

ORDINANCE 2002 - 41

AN ORDINANCE AMENDING ORDINANCE 2002-31, PROVIDING FOR PERMITS FOR OUT-OF-COUNTY RESIDENTS FOR MOTOR VEHICLES FOR DRIVING OR PARKING ON COUNTY BEACHES; SPECIFICALLY AMENDING SECTION 1, DEFINITIONS; SECTION 6, DRIVING/PARKING AREAS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary to amend Ordinance 2002-31.

NOW, THEREFORE, BE IT ORDAINED this 26th day of August, 2002, 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, ~~and pursuant to Florida Statutes, Chapter 161.54 shall mean the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach" is alternatively termed "shore".~~

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. ~~Except for official use, ATV/4-wheeler type vehicles shall be prohibited to utilize the beach area(s).~~

3. Annual: Annual shall mean the period from October 1 through September 30.

4. ~~Dune: Pursuant to Florida Statutes, Chapter 161.54, "dune" shall mean a mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and deposited by any natural or artificial mechanism. This shall include area(s) where sea oats are growing.~~

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 161.53, 161.141, 161.58, 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 upon its being recorded in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

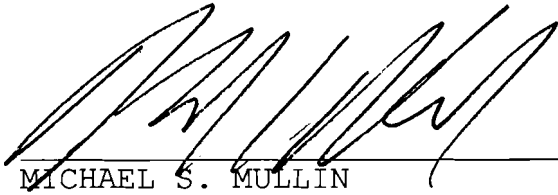

NICK D. DEONAS
Its: Chairman

ATTEST:



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

Approved as to form by the
Nassau County Attorney


MICHAEL S. MULLIN

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