mark (beach area), whichever is a greater distance from the water's edge, and the water's edge of the Gulf of Mexico in Okaloosa

County, Florida. No person shall bring into, possess, or set off or otherwise cause to explode or discharge or burn any fireworks as defined herein in any county park or any other county owned or leased property unless approval has been granted by the board of county commissioners or their designee.

- (1) No open fires/flames are allowed at John Beasley Park, James Lee Park, Newman C. Brackin Park or the Okaloosa Island Pier. This includes but is not limited to sternos, Bar-B-Q grills, candles, tiki torches, fireworks, etc.
 - (2) No fires are allowed in county public parks or recreation areas except in the grills and/or fire rings that have been provided by the parks division.
- (c) *Fishing.* It shall be unlawful for any person on property owned by Okaloosa County:
- (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 to intentionally fish for sharks or to fish by those methods commonly known as "chumming" or "blood baiting."
 - (3) Nothing in this section shall be construed to create a duty on the part of any governmental employee or agent to prevent fishing or to warn of the presence of sharks in the Gulf of Mexico.
- (d) *Glass containers.* No person, firm, corporation, joint venture, partnership, or other legal entity shall possess or utilize any glass or ceramic bottle or container in or on any public park, beach, or recreational area in the county.
- (e) *Soliciting and canvassing.* It shall be unlawful for any person to solicit or canvass within the boundaries or in front of at any county park, beach or recreation area, except those operating with a permit issued by the board of county commissioners or their designee.
- (f) *Littering.* It shall be unlawful for any person to discard or otherwise dispose or abandon any trash, garbage, bottles, containers, cans, dead fish or parts thereof, charcoal briquettes or ashes, or any other litter on the beach, county park or recreational area except in designated containers for that purpose. It is further unlawful to dispose of any household or commercial garbage on the beach, county park or any recreational area.
- (g) *Obstructions on the beach.* It shall be prohibited for all types of personal property as defined in subsection 16-41, including by way of example and not limitation, canopies, cabanas, umbrellas and other shading devices, picnic tables, coolers, tiki huts, volleyball nets, hammocks, beach chairs, other furniture, tents (including tent frames), toys, towels, blankets and other personal articles to be left on the beach overnight or in such a manner that they interfere with beach maintenance, or cleaning, nesting turtles, emergency vehicles, or lifeguards' view of the water. It shall be prohibited for all types of personal property to be placed or remain on the beach from between midnight 12:00 a.m. and 7:30 a.m. Central Time (standard or daylight savings time, whichever is in effect), except as otherwise permitted in this Article.
- There shall be a minimum setback of 25 feet from the gulf side of the dune on all public beaches on Okaloosa Island and James Lee Park for an emergency access lane.
- (h) *Swimming, surfing, use of rafts, floats and other flotation devices.*

- (1) The director of public safety or the Okaloosa County Sheriff shall have the authority to declare that a state of emergency exists and order the posting of double red flags prohibiting entry into the water. This shall apply to all county public beaches and beach access ways on Okaloosa Island and James Lee Park.
- (2) Following a declaration of a state of emergency for any portion of any water body in Okaloosa County including the incorporated areas, and the posting of double red flags prohibiting entry into the water, failure to comply with directions of lifeguards or law enforcement officers shall be a violation of Section 843.02, Florida Statutes, or other applicable statute. Those persons surfing as defined herein with a surfboard attached to the surfer by a leash are exempt from this article.
- (3) No person, firm, corporation or other legal entity except a lifeguard or other person actually engaged in a rescue attempt shall:
 - a. Operate any watercraft, swim, bathe, surf, wade or dive within 150 feet of the Okaloosa Island Pier extending into the Gulf of Mexico on Okaloosa Island.
 - b. Swim or bathe in violation of an order given pursuant to subsection (h) of this section.
- (i) *Flag warning system.*
 - (1) A flag warning system shall be adopted by the board of county commissioners.
 - (2) All county beaches as referenced in subsection (h)(1) and public access points to beaches leading to the Gulf of Mexico shall display a sign informing the public of the beach flag warning system, and hours lifeguards are on duty and notification that when lifeguards are not on duty swimmers shall swim at their own risk. The sign shall not be less than 24 inches wide and 30 inches long.
 - (3) Beach vendors and contractors and other governmental entities are encouraged to post the beach flag warning system sign in a prominent place at their place of business. The sign shall be in color and not less than 24 inches wide and 30 inches long.
 - (4) Beach lifeguards at county beaches, as referenced in subsection (h)(1), shall post the appropriate flags depicting current conditions at each designated beach from the second Saturday in March through the second weekend in October. Warning flags will be raised when lifeguards are on duty and actively guarding and will be lowered when lifeguards leave the beach daily.
- (j) *Sound amplification.* No audio device, such as but not limited to, loudspeakers, television, radio, compact disc, tape, record player, iPod, phone, computer, or musical instrument, except equipment used by law enforcement, rescue or beach safety personnel, shall be used on the beach, county park, recreational areas and water bodies in any manner, that can be heard by a person using normal hearing facilities, at a distance of 100 feet or more from the source of the sound except if permitted by a county sanctioned event, e.g., a concert or other event.
- (k) *Removal of beach sand.* No beach sand may be removed from the beach except for permitted construction under guidelines established by the county.
- (l) *Removal of water.* No water may be pumped from the Gulf of Mexico except for permitted construction under guidelines established by the county.

