

ORDINANCE NO. 2015- 13

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2002-31, AS AMENDED, WHICH PROVIDED FOR PERMITS FOR OUT-OF-COUNTY RESIDENTS FOR MOTOR VEHICLES FOR DRIVING OR PARKING ON COUNTY BEACHES; SPECIFICALLY AMENDING SECTION 1, DEFINITIONS, AND SECTION 8, FUND; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Clerk's Office is responsible for the issuance of and accounting for the permits for driving or parking a motor vehicle on the Atlantic Ocean beaches in the unincorporated areas of Nassau County, Florida; and

WHEREAS, in order to better serve the citizens of Nassau County, Florida, it is recommended that the definition of Annual, for purposes of the period for which these permits are valid, be amended to reflect that the term Annual shall mean one year from the date of purchase of said permit.

NOW, THEREFORE, BE IT ORDAINED this 24th day of August, 2015, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. DEFINITIONS:

1. County beaches: Shall mean the ocean beaches bordering the Atlantic Ocean in the unincorporated areas of Nassau County, Florida.
2. Motor vehicle: Includes automobiles, motorcycles, mopeds, motor trucks, tractor trailer combinations, recreational-vehicle type units, campers, and motor homes, and all other vehicles used as a means of transporting persons or property and propelled by other than muscular power.
3. Annual: Annual shall mean the ~~period from October 1 through September 30~~ one year period from the date of the purchase of the permit in order to drive or park on the beach.

SECTION 2. EFFECTIVE TIMES AND MONTHS:

This Ordinance shall be in effect commencing May 20, 2002, and each day thereafter.

SECTION 3. PERMITS:

All out-of-County residents shall be required to obtain a permit in order to drive or park on the beach. Nassau County residents shall not be required to have a permit. Nassau County residents shall produce a valid Florida Driver's License upon demand of a certified law enforcement officer.

SECTION 4. FOUR-WHEELERS AND ALL-TERRAIN VEHICLES:

Four-wheelers and all-terrain vehicles (ATV's), except for official use only vehicles as approved by the Board of County Commissioners and designated accordingly by the Board, are prohibited on the County's beach areas.

SECTION 5. FEES:

1. There shall hereby be levied a twenty-five dollar (\$25.00) annual fee per motor vehicle for driving or parking a motor vehicle on County beaches.
2. There is hereby levied a five dollar (\$5.00) per day fee per motor vehicle for driving or parking a motor vehicle on County beaches of Nassau County.

SECTION 6. DRIVING/PARKING AREAS:

Vehicular traffic on the beaches under the jurisdiction of Nassau County is hereby regulated in accordance with the provisions of Florida Statutes, Sections 161.58, 161.53, 161.141, and Senate Bill 1577, and the Final Judgment entered in Case No. 90-397-CA.

SECTION 7. RESOLUTIONS ESTABLISHING PROCEDURES AND REGULATIONS FOR BEACH PERMITS:

The Board of County Commissioners shall promulgate appropriate procedures regarding the collection of fees and/or additional regulations for permits or rules as to beach driving.

SECTION 8. FUND:

All funds received from the levy of the fees and Court surcharges shall be placed in a separate fund to be established by the Board of County Commissioners, ~~and said fund shall be known as the "Beach Fund".~~

SECTION 9. USE OF FUNDS COLLECTED:

The funds collected from the levy of the fees and Court surcharge(s) shall be expended for beach-related purposes, including administrative costs.

SECTION 10. VIOLATIONS:

It shall be unlawful for any person not a resident of Nassau County, Florida, subject to the exemptions in Section 12, to drive or park a motor vehicle on County beaches or County-controlled beaches without obtaining a permit as provided by this Ordinance. A Florida driver license indicating a Nassau County address shall be proof of Nassau County residency.

SECTION 11. UNCONSTITUTIONAL OR ILLEGAL:

Should any clause, sentence, or portion of this Ordinance be held to be unconstitutional or illegal, then the remaining portions of this Ordinance shall continue in full force and effect as if said portion found unconstitutional or illegal was not a part thereof.

SECTION 12. EXEMPTIONS:

This Ordinance shall not apply to law enforcement and emergency rescue motor vehicles and County maintenance vehicles and 4-wheelers as approved by the Board of County Commissioners and designated accordingly. There shall be no permit fee or permit required for vehicle owners who are handicapped or disabled, pursuant to Florida Statutes. Those vehicle owners who are handicapped or disabled, pursuant to Florida Statutes, may utilize their Disabled Persons Parking Permit Placard issued by the Tax Collector's office as and for a beach permit

sticker. Senior citizens age sixty-five (65) and older may obtain a beach permit sticker from the Office of the Clerk at no charge upon proof of age.

SECTION 13. SALE, CONSUMPTION OR CONTROL OF ALCOHOLIC/INTOXICATING BEVERAGES:

It shall be unlawful for any person on the beach to sell, consume, possess, or control any unsealed or open container containing any type of alcoholic or intoxicating beverage.

SECTION 14. PENALTIES, REVOCATION OF PERMIT:

1. Any violation of any provision of this Ordinance shall be a separate violation of this Ordinance.
2. Upon conviction in County Court, the violator may be fined up to five hundred dollars (\$500.00) and/or ten (10) days incarceration in the Nassau County Detention Facility.
3. In addition to the above penalty upon a conviction in County Court of a violation of this Ordinance, the violator shall not be entitled to a permit for one (1) year from the date of conviction.

SECTION 15. ORDINANCE NAME:

This Ordinance may be referred to as the "Nassau County Beach Permit Ordinance".

SECTION 16. SEVERABILITY:

Should any portion or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held to be invalid.

SECTION 17. EFFECTIVE DATE:

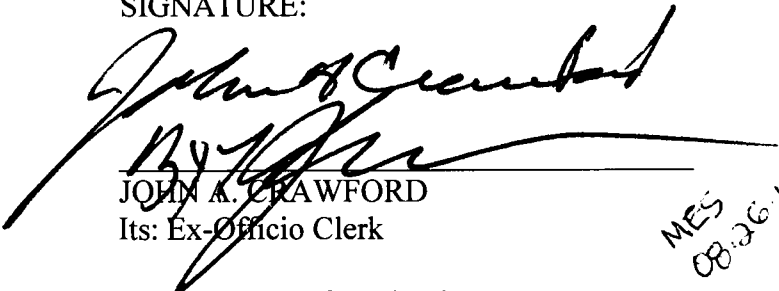
This Ordinance shall become effective October 1, 2015 and upon its being recorded in the Office of the Secretary of State pursuant to Section 125.66, Florida Statutes.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



PAT EDWARDS
Its: Chairman

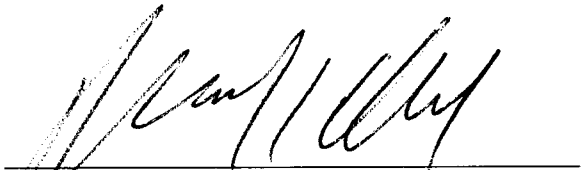
ATTEST AS TO CHAIRMAN'S
SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
08-26-15

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN