

GULF COUNTY ORDINANCE NO. 2021-02
(Repealing and Replacing Gulf County Ordinance 2021-01)

AN ORDINANCE OF GULF COUNTY, FLORIDA WHEREBY AMENDING THROUGH A REPEAL AND REPLACEMENT OF THE GULF COUNTY ORDINANCE 2021-01 COMMONLY REFERRED TO AS “ GULF COUNTY EQUINE BEACH PERMITTING ORDINANCE”; SPECIFICALLY AMENDING THE ORDINANCE SECTION TWO FOR PERMITTING FEES; AND SECTION SIX FOR VIOLATIONS OF THE ORDINANCE AND FINES; PROVIDING FOR THE ENFORCEMENT HEREOF; PROVIDING A SEVERABILITY CLAUSE; REPEALING AND REPLACING ALL ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; BE CODIFIED AND BECOME PART OF GULF COUNTY MUNICODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gulf County, Florida contains many miles of beaches which are inaccessible to the public; and

WHEREAS, The Gulf County Board of County Commissioners has found it necessary to regulate equine use along the beaches described in Section 1 of this Ordinance in order to protect and promote the health and safety of the citizens of this County and to protect the environment;

WHEREAS, The Gulf County Board of County Commissioners unanimously adopted Gulf County Ordinance 2021-01 whereby amending Gulf County Ordinance 2001-15 commonly referred to as the Gulf County Equine Beach Permitting Ordinance and thereafter determining further amendments and modifications were necessary to effectuate the intent and desires of the Board of Commissioners; further amended the ordinance as Gulf County Ordinance 2021-02 on January 26, 201 and herein amended as currently presented following public hearing held on February 22, 2021; and

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

SECTION I:

It shall be unlawful for any person, firm, corporation, or other entity, to ride, or cause to be used any horse on the following described beaches of Gulf County, in the State of Florida:

Those beaches fronting on the Gulf of Mexico, running from Indian Pass to the East until the T. H. Stone Park to the North. Said beaches lying and being in the following Sections: Section 25 and 36, Township 8 South, Range 12 West; Sections 1 & 12, Township 9 South, Range 12 West; Section 6, 7, 18, 19, 20, 21, 22, 23, 24, 28, 29 and 33, Township 9 South, Range 11 West; and Section 19, 20, 21, and 22, Township 9 South, Range 11 West.

unless said horse and operator have complied with the requirements of this Ordinance. Upon compliance with the registration requirements of this Ordinance, riding or use of horses on the above described beaches shall be allowed subject to the restrictions of this Ordinance.

SECTION 2:

- a. As used in this Ordinance, the terms equine and horse shall mean horse, pony, mule or donkey.
- b. Before any horse shall be allowed to access the beaches of Gulf County, Florida, in the above described area, a Equine Beach Permit must be obtained for said horse.
- c. Equine Beach Permits shall be issued by the Tax Collector of Gulf County, Florida, at the Courthouse in Port St Joe, Florida, during regular business hours.
- d. Equine Beach Permits shall be issued for a period of one (1) year and shall thereafter expire unless expressly provided otherwise herein.
- e. Each Equine Beach Permit shall cost the sum of \$15.00 per year for Gulf County residents and/or Gulf County property taxpayers.
- f. Each Equine Beach Permit shall cost the sum of \$500.00 per ten (10) day permit period for Non-County residents, who own no real property in Gulf County.
- g. A one-time fee of \$3.00 shall be charged to individuals 65 years of age or older and handicapped citizens, resulting in issuance of a permit which shall not be required to be renewed.

SECTION 3:

The permit system for horses permitted to ride on the beaches shall include the following:

- (a) One permit shall be issued for each horse.
- (b) The permit shall be of different colors based on the expiration date.
- (c) The permit shall be numbered to provide for monitoring and accounting.
- (d) The Gulf County Sheriff's office shall be notified of the number and name of lost or stolen permit.
- (e) A replacement fee of \$3.00 shall be charged for lost or stolen permit.
- (f) The permit shall be maintained upon the person of anyone riding or operating a permitted horse upon the beaches of Gulf County.

SECTION 4:

Any individual applying for a Equine Beach Permit must provide the following information:

- a. Name.
- b. Address.
- c. Type of horse.
- d. Coggins Certificate.
- e. Name of horse.
- h. Proof of ownership of the horse.

Each applicant shall sign the application and an accompanying statement of responsibility acknowledging the rules and regulations governing equine use on the beaches of Gulf County, Florida, and agreeing to be bound by the terms and conditions thereof with such statement acknowledging that, under Florida law, an equine activity sponsor or equine professional is not liable for an injury to, or the death of a participant in equine activities resulting from the inherent risks of equine activities.