- (m) *Animals.* Animals are prohibited in county parks, beaches or other recreational areas with the exception of those used for assistance as a service animal in accordance with Section 413.08, Florida Statutes, or law enforcement.
- (n) Use of illegal drugs, alcohol and fireworks shall be prohibited in any county park, beach or other recreational area. The prohibition of the use of alcohol does not apply within the appropriately licensed establishments at the Island Pier, Newman C. Brackin Park and James Lee Park and any other establishment in a county park as approved by the board of county commissioners or its designee.
- (o) Disorderly conduct will not be permitted at any county park, beach or recreational area. It shall include but not be limited to profanity, fighting, and disturbing the public peace.
- (p) *Abandonment.* Any personal property as defined in subsection 16-41 and/or other item generally used for boating, swimming, sunbathing, beach recreation, advertised or non-advertised sports activities and/or gatherings ~~which remains unattended~~ on the beach or county recreational areas for more than the permitted time, or during a time that is prohibited, shall be deemed abandoned. Abandoned items of personal property in violation of this article are hereby declared a public nuisance. Abandoned items shall be deemed discarded by the owner and shall become property of Okaloosa County, which may dispose of the item.
- (q) The use of trampolines or bounce houses may not be used on the beach or at any county recreational area.
- (r) *Enforcement.*
 - (1) The sheriff department, Okaloosa County Public Works Parks Department, Code Enforcement, Tourist Development Department and Okaloosa County Public Safety Department are hereby authorized and directed to remove from the beaches and recreation areas items of personal property that ~~are abandoned as provided~~ is abandoned or not in accordance with the terms in this Article and enforce all other provisions of this Article.
 - (2) ~~Abandoned~~ Items removed from beaches or recreation areas shall become property of Okaloosa County which shall dispose of the items in any legal manner it deems appropriate.

Sec. 16-44. - Gulf of Mexico—Watercraft distance from shore, generally.

- (a) The operation of any motorized watercraft within 700 feet of shoreline of the Gulf of Mexico in Okaloosa County including the incorporated areas is hereby prohibited subject to the exemptions provided in subsection (b) hereof.
- (b) The operation of non-propeller driven motorized watercraft within 700 feet of the shoreline of the Gulf of Mexico are hereby exempted under the following conditions:
 - (1) The owner or leaseholder of property bordering the Gulf of Mexico may give written permission for non-propeller driven motorized watercraft to enter and exit the shore adjacent to the property owned or leased within a corridor established, maintained, and subject to the following conditions:
 - a. The corridor must be as least 20 feet in width and not greater than 40 feet in width and extending 700 feet perpendicular to the shore. Only one corridor will be allowed on each site.

- b. The corridor is to be clearly marked along both sides with orange buoys that are at least 18 inches in diameter and anchored 700 feet from the shoreline. Marker buoys must be removed when the corridor is not in use.
 - c. The corridor must be at least ten feet interior to the extension of the property line of the permitting owner or leaseholder.
 - d. Entrance into the corridor from the shoreline must be marked by orange or red cones which must be at least 28 inches high erected at the waterline.
 - e. There shall be posted landward of the corridor a sign advising the public of the corridor and posting notice for vessels to proceed under idle speed.
 - f. Swimming, surfing, sailing or wading shall be prohibited within the corridor but non-propeller driven motorized watercraft shall yield the right-of-way to any persons located therein.
 - g. Non-propeller driven motorized watercraft shall be limited to the entry/exit corridor when closer than 700 feet from the shoreline and shall not exceed the idle speed or five m.p.h., whichever is greater, when within the corridor.
- (2) Commercial fishing boats are exempted from the provisions of this article while in the process of deploying nets while conducting fish netting operations, but shall not operate in excess of idle speed or five m.p.h. miles per hour, whichever is greater, when within 700 feet of the shoreline.
- (3) Publicly announced, properly authorized and supervised, and adequately patrolled regattas, speed trials, exhibitions, or other special events, when the same have been approved by the board of county commissioners and the applicant has provided a hold harmless agreement to the county, liability insurance in the minimum amount of \$1,000,000.00 per occurrence naming the Okaloosa County Board of County Commissioners as an additional insured on such policy, and such other conditions as deemed necessary by the board of county commissioners including but not limited to protecting the environment, and assuring that adequate public facilities and emergency response teams and equipment are available.
- (4) Commercial propeller driven motorized watercraft are exempt when owned or operated by the landward owner and operated within a corridor established, maintained, and subject to the following conditions:
- a. The corridor must be at least 20 feet in width and not greater than 40 feet in width and extending 700 feet perpendicular to the shore. Only one corridor will be allowed on each side.
 - b. The corridor is to be clearly marked along both sides with orange buoys that are at least 18 inches in diameter and anchored 700 feet from the shoreline. Additional buoys will be placed at 100 feet and 300 feet. Marker buoys must be removed when the corridor is not in use.
 - c. The corridor must be at least ten feet interior to the extension of the property line of the permitting owner or leaseholder.

