



ORDINANCE NO. 83-11

AN ORDINANCE OF THE COUNTY OF NASSAU PROVIDING FOR A LEVY OF A \$15.00 SEASONAL FEE PER MOTOR VEHICLE FOR DRIVING OR PARKING A MOTOR VEHICLE ON COUNTY BEACHES AND COUNTY CONTROLLED BEACHES; PROVIDING THAT SAID FEES SHALL BE CHARGED SEASONALLY; PROVIDING FOR COLLECTION AND ENFORCEMENT PROCEDURES; PROVIDING FOR THE USE OF FUNDS COLLECTED; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the control, supervision and regulation of motor vehicle traffic on and onto the Atlantic Ocean beaches of Nassau County has become an increasing problem, and if not controlled, such traffic will adversely affect the health, safety and welfare of the citizens and the beach environment; and,

WHEREAS, the ever increasing number of motor vehicles entering the Atlantic Ocean Beaches increases the demand for police protection, traffic control, trash removal and sanitation facilities; and,

WHEREAS, motor vehicles entering County beaches drive for long distances on the beach, often making many such trips during the same day, thereby increasing maintenance costs and creating an increased need for police protection and traffic control; and,

WHEREAS, Florida Statutes Chapter 125 provides that the County may provide and regulate arterial toll, and other roads, bridges, and related facilities, provide and regulate parking facilities, and develop and enforce plans for the control of traffic and parking; and,

WHEREAS, levying a \$15.00 Seasonal fee per motor vehicle for driving or parking on County beaches is appropriate and necessary to control traffic and parking and to defray some of the costs of providing necessary services and maintenance to beaches, ramps and to persons driving on the beaches and ramps, and to protect the beach environment; and,

WHEREAS, fees collected are not collected for the purpose of raising general revenue but are for the purpose of providing: police protection, traffic and parking control, safety and beach

preservation, the protection of the beach environment, and beach and ramp maintenance;

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

Section 1. Definitions:

(1) County beaches or County Controlled Beaches: shall mean the ocean beaches bordering the Atlantic Ocean between the mean high and mean low water marks in the unincorporated areas of Nassau County, Florida and the Ocean Beach from Sadler Road South to the City Limits.

(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) Seasonal: Seasonal shall mean the period from April 1st through September 30th.

Section 2. Effective Times and Months.

The Ordinance shall be in effect for twenty-four (24) hours each day during the period from April 1st through September 30th.

Section 3. Fees. There is hereby levied a \$15.00 seasonal fee per motor vehicle for driving or parking a motor vehicle on County beaches or County controlled beaches of Nassau County.

Section 4. Procedures for Collection and Enforcement. The Board of County Commissioners of Nassau County may design appropriate procedures to collect the fees and provide for enforcement of this ordinance; and such procedures shall become effective upon passage of a Resolution by the Board setting forth such procedures.

Section 5. Fund. All funds received from the levy of the fees and court surcharges shall be placed in separate fund to be established by the Board of County Commissioners of Nassau County. Said fund shall be known as the beach fund.

Section 6. Use of Funds Collected. The funds collected from the levy of the fees and Court surcharge shall be expended for law enforcement use and used to help defray the costs of maintaining sanitary facilities in the beach area, the costs of beach and ramp traffic and parking control, the costs of maintaining the County beaches and ramps, the cost of County beach trash and garbage removal and for any other lawful purposes related to this Ordinance.

Section 7. Violations. It shall be unlawful for any person to drive or park a motor vehicle on County beaches or County controlled beaches without first paying the fees provided by this Ordinance and displaying on the vehicle, a permit sticker as provided by Resolution.

Section 8. Unconstitutional or illegal. Should any clause, sentence, or portion of this ordinance be held to be unconstitutional or illegal, then the remaining provisions of this ordinance shall continue in full force and effect as if said portion found unconstitutional or illegal was not a part thereof.

Section 9. Exceptions. This ordinance shall not apply to law enforcement and emergency rescue motor vehicles, nor to County maintenance vehicles.

Section 10. Beach Permit Summons. Every prosecution on any charge involving any violation of this ordinance shall be by the issuance of a summons.

Section 11 Penalties, Revocation of Permit. A violation of any portion of this Ordinance shall, upon conviction in the County Court, subject the violator to the following:

- (a) First offense - a fine of up to one hundred (\$100.00) dollars.
- (b) Second offense - a fine of up to three hundred (\$300.00) dollars.
- (c) Third offense - a fine of up to five hundred (\$500.00) dollars and/or ten (10) days incarceration in the County Jail and two (2) years revocation of a beach permit.

Section 12. This ordinance may be referred to as the Nassau County Beach Permit Ordinance.

Section 13. This ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Secretary of State to the Clerk of the Board of County Commissioners of Nassau County, Florida, that same has been filed.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA THIS 12th DAY OF April, 1983.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA


Gene Backwelder
Its: Chairman

ATTEST:


T. J. Greason
Its: Ex-Officio Clerk