

ORDINANCE BOOK 12 PG 210

ORDINANCE 2010 - 05

AN ORDINANCE OF SANTA ROSA COUNTY, FLORIDA; ESTABLISHING RESTRICTIONS/REGULATIONS FOR ACTIVITIES ON NAVARRE BEACH; ESTABLISHING WHICH ITEMS ARE PROHIBITED; PROVIDING FOR A PERMITTING SYSTEM FOR LEAVING ITEMS ON THE BEACH OVERNIGHT; PROVIDING FOR REMOVAL OF ALL ITEMS DURING A STATE OF EMERGENCY; PROVIDING FOR A TAKE PROVISION AND DEEMING NON-PERMITTED ITEMS ABANDONED; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners finds that the health, safety, and welfare of the citizens of, and visitors to, Santa Rosa 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 sea turtles, nesting shore birds, or emergency vehicles from remaining on the beach overnight.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA ROSA COUNTY, FLORIDA:

SECTION 1. REGULATION OF USE AND CONDUCT ON THE BEACH AND WATER BODIES.

A. Obstructions on the beach.

1. "Beach" means that portion of Navarre Beach lying south of the erosion control line as established by the State of Florida. It shall be unlawful for items generally used for swimming, sunbathing, or beach recreation to remain on the beach between two (2) hours after dusk and two (2) hours 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

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as well as a Santa Rosa 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 Santa Rosa 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 Santa Rosa County due to hurricane or other severe weather systems.

- d. **Take Provision:** Santa Rosa 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 Santa Rosa County by the owner or person in possession and control of the item, shall be deemed abandoned and shall become the property of Santa Rosa County which may dispose of the item in any manner it sees fit.

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4. **Enforcement:** it shall be the duty and responsibility of the Santa Rosa County Sheriffs' Department and/or the Santa Rosa County Code Enforcement Department to enforce all provisions of this section.

5. **Penalties:** Any person who shall violate any of the provisions of this Ordinance or amendments thereto; who shall fail, neglect or refuse to comply with order or notice or in pursuance and by authority of this Ordinance shall be guilty of a civil infraction punishable as provided in Ordinance 96-18.

SECTION 2. CODIFICATION. The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of the County of Santa Rosa. The sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

SECTION 4. EFFECTIVE DATE. A copy of this Ordinance shall be filed in the office of the Secretary of State within ten (10) days of enactment and shall take effect upon said filing.

PASSED AND ADOPTED by a vote of 5 yeas and 0 nays and 0 absent of the Board of County Commissioners of Santa Rosa County, Florida, on the 11th day of March, 2010.

**BOARD OF COUNTY COMMISSIONERS
SANTA ROSA COUNTY, FLORIDA**

ATTEST: Mary M. Johnson
Clerk of Court

By [Signature] Chairman

I, Mary M. Johnson, Clerk of Court of Santa Rosa County, Florida, do hereby certify that the same was adopted and filed of record and a copy deposited in the Postal Department of the United States of America for delivery by registered mail to the Secretary of the State of Florida, on this 16th day of March, 2010.

Mary M. Johnson
Mary M. Johnson