- d. Entrance into the corridor from the shoreline must be marked by orange or red cones which must be at least 28 inches high erected at the waterline.
- e. There shall be posted landward of the corridor a sign advising the public of the corridor and posting notice for vessels to proceed under idle speed.
- f. Propeller driven commercial watercraft shall not operate within the corridor or within 700 feet of the shoreline when weather conditions cause the surf to be in excess of two feet.
- g. Propeller driven commercial watercraft shall never operate any closer than 100 feet from the shoreline, even when within the corridor.
- h. Propeller driven commercial watercraft shall never exceed idle speed or five m.p.h. miles per hour, whichever is greater, while within 700 feet of the shoreline.

Sec. 16-45. - Permitted vehicles on the beach, parks and recreation areas.

- (a) No person, firm, corporation, joint venture, partnership, or other legal entity shall operate any motor vehicle in, on, or over any public land, right-of-way, or county park, beach, or recreational area in the county that is not clearly designated or posted for vehicular traffic, vehicular parking or emergency vehicular traffic, unless the same shall have been issued a permit by the board of county commissioners or their designee.
- (b) Personal or privately owned all terrain and/or other vehicles are not permitted on the public beach. Exception: All terrain and/or four-wheel drive vehicles used by sheriff's deputies and county employees may be driven on the beach in the performance of official business.
- (c) Permitted vehicles accessing public beaches shall meet the following requirements:
 - (1) The vehicle must have a current State of Florida registration and be covered by auto insurance written by an insurance company licensed to do business in the State of Florida.
 - (2) The vehicle must be registered to the owner of a business which has obtained a Qualified Beach Vendor Beach Vehicle Permit from Okaloosa County and has an executed contract/agreement with Okaloosa County and the upland permitted property owner.
 - (3) The business name, phone number, and the Okaloosa County Qualified Beach Vendor Certificate number must be displayed on both sides of the vehicle while the vehicle is on the beach. The informational lettering must be no smaller than two inches and no larger than three inches in height.
 - (4) A copy of the Okaloosa County Qualified Beach Vendor Beach Vehicle Permit must be carried in the vehicle at all times when on the beach.
 - (5) Permitted vehicles are only allowed to enter and exit the beach via the emergency access ways located at beach access ways #2, #4, #7, and the Boardwalk on Okaloosa Island and James Lee Park in Destin. The emergency access ways will be unlocked and relocked by county staff during the approved scheduled times/dates (see subsection (8) below). Driving vehicles on or over the sand dunes is not allowed except in an emergency situation. Failure for vendors who have been issued a qualified beach vendor beach vehicle permit to comply with subsections (c)(1) through (c)(5) are subject to the following enforcement actions:

- a. First infraction: Written notice to the company and warning issued to violator (driver).
 - b. Second infraction: \$250.00 fine.
 - c. Third infraction: Withdraw vehicle's beach permit.
- (6) The speed limit on the beach is ten mph. Violation of the speed limit will result in the following:
 - a. First infraction: Written warning to company, ticket issued to violator (driver), and a \$500.00 fine.
 - b. Second infraction: \$1,000.00 fine.
 - c. Third infraction: Withdraw vehicle's beach permit.
- (7) Hazard lights and head lights must be on while driving on the beach. Failure to operate a vehicle with hazard lights or head lights on are subject to the following enforcement actions:
 - a. First infraction: Written notice to the company and warning issued to violator (driver).
 - b. Second infraction: \$250.00 fine.
 - c. Third infraction: Withdraw vehicle's beach permit.
- (8) Qualified beach vendors who have obtained qualified beach vendor vehicle permits are allowed access during the following times and dates:
 - a. Approved dates will be set up as follows:
 - 1. Last two days of February and first three days of March.
 - 2. Two days prior to the beginning of spring break as determined by the tourist development department.
 - 3. Two days prior to Memorial Day holiday weekend.
 - 4. Two days prior to the 4th of July holiday weekend.
 - 5. Three days prior to Labor Day holiday weekend.
 - 6. The first week of November.
 - 7. Other dates as approved by Okaloosa County (ex. inclement weather, etc.).
- (9) Vehicles must be clean (free of any materials not meeting the requirements of land development code, section 6.02.04, discoloring material prohibition) and in proper running order so as not to leak any fluids such as grease, oil, transmission fluid, antifreeze, etc. at any time. Improperly operating vehicles used by the Qualified Beach Vendor are subject to the following enforcement actions:
 - a. First infraction: Written notice to the company and warning issued to violator (driver).
 - b. Second infraction: \$250.00 fine.

