

**GULF COUNTY ORDINANCE NO. 2023-04**

**AN ORDINANCE OF GULF COUNTY, FLORIDA; WHEREBY IMPLEMENTING A BAN ON ANY AND ALL OVERNIGHT PARKING/CAMPING IN COUNTY PARKS OR RIGHT OF WAYS OR COUNTY GROUNDS AND SHALL BE TITLED AND COMMONLY REFERRED TO AS “GULF COUNTY PARKS, GROUNDS AND RIGHT OF WAYS OVERNIGHT CAMPING/PARKING POLICY”; HEREINAFTER PROVIDING FOR AUTHORIZATION TO PERMIT AND REQUIREMENTS TO OBTAIN THE SAME; PROVIDING FOR PENALTY FOR VIOLATION; PROVIDING FOR REPEALER, SEVERABILITY, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR ITS ADOPTION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Gulf County, Florida (hereinafter “Commissioners”), found and determined at its regular meeting of February 28, 2023 that Gulf County (hereinafter “County”) shall provide further direction and authority regarding its current County Parks Ordinance and Policies through ordinance and further regulations; and

**WHEREAS**, the Commissioners duly authorized, motioned and properly voted to adopt this emergency ordinance following recent public discussion, community involvement and the input and contributions of various county officials; and

**WHEREAS**, the Commissioners have publicly discussed and now wish to revise the prior regulations through this additional emergency ordinance and have deemed it a time sensitive public issue demanding immediate action and revision of the current regulations through ordinance to promote and ensure continued public safety as well as preserve environmental sensitive areas of the County and the ability for proper implementation and enforcement of both; and

**WHEREAS**, Gulf County, Florida maintains many public parks, right of ways and county grounds which are accessible to the public, and

**WHEREAS**, the Commissioners have found it necessary to regulate the use and occupancy of those parks, right of ways and county grounds described in Section I of this Ordinance in order to protect and promote the health and safety of the citizens of this County and simultaneously protect the environment; and

**WHEREAS**, the Commissioners have historically addressed and met the changing needs and growth of Gulf County’s parks use and accessibility beginning with Gulf County ordinances in whole or part of their language and regulations and herein incorporated by reference (Gulf County Ordinances 2017-04) and by ordinance shall incorporate and include this additional language and regulation to all county park ordinances and policies by the following updated regulations, and

**WHEREAS**, pursuant to Florida Statute 125.01 the County shall have the power to carry on county government inclusive of the power to adopt its own rules that which are not inconsistent with general or special law; and

**WHEREAS**, pursuant to Florida Statute 125.01 the County shall reserve the powers to adopt ordinances necessary for the exercise of its powers and perform acts which are in the common interest of the people of Gulf County and exercise all powers and privileges not specifically prohibited by law; and

**WHEREAS**, the Commissioners have acknowledged the statutory notice requirements (Florida Statute 125.66) of consideration and adoption of an emergency ordinance and hereby vote in the affirmative by the required four/fifths of membership of declaring the emergency and authorizing vote to waive the required notice requirements and hereby adopt for immediate enactment as necessary; and

**WHEREAS**, pursuant to Florida Constitution Article VIII Section 1(f) the County shall have such power of self-government as is provided by general or special law and this Commission may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Gulf County, Florida, that:

**Section 1.**            **Gulf County Parks, Grounds and Right of Ways as areas of regulation**

It shall be unlawful for any person, firm, corporation, or other entity, to park their vehicle (recreational or otherwise) to overnight camp or for transient occupancy or temporarily reside recreationally or otherwise in any Gulf County parks, grounds and or right of ways, in the State of Florida.

**Section 2.**            **Definitions and Camping/Parking Prohibition**

a. A vehicle is defined as any mode of transportation with two, three, four or any other number of wheels if propelled by power other than human muscular power. For purposes of this Ordinance, the following vehicles as defined in Florida Statutes 320.01, are specifically prohibited, are specifically prohibited from parking or camping in Gulf County parks or rights of ways shall include: recreational vehicles, travel trailers, camping trailers, campers, motor homes, private motor coaches, conversion vans, tractor-trailers or semi-trailer, vehicles primarily designed as temporary living quarters for recreational, camping or travel use, either with motor power or mounted on or drawn by another vehicle.

b. Exceptions to camping/parking prohibitions shall be either:  
i. any Gulf County park with authorized and established rental policies and program (ie. White City Boat ramp rental program, or future recreational vehicle public parks designated as such) preauthorized by the Gulf County Administrator or his/her designee through

the Gulf County Tourism Development Council offices; or

- ii. preauthorized special exemption issued temporary written permits from the County Administrator

**Section 3.**                      **Violation and Fines**

a. Enforcement: This Ordinance may be enforced by any law enforcement officer possessing the power to arrest. Those proper and appropriate local, county and state enforcement agencies including but not limited to (the Gulf County Sheriff's Office) shall enforce this section pursuant to Section 30.15, Florida Statutes and as otherwise provided by law. The law enforcement agencies. or such other entities designated by the County, shall have the authority to issues a civil citation for a violation of these provisions.

b. Violation & Penalties:

(i) The violation of any provision of this Ordinance shall constitute a civil infraction and shall be punishable by a civil fine of up to five hundred dollars (\$500.00).

(ii) A second violation of any provision of this section within a twelve (12) consecutive month period shall be a punishable as a misdemeanor of the second degree pursuant to Florida Statute Chapter 775.

**Section 4.**                      **Repealer.**

All ordinances or parts of ordinances governing, controlling, or relating to the subjects addressed herein are repealed upon the effective date of this Ordinance.

**Section 5.**                      **Conflicts.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with any conflicting state general or special law controlling the Gulf County parks and right of ways, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part.

**Section 6.**                      **Modification.**

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 public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk to the Board.

**Section 7.**                      **Severability.**

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 8.**

**Effective Date.**

This ordinance shall have an effective date of February 28, 2023.

Following the emergency introduction, reading and discussion, the foregoing Ordinance was offered by Commissioner McCROAN, who moved its adoption. The motion was seconded by Commissioner FARRELL and, being put to vote requiring a 4/5 majority approval for emergency adoption, the vote as follows:

Commissioner Quinn YES  
Commissioner Farrell YES

Commissioner McCroan YES  
Commissioner Rich YES

DULY PASSED AND ADOPTED THIS 28<sup>th</sup> day of MARCH, 2023

ATTEST: REBECCA NORRIS  
CLERK OF COURTS

BY: 

DEPUTY CLERK

APPROVED AS TO FORM:

By 

Jeremy T.M. Novak, Gulf County Attorney

BOARD OF COUNTY COMMISSIONERS  
OF GULF COUNTY

BY: 

CHAIRMAN QUINN