SECTION 5:

A pamphlet and copy of this Ordinance shall be provided with each Equine Beach Permit sold stating the following rules which, by this Ordinance, are adopted by Gulf County, Florida

- a. Each person who rides or otherwise operates an equine upon the beaches of Gulf County, Florida as set forth herein, shall promptly clean and remove any horse by-product or waste from the beaches of Gulf County, Florida.
- b. At no time shall horses maintain groups of more than six (6) horses, which groups shall be no less than one-half mile apart.
- c. Each horse which enters upon the beaches of Gulf County, Florida pursuant to this Ordinance shall be fitted with and shall use a tail bag for the collection of waste product. The waste from each horse shall be promptly removed from the beaches of Gulf County, Florida and properly disposed of according to law.
- d. Pedestrians and pets shall have the right of way.
- e. Riding in, on, or over sand dunes is strictly prohibited.
- f. Obtaining access to the above described beaches by a route other than a county designated beach access point is strictly prohibited.
- g. Riding in, on, or over vegetation is strictly prohibited.
- h. No litter is to be left on the beaches.
- i. The person to whom the permit is issued is responsible under this Ordinance for the conduct of the rider/user of his or her horse.
- j. Riding recklessly along the public beach as designated in this Ordinance is prohibited.
- k. Horses are prohibited from entering or riding landward of the buffer zone on the beaches adjacent to the St. Joseph Bay Aquatic Preserve. This zone is designated by signage which is physically located on the beach in the affected areas.
- l. The public beaches adjacent to the Aquatic Preserve shall be closed to horses on those days when extremely high tides make that beach impassable without riding over dunes or vegetation.
- m. Use of horses is prohibited on the beaches adjacent to the Aquatic Preserve from May 1 until October 31 of each year during the time after sunset and before sunrise.

The Gulf County Tax Collector shall provide each purchaser of a Equine Beach Permit with a map showing the beaches designated for permitted riding and the legal access points to the beaches described above.

SECTION 6:

Violation of this Ordinance shall be punishable as follows:

- a. Use of a horse without first having obtained a valid Equine Beach Permit shall result in a fine of \$500.00 for a first time offense. For a second offense, the fine shall be \$1,000.00.
- b. Racing horses on the beach shall result in a \$1,000.00 fine.
- c. Failure to promptly remove the naturally occurring waste product of any horse upon the beaches of Gulf County, Florida shall result in a fine of \$500.00 for a first time offense.
For a second offense, the fine shall be \$1000.00.
- d. Gaining access to the beaches by a route other than a designated legal access point shall result in a fine of \$500.00 in addition to any other fines or penalties imposed pursuant to state law.
- e. Any other violations of this Ordinance shall result in a \$300.00 fine for a first offense and a \$500.00 fine for a subsequent offense.
- f. Any permit holder accumulating three or more violations of this Ordinance shall have his or her Equine Beach Permit revoked and shall be thereafter ineligible to apply for or obtain any other Gulf County Equine Beach Permit. An applicant whose rights have been affected by such a revocation may petition the Gulf County Commission for reinstatement.
- g. Any and all commercial operations for Equine rides on designated Gulf County beaches shall also strictly comply with the annual Gulf County Business License Ordinance requirements.

SECTION 7 - Modifications

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of considerations that may arise during the noticed public hearings. Such modifications shall be incorporated into the final version of the amended Ordinance and adopted by the Board and filed by the Clerk to the Board.

SECTION 8 – Effective Date

This Ordinance shall take effect upon final adoption and publication in accordance with the

law following the proper and compliant public hearing and notice.

SECTION 9 - Severability

It is declared to be the intent of the Board of County Commissioners of Gulf County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

SECTION 10 – Repealer

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

The foregoing Ordinance was offered by Commissioner McCROAN, who moved its adoption. The motion was seconded by Commissioner RICH and, being put to vote, the vote as follows:

Commissioner Quinn YES Commissioner Rich YES

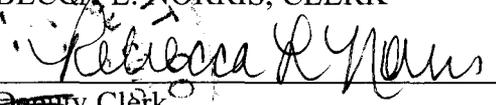
Commissioner McDaniel YES Commissioner Farrell YES

Commissioner McCroan YES

Adopted on this the 22nd day of February, 2021.

BOARD OF COUNTY COMMISSIONERS
OF GULF COUNTY, FLORIDA

By: 
Sandy Quinn, Chairman

ATTEST
REBECCA L. NORRIS, CLERK
By: 
~~Deputy Clerk~~
APPROVED AS TO FORM AND CONTENT:
By: 
Jeremy T.M. Novak, Gulf County Attorney