- c. Third infraction: Withdraw vehicle's beach permit.
- (10) The fee to obtain a qualified beach vendor beach vehicle permit for beach access is \$500.00 per calendar year per vehicle. Vendors are limited to two authorized vehicles. The vehicle(s) must be designated on the qualified beach vendor application.
- (11) Transfer of vehicle permit for beach access shall be limited to vehicles owned by the same person or entity. Tag number and copy of the registration of affected vehicles will be provided to the public works parks division prior to vehicle use on the beach. At no time will there be more than two permitted vehicles per qualified beach vendor.
- (12) Non permitted vehicles other than official vehicles used by sheriff's deputies and county employees used for official business shall not be operated on the beach.
- (13) Turtle nesting season is designated from May 1 through October 31 each year. All vehicles and activities operating on the beaches will steer clear of all marked turtle nesting sites; any adult turtle accessing the beach for the purpose of nesting; or hatchling turtle emerging from a nest site and migrating to the water's edge. Per State Statue Title XXVIII Chapter 370.12(1) Protection of Marine Turtles, it is a third degree felony for "Any person that illegally takes, disturbs, mutilates, destroys, causes to be destroyed, molests, or harasses any marine turtle species, or the eggs or nest of any marine turtle species."

Sec. 16-46. - Aircraft.

- (a) No person operating, directing, or responsible for any airplane, seaplane, parasail, helicopter, glider, balloon, dirigible, parachute, ultralight, or other aerial apparatus shall take off from or land at any county park, beach or recreational area except for emergency aircraft, e.g., medical emergency helicopters.

Sec. 16-47. - Temporary use for special events.

- (a) *Policy and objective.* This section is intended to ensure broad usage by allowing temporary uses of any county park, beach or recreational area for purposes which otherwise would be prohibited. These special uses would be allowed by a permit that waives certain restrictions under specific condition 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. Any temporary use permits will be issued by the board of county commissioners or their designee. Fees for these temporary use permits will be established by resolution by the board of county commissioners. Use of electricity and/or water is not granted unless approved. If use is approved additional charges may apply.
- (b) *Procedure.*
 - (1) All requests shall be in writing stating reason, location, time, point of contact and the sponsor. Request must be presented to public works staff 60 days prior to the event. Request will be reviewed by the staffs of the public works, public safety and the sheriff's office. Public safety shall coordinate the application with the authority having jurisdiction for fire service in the area in which the event is located and the request will be approved by the Okaloosa County board of county commissioners or its designee.
 - (2) Permits will only be issued after approved by the board of county commissioners or its designee.

- (3) All organizations submitting applications for permits pursuant hereto shall be required to furnish the county proof of liability insurance in the minimum amounts of \$1,000,000.00 per occurrence, naming the Okaloosa County Board of County Commissioners as additional insured on the policy, insuring for any damages that may be sustained as the result of the activity.
- (4) All organizations submitting applications for permits shall be required to execute a hold harmless agreement indemnifying the county for any loss suffered as the result of the activity.
- (5) All events will pay a daily use fee and appropriate security deposit. These fees are due in advance of proposed activity.

Sec. 16-48. - Commercial activity on public lands.

