

ORDINANCE 2003 - 42

AN ORDINANCE REGULATING BEACH CONCESSIONS AND BEACH RENTALS ON NASSAU COUNTY BEACHES WITHIN THE RESORT AREAS WITHIN THE UNINCORPORATED AREAS ON AMELIA ISLAND; PROVIDING A REQUIREMENT FOR CONCESSION LICENSES, FEES, OPERATION AND MAINTENANCE, SIGNS AND MERCHANDISE DISPLAY, INSURANCE; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners recognizes that the Atlantic beach areas on Amelia Island are a recreation area for both citizens and visitors; and

WHEREAS, the County has a wide span of the Atlantic Beach areas on Amelia Island under its control; and

WHEREAS, the Board feels it is in the best interest of the citizens of Nassau County, and the tourists who visit our County, that regulations be adopted for the developed resort areas; and

WHEREAS, the Board has conducted a public hearing on this matter.

NOW, THEREFORE, BE IT ORDAINED, this 11th day of August, 2003, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION I - DEFINITIONS

"Developed resort areas" shall mean any property that is subject to a development order, if such development order indicates resort activities, as of the enactment date

of Senate Bill No. 1577, Chapter 89-44, which was March 1, 1990.

SECTION II - CONCESSION LICENSE REQUIRED

A concession license shall be required to solicit or canvass, on the Atlantic beach area within a resort area, for the sale or rental of any merchandise, services, goods, or property of any kind or character. A license shall grant to the concessionaire the right to sell or rent specified goods or services on the beach areas within the resort area to the general public and resort guests. Such license shall provide the exclusive authority to sell or rent goods or services within the resort area and shall be renewable only at the option of the county. The license shall be revocable by the County.

SECTION III. CONCESSION LICENSES

1. Concession licenses will be granted only if there is a signed agreement between the resort and the concessionaire, and said signed agreement allows for the rental to the general public and resort guests and permits the concessionaire to have the ability to have resort guests charge the concessionaire's services to their resort bills and permits the concessionaire to have access to the beach area in front of the developed resort area through the developed resort's property.

2. Concession Licenses will be awarded for a one (1) year period, subject, annually, at the County's sole option, to renewal.

3. A concession license does not exempt the concessionaire from adhering to all local, state, and Federal statutes and regulation requirements.

SECTION IV - CONCESSION FEE

Each on-beach concessionaire within the developed resort area shall pay to the County a minimum annual fee of one hundred dollars (\$100.00) upon receipt of the license, which is issued on October 1 of each year

SECTION V - OPERATION AND MAINTENANCE

1. Personal watercraft concessionaires shall be subject to specific requirements that shall be set forth by Ordinance No. 2003- 41 of the Board of County Commissioners. The Board of County Commissioners may amend said Ordinance.

2. The concessionaire shall mark each concession area with a sign identifying the concession. All concession equipment shall be removed from the beach no later than one (1) hour after sunset each day.

3. Each concession shall have a trash receptacle on-site and shall, at the end of each business day, be required to ensure that all trash from products within a

distance of fifty (50) feet measured in any direction from each concession is removed from the beach.

4. The responsibility for safety of concession operations and those that utilize equipment shall at all times be that of the concessionaire. Nothing herein shall create a duty or obligation on the part of the County to insure, for the benefit of the public, the safety of concession operations.

5. Personal watercraft concessionaires may place appropriate markers such that they delineate areas for ingress and egress from the shore areas. Said markers may be approved by the County's Recreation Department and utilized each day of operation. A personal watercraft business may not operate without appropriate markers. The personal watercraft business may not allow the renter to access the shore area or travel to the designated operation area unless the operator follows the marked areas for ingress and egress.

SECTION VI - INSURANCE

1. It shall be unlawful for any concessionaire, or anyone who rents or sells personal watercraft, to operate a beach concession unless that individual shall have first procured and filed with the County, a liability insurance policy or policies, or a duly executed certificate of

insurance, the terms and conditions of which shall provide for the protection of all persons suffering injury, loss, or damage to the person, or to property, by reasons of the operation of any concession.

2. The insurance policy or certificate of insurance shall provide comprehensive general liability coverage in the amount of three hundred thousand dollars (\$300,000.00) or one million dollars (\$1,000,000.00) for personal watercraft vendors and shall be executed by an insurance company or companies authorized to do business in the State of Florida and acceptable to the County.

**SECTION VII - TERMINATION OF LICENSE; REPRIMANDS;
FINES; SUSPENSIONS**

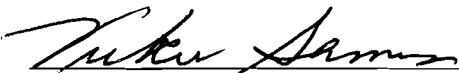
The Code Enforcement Officer shall have the authority, for violations of this Ordinance, to take any one or more of the following actions with respect to the concessionaire:

- (1) Issue a written reprimand
- (2) Issue a citation indicating the violation and requiring an appearance before the Code Enforcement Board.
- (3) The Code Enforcement Board may: (1) impose an administrative fine and fee; (2) terminate the concession; or (3) terminate the right of the individual to rent or sell items on the beach.


SECTION VIII - EFFECTIVE DATE

This Ordinance is enacted on August 11, 2003, upon the affirmative vote of a majority of the Board of County Commissioners and shall become effective on October 1, 2003.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


VICKIE SAMUS
Its: Chairman

ATTEST:


J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney


MICHAEL S. MULLIN

h/anne/ords/concession-ord