- (a) *Permit, lease, etc. required.* No person, firm, corporation, joint venture, partnership, or other legal entity shall directly or indirectly sell, rent, advertise, or promote property, real or personal, or conduct directly or indirectly any commercial activity of any nature or kind, including but not limited to the passing out of literature on or from any public land, public right-of-way, or public recreational area in the county without a permit, lease, contract, franchise, or qualified beach vendor certificate duly issued or executed by the board of county commissioners or their designee.
- (b) *Preservation of public health, safety, etc.* No permit, lease, contract, or franchise shall hereafter be issued for the commercial activities prohibited by this section unless the board of county commissioners or their designee makes a specific finding that the proposed activity will serve a public need and promote the public health, safety, or welfare.
- (c) *Vendor eligibility.* The minimum qualifications required to become a qualified beach vendor or public recreation area vendor are as follows:
 - (1) The vendor or business shall demonstrate that a valid business tax receipt from the Okaloosa County Tax Collector's office or State of Florida has been obtained as required.
 - (2) Vendor shall demonstrate procurement of adequate insurance(s) as specified by the Okaloosa County Risk Management Department.
 - (3) Permits from appropriate local, state, and federal agencies shall be provided by the vendor as required.
- (d) *Application for permit lease, etc.* All applications for a permit, lease, contract, or franchise shall be filed with the board of county commissioners through the Okaloosa County Public Works Parks Division for consideration in accordance with paragraph (b), and shall include:
 - (1) The name, address, and business affiliation of the applicant; and
 - (2) A thorough description of the nature of the proposed activity; and
 - (3) A statement as to why and how the proposed activity will promote the public health, safety, morals, or welfare; and
 - (4) A statement as to why and how the proposed activity will not have an adverse environmental impact on the public area involved; and

- (5) A statement as to why and how the proposed activity will not annoy, harass, intimidate or interfere with the public and their enjoyment of the area involved; and
 - (6) A statement as to how the applicant intends to protect the county from liability for the proposed activity.
- (e) *Consideration of application.* The board of county commissioners or their designee shall consider the application as submitted and may grant or reject the same, or advertise for bids in accordance with such additional terms and conditions deemed necessary to protect the public interest.
- (f) *Application for qualified beach vendor certificate and/or public recreation area vendor.* All applications for a qualified beach vendor certificate and/or public recreation area vendor shall be filed with the board of county commissioners through the Okaloosa County Public Works Parks Division for consideration in accordance with subsection (b) of this section, and shall include all of the following:
- (1) \$500.00 non-refundable application fee;
 - (2) The name, address, and business affiliation of the applicant;
 - (3) A thorough description of the nature of the proposed activity;
 - (4) A statement as to why and how the proposed activity will serve a public need and promote the public health, safety, or welfare;
 - (5) A statement as to why and how the proposed activity will not have an adverse environmental impact on the public area involved;
 - (6) A statement as to why and how the proposed activity will not annoy, harass, intimidate or interfere with the public and their enjoyment of the area involved;
 - (7) A statement as to how the applicant intends to protect the county from liability for the proposed activity;
 - (8) Each applicant shall sign a statement stating they have read this Article Ordinance No. 08-06 as amended and fully understand its contents.
- (g) Conditions specified to the nature of the proposed activity as required in f(3) may include additional permit stipulations or fees. As examples, beach service vendors shall comply with Section 16-49 and wedding vendors shall comply with Section 16-55.
- (gh) *Qualified beach vendor certificates and/or recreation area vendor shall be renewed annually.* All qualified beach vendor certificates and recreation area vendor expire on December 31. Vendors shall apply to become a qualified beach vendor and/or recreation area vendor each year that they wish to conduct business on the public beach and/or public recreation area.
- (hi) *Consideration of application.* The board of county commissioners or their designee shall consider the application as submitted and may grant or reject the same. The board of county commissioners maintains the right to advertise for bids in accordance with such additional terms and conditions deemed necessary to protect the public interest.

Sec. 16-49. - Beach service stipulations.

- (a) Qualified beach service vendors operating on the beach shall only fly the beach warning flag(s) specified by the posted flag system of the Okaloosa County Beach Safety Division.
- (b) All qualified beach service vendor equipment shall be placed in accordance with the requirements provided by the Okaloosa County Public Works Parks Division and the Florida Department of Environmental Protection. Beach storage boxes shall display the Okaloosa County Qualified Beach Vendor Certificate number on opposing sides of their box with letters not to exceed three inches in height but no less than two inches in height.
- (c) Qualified beach service vendors shall maintain their permitted site(s) to be free of debris, trash, inoperable equipment and other non-essential items.
- (d) Qualified beach service vendors shall ensure that their area's refuse will be placed in a county provided trash receptacle. Should a trash receptacle become full vendors shall remove the full bag, tie the bag shut, place it adjacent to the receptacle and place a new county provided bag (which is located in the bottom of the receptacle) in the receptacle.
- (e) In the event of a storm or impending disaster all beach vendor equipment on the county's public beach must be removed to the vendor's off-site storage area. Access for removal and replacement will be determined by Okaloosa County Public Works Department, Parks Division.
- (f) Spacing, set back, and beach safety corridor requirements stated in subsection 16-43(g) shall be adhered to at all times.
- (g) Qualified beach service vendors shall not set up beach chair/umbrella, or other equipment before 7:30 a.m. Central Time, and shall remove beach chair/umbrellas or other equipment by one hour after dusk. Violation of this item can result in the qualified beach vendor certificate being revoked or prevention of a qualified beach vendor certificate being issued to the beach chair/umbrella service in the future.
- (h) Applications for a qualified beach vendor permit to perform beach services shall include in addition to the requirements of Section 16-48 a letter from the upland property owner acknowledging applicant as their designated vendor in accordance with Section 16-50;
- (i) Locating equipment on the beach is on a first in time basis. Acquiring a beach vendor permit does not grant exclusive right or use of any portion of the public beach. Personal property as defined in subsection 16-41 set on the beach on any given day by a member of the public prior to the beach vendor shall not be impeded on by the vendor.
- (j) Beach service vendors are required to rent available equipment to any member of the public. Rental equipment must remain within the vendor's authorized service area and equipment can not be held for the exclusive use of the upland property owner, their residents, or guests.
- (k) All qualified beach vendors and their employees who provide services for such vendors shall be required to annually attend an education program presented by the County as to the requirements of this Article.

Sec. 16-50. - Permit for a designated beach property.

This section addresses the procedures by which an upland property owner or their designee can ~~apply to Okaloosa County~~ to engage the services of a qualified beach vendor(s) on the public beach area adjacent to their facility.

- (1) Yearly applications for qualified beach vendors must be submitted to the board of county commissioners or their designee for consideration. Such applications shall include a letter from the authorized agent of the upland property and must include; the name of the upland facility, the upland property authorized agent's contact information, total number of dwelling units, and and type of vendor service(s) they wish to engage.
- ~~(2) Applicant is required to select an Okaloosa County Qualified Beach Vendor. A list of qualified beach vendors can be obtained from the parks division of the public works department. A copy of the selected qualified beach vendor's certificate must be attached.~~
- ~~(32)~~ Authorization letters shall be submitted annually with the qualified beach vendor permit application. There is no fee for the yearly permit. The permit will be in effect from January 1 through December 31 of the specified year.
- ~~(43)~~ Designation of a qualified beach vendor does not limit the selected vendor(s) to only providing services to residents, guests, or anyone else associated with the upland property owner.
- (4) Consideration of application. The board of county commissioners or their designee shall consider the permit application as submitted and may grant or reject the same. The board of county commissioners maintains the right to advertise for bids in accordance with such additional terms and conditions deemed necessary to protect the public interest.
- ~~(5)~~ As a condition of granting the permit, a qualified beach vendor will be required to have all employees certified, within thirty (30) days of the County approving the permit or within ten (10) days of employment whichever comes first, by a training conducted by the County. Failure to do so will result in immediate revocation of the permit.

Sec. 16-51. - Penalties.

- (a) Any person found in violation of the above provisions, excluding subsection 16-45(c)(1) through 16-45(c)(7), shall face the following civil penalties unless otherwise specified. Any person to whom a citation is issued shall pay the fine by the designated date to the clerk of court or appear in county court at the time, date, and location designated in the citation.
- (b) Minimum civil penalties for violations not otherwise listed are as follows:
 - (1) First violation: \$100.00.
 - (2) Second violation: \$200.00.
 - (3) Third and subsequent violations: Fine of up to \$500.00 and/or up to 60 days in jail.
- (c) Minimum civil penalties for violations of subsection 16-43(d), glass containers:
 - (1) First violation: \$50.00.
 - (2) Second violation: \$150.00.

- (3) Third and subsequent violations: \$300.00.
- (d) Minimum civil penalties for violations of section 16-45, permitted vehicles on the beach, parks, and recreation areas, subsections (a) and (b):
 - (1) First violation: \$200.00.
 - (2) Second violation: \$300.00.
 - (3) Third and subsequent violations: \$500.00.
- (e) Minimum civil penalties for violations of subsection 16-43(b), fires and fireworks:
 - (1) First violation: \$200.00.
 - (2) Second violation: \$300.00.
 - (3) Third and subsequent violations: \$500.00.
- (f) Minimum civil penalties for violations of subsection 16-43(a), overnight camping:
 - (1) First violation: \$100.00.
 - (2) Second violation: \$200.00.
 - (3) Third and subsequent violations: \$300.00.
- (g) Minimum civil penalties for violations of subsection 16-43(f), littering.
 - (1) First violation: \$200.00.
 - (2) Second violation: \$300.00.
 - (3) Third and subsequent violations: \$500.00.
- (h) Minimum civil penalties for violations of section 16-47, temporary use for special events:
 - (1) First violation: \$200.00.
 - (2) Second violation: \$300.00.
 - (3) Third and subsequent violations: \$500.00.
- (i) Minimum civil penalties for violations of section 16-52, hours of use.
 - (1) First violation: \$50.00.
 - (2) Second violation: \$150.00.
 - (3) Third and subsequent violations: \$300.00.
- (j) Minimum civil penalties for violations of 16-48, commercial activity on public parks.
 - (1) First violation: \$500.00 and may also result in the revocation of beach vendor permit.
 - (2) Second and subsequent violations: \$500.00 fine and may also result in the revocation of beach vendor permit.

i. For revocation of a beach vendor permit, notices of violation will be provided by the County to the identified beach vendor in writing. The vendor shall have ten (10) calendar days to either comply with the terms of the violation notice or submit additional information to the Public Works Director for consideration. Within ten (10) calendar days of receipt of

any beach vendor response a final determination will be made by the Public Works Director in writing.

ii. If a permit is revoked the beach vendor must immediately stop any of its activities on the County's beach or recreational area.

iii. A revoked permit may be appealed in writing to the County Administrator within five (5) calendar days of the written notice of revocation. The County Administrator will then have ten (10) calendar days to respond with a final determination which will constitute final agency action.

(jk) Any person requesting a hearing in county court waives the right to pay the minimum civil penalties.

(kl) Penalties shall be in addition to court costs established by statute.

(lm) The maximum civil penalty for each violation shall be \$500.00 or as previously specified.

(mn) If a person to whom a citation is issued does not contest the citation and elects to pay the applicable civil penalty to the clerk of court in lieu of appearing in county court, the civil penalty shall be less than the maximum civil penalty.

(no) Any funds generated by the fees and fines provided for in this article shall be used for the enforcement of the article.

~~(o) The dollar amounts set for the fees and fines shall be revised by resolution by the board of county commissioners.~~

Sec. 16-52. - Hours of use.

All county parks, including river and beach access points, shall be closed between one hour after sunset and one hour before sunrise. No person, firm, corporation, joint venture, partnership, or other legal entity shall enter, occupy, trespass or use any county park in Okaloosa County during the time that the same is closed to the public pursuant to the signs posted in conspicuous places at the entrance to the same. Overnight parking is prohibited. Exceptions to this section include: loading and unloading of watercraft at parks specifically designated for after hours boat ramp use; and utilization of parks with lights for sponsored events until 9:30 p.m., at which time the lights must be extinguished. No overnight parking allowed at James Lee Park from 11:00 p.m. Central Time until one hour before sunrise. Violators will be towed at the vehicle's owner expense. No umbrellas or tents shall be on the beach between the hours of 12:00 a.m. and 7:30 a.m. This is to allow for proper cleaning and inspection of the beach. This section does not apply to the Pier and Newman C. Brackin Park.

Sec. 16-53. - Advisory committee.

(a) *Established.* There is hereby established in the county an Okaloosa County Parks Advisory Committee. This committee shall consist of seven citizens, one coming from each of the five commission districts two additional members, at least one of which shall be from an incorporated area. The committee representation will seek to reflect the diversity within the county. The terms of office shall be for periods of three years or until their successors are appointed and qualified, except the members first appointed shall be staggered in such manner as the county commission authorizes. Members of the committee shall be notified of their

appointments in writing and shall provide a response indicating their willingness to serve within ten days after receipt thereof or they shall automatically forfeit their appointments. The county commission, or their designee, shall have the authority to revoke any appointment for reasonable cause and vacancies on the committee shall be appointed by the board of county commissioners for the unexpired term.

- (b) *Duties.* The parks and recreation advisory committee shall serve as advisors to the board of county commissioners and the parks division. They should assist in the following:
 - (1) Identification of sites for future community parks, boat ramps, beach access, parking, and trails and bikeways.
 - (2) Joint use agreements with the school board, municipalities, YMCA, Eglin officials, state forestry, and other partners to help reduce cost.
 - (3) Neighborhood parks program. This program will work with neighborhood associations to develop parks in existing neighborhoods.
 - (4) Identification of funding sources (FRDAP, TEA-21, land and water conservation fund; water grant, etc.).
 - (5) The preparation of a priority list for the establishment of new recreational locations.

Sec. 16-54. - Prohibited vehicle parking.

No tour buses, 18 wheelers, fifth wheel trailers, recreational vehicles (RV), etc. are permitted to park at any time in any county park, beach or recreational area. All vehicles must fit into a standard nine feet (width) by 18 feet (length) parking space. School buses will be reviewed on a case by case basis. No vehicle is allowed to take up more than one designated parking space. Violators will be towed at the vehicle's owner expense.

Sec. 16-55. - Weddings conducted in county public parks.

- (a) No reservations will be made for county public parks on the following holidays or holiday weekend due to increased demand for these facilities: Memorial Day/Memorial Day weekend, 4th of July/4th of July weekend and Labor Day/Labor Day weekend.
- (b) All wedding planning companies who wish to conduct weddings on county public parks, beaches, or recreation areas must obtain a qualified beach vendor certificate (see section 16-48).
- (c) For every wedding to be conducted on any County public park, beaches, and recreation areas, regardless of the number of attendees, a permit for the event must also be obtained from the Public Works Parks Division, this requirement is in addition to obtaining any qualified beach vendor certificate.
- (c) There is a \$50.00 fee per wedding due at the time of submission of the application for the permit to the Public Works Parks Division. An application must be submitted a minimum of fourteen (14) calendar days prior to the planned event to the Public Works Parks Division. Permits are given on a first in time basis.

(d) Weddings are only allowed between two (2) hours before sunset and one (1) hour after sunset at any of the seven (7) public beach access ways on Santa Rosa Boulevard.

(ee) For beach wedding scheduled for James Lee Park and John Beasley Park:

(1) All qualified beach vendors seeking to perform weddings at James Lee Park and John Beasley Park, regardless of the number of guests, must contact the Public Works Parks Division a minimum of fourteen (14) calendar days prior to the planned event.

(2) The following information is required to schedule weddings: The date, time, name of the qualified beach vendor, bride's and groom's names, and number of expected guests.

(3) Bookings are made on a "first come, first served" (first in time) basis.

(4) There will be two (2) designated beach wedding areas at John Beasley Park and one designated beach wedding area at James Lee Park. Only one wedding will be scheduled per three (3) hour time period per designated beach wedding area.

(45) County staff will coordinate all dates and times for the proposed weddings with the lessee of James Lee Park.

(56) Existing guidelines for special events hosted on county public beaches, parks and recreation areas will be enforced.

(67) Qualified beach vendors and individuals with scheduled wedding events will be notified that the parking facilities at James Lee Park are available for the public and cannot be reserved or 'saved' in advance of a scheduled event. Shuttling of guests is strongly recommended.

(df) Special events to be held at James Lee Park or at any other recreational area that is subject to an existing lease from the county, which seeks to use a pavilion or other structure on that leasehold property shall be required to obtain the consent of the lessee prior to the special event.

SECTION 2: Conflicts. The provisions of this Ordinance shall superseded all Okaloosa County Ordinances, or parts thereof, in conflict herewith to the extent such conflicting ordinances, or parts thereof, regulate County parks and recreations.

SECTION 3: Severability. If any provision of this Ordinance is declared invalid, all other provisions thereof shall remain in force and effect.

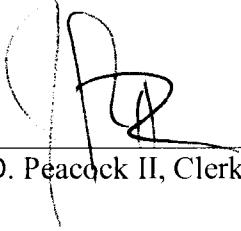
SECTION 4: Inclusion in the Code of Ordinances. It is intention of the Board of County Commissioners that the provisions of this Ordinance shall be included in the Code of Ordinances of Okaloosa County, Florida, and that any renumbering of the various sections is hereby authorized as necessary to achieve this directive.

SECTION 5: Effective Date. This Ordinance shall become effective upon filing with the Secretary of State in accordance with the law.

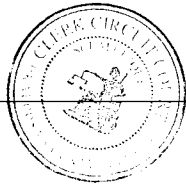
PASSED AND ADOPTED in Regular Session of the Board of County Commissioners of Okaloosa County, Florida, this 19th day of February, 2019.

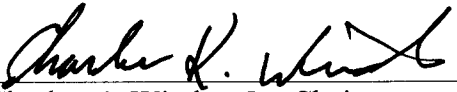
BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA

ATTEST:

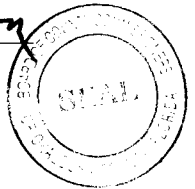


J.D. Peacock II, Clerk

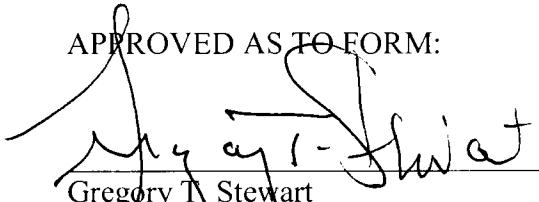




Charles K. Windes, Jr., Chairman



APPROVED AS TO FORM:



Gregory T. Stewart
County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 25, 2019

Honorable J. D. Peacock II
Clerk of the Circuit Court
Okaloosa County
101 East James Lee Boulevard
Crestview, Florida 32563-1359

Attention: Mary Carson

Dear Mr. Peacock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Okaloosa County Ordinance No. 19-03, which was filed in this office on February 25, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb