

ORDINANCE NO. 2025-036

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA; AMENDING CHAPTER 5 AMELIA ISLAND; REPEALING SECTION 5-6. PROHIBITING AND REGULATING PERSONAL PROPERTY UNATTENDED ON BEACHES OF THE CODE OF ORDINANCES OF NASSAU COUNTY IN ITS ENTIRETY AND READOPTING THE SAME AT CHAPTER 23 ½; AMENDING CHAPTER 23 ½ RECREATION AREAS; AMENDING ARTICLE II BEACHES; ADDING SECTION 23 ½ -25. PROHIBITING AND REGULATING PERSONAL PROPERTY UNATTENDED ON BEACHES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 25, 2016, the Board of County Commissioners adopted Ordinance 2016-06 regarding unattended personal property left overnight on the Atlantic Ocean beaches, also known as the “Leave No Trace Ordinance;” and

WHEREAS, the Board of County Commissioners codified the Ordinance at Section 5-6 of Chapter 5 Amelia Island; and

WHEREAS, there currently exists comprehensive regulations for the Atlantic Ocean beaches at Chapter 23 ½ Recreation, Article II Beaches; and

WHEREAS, consolidation of comprehensive regulation of the Atlantic Ocean beaches would ensure better education for the residents of Nassau County; and

WHEREAS, the Board of County Commissioners finds it necessary to rescind Section 5-6 Prohibiting and Regulating Personal Property Unattended on Beaches and recodify at Chapter 23 ½ Recreation Areas, Article II. Beaches; and

WHEREAS, the Board of County Commissioners find it in the best interests, welfare, and public interest of the citizens of Nassau County to make these amendments.

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

SECTION 1. REPEALING CHAPTER 5 AMELIA ISLAND, ARTICLE I. IN GENERAL; SECTION 5-6. PROHIBITING AND REGULATING PERSONAL PROPERTY UNATTENDED ON BEACHES IN ITS ENTIRETY AND READOPTING AS CHAPTER 23 ½ RECREATION, ARTICLE II BEACHES; SECTION 23 ½ -25.

Sec. 23½-25. Prohibiting and regulating personal property unattended on beaches.

(a) Purpose. The purpose of this section is to promote public safety, protect the beach, protect beach users, preserve the natural resources and protect endangered species that inhabit the sand areas.

(b) Definitions. The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beach means 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.

Dune means a mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation, and is subject to fluctuations in configuration and location. In the absence of a discernible dune, the seaward boundary of a dune will be deemed to be the line of native vegetation.

Person means any natural person, firm, partnership, association, corporation and any other legal entity.

Personal property means, but is not limited to, tents (including tent frames), cabanas, umbrellas and other shading devices, beach chairs and other furniture, picnic tables, tiki huts, volleyball nets, hammocks, floats, sailboards, surfboards, kites, jet skis, sailboats, water cycles and other watercraft, beach toys, grills, nets, coolers, canoes, kayaks and general items for beach recreation, or similar items.

(c) Declaration of public nuisance. Personal property that is left unattended in violation of this section are hereby declared to be a public nuisance. No person shall allow the existence of such public nuisance except as set forth herein.

(d) Personal property prohibited.

(1) Personal property unattended on the beach located in the unincorporated area of the county beach from 8:00 p.m. until 6:00 a.m. daily except as otherwise permitted in this article, shall be considered a nuisance and unlawful.

- (2) Any personal property left unattended during the hours stated in subsection (a) shall be deemed to be discarded and the county shall dispose of them except as provided in subsection (d)(3).
- (3) From 8:00 p.m. until 6:00 a.m. daily, items of personal property that are relocated, with the upland owner's permission, as close to the farthest point landward of the frontal dune or line of permanent vegetation or where there are no dunes or native vegetation, are relocated as close as practicable to an existing permanent structure or the line of buildings will not be considered a nuisance, unlawful and discarded or a violation of this section provided:
- a. Such items are not placed on the dune or on native vegetation or under or adjacent to dune walkovers.
 - b. Such items should be stacked. Stacked furniture shall have the shortest edge facing the ocean.
 - c. Such items do not interfere with access to the beach from a public access nor obstruct access to the public beach nor impact native vegetation and are not within ten (10) feet from any turtle nest or other protected species.
- (4) Items left in violation of this section are declared a public nuisance and shall be removed from the beach by county employees or contract individuals.
- (5) Those who store personal items overnight, as set forth herein, do so at their own risk. The county and the beach maintenance contractor do not assume any liability for items left after 8:00 p.m.
- (6) The county may request written consent from any property owner where there are items placed as set forth in subsection (d)(3) above. Failure of the owner of record to provide written consent shall cause the items to be removed by the county or its authorized contractor(s) or employees.

(e) Permits.

- (1) Permits may be issued by the county manager or designee for activities otherwise prohibited that are found to be necessary for:
- a. Reasonable accommodations for persons with disabilities.
 - b. The permit application shall be on a form, approved by the county manager, and shall include the information set forth in subsections (e)(2)a., b., c., and d.
 - c. The application shall be submitted at least forty-eight (48) hours prior to the issuance of the permit.
 - d. The application shall contain the name of the individual and the address.
 - e. The application shall include information provided by the state indicating the issuance to the applicant of an ADA approved permit.
- (2) There shall be no fee for obtaining the permit. Such permit shall include the following:

- a. Name and contact information of the owner or person in possession and contact of the owner.
- b. Description of the item.
- c. Location of the item.
- d. Duration of time the item will remain in such location.

(f) Notification.

- (1) The county shall provide notice of this section by posting a permanent sign at the entry of every beach access point. The Amelia Island Tourist Development Council (TDC) shall notify all owners that are required to remit monies pursuant to the TDC ordinance and the owners/agents shall be required to post notices of this section on properties and notify renters. The owners/agents shall provide copies of the notification to the county manager's office and to the TDC as well.
- (2) Beach vendors that rent personal property for beach use shall remove the personal property from the area of the beach addressed herein each day no later than 8:00 p.m.
- (3) The TDC shall prepare a public information statement that provides a summary of the ordinance from which this section derives and publish same in the manner deemed appropriate by the tourist development council. The tourist development council shall provide a summary to all businesses that lease vacation rental properties and condominium associations that remit monies pursuant to the TDC ordinance and all resorts that sets forth the provisions of the ordinance.
- (4) The TDC may also provide public information materials to other businesses as may be appropriate that sell tents and/or personal property items that are defined in subsection (b)(2).

(g) Enforcement. The county is authorized to enforce this section and may follow the established procedures by the sheriff's department, county code enforcement officers and through any civil complaint.

(h) Penalty. Any violation of any provision of this Code may be the issuance of a citation by a sheriff's deputy or code enforcement officer as may be adopted by resolution of the Board of County Commissioners.

SECTION 2. CODIFICATION.

It is the intent of the Board of County Commissioners for Nassau County that the provisions of this Ordinance shall become and shall be made part of the Code of Ordinances of Nassau County, Florida. The sections of this Ordinance may be re-numbers or re-lettered and the words may be changed to section, article or other such appropriate word or phrase in order to accomplish such intention. The Nassau County Clerk of Courts will ensure that this Ordinance is codified into, and published, as part of the Nassau County Code of Ordinances.

SECTION 3. CONFLICTING PROVISIONS.

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY.

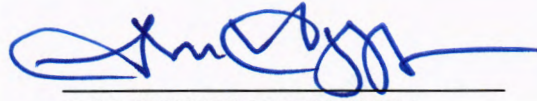
It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect upon filing with the Secretary of State as provided in Florida Statutes, Section 125.66.

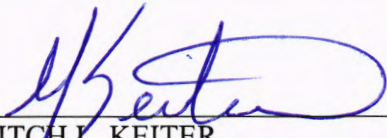
**ADOPTED THIS 11th DAY OF August, 2025 BY THE BOARD OF
COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.**

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



A.M. "HUPP" HUPPMANN
Chairman

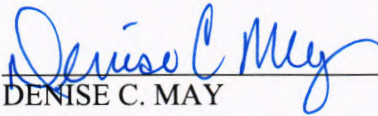
ATTEST AS TO CHAIRMAN'S SIGNATURE:



MITCH L. KEITER

Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:



DENISE C. MAY

Additions = red underline
Deletions = ~~red strikethrough~~
Relocated = green double underline



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 13, 2025

John A. Crawford
Clerk of the Circuit Court
Nassau County
76347 Veteran's Way, Suite 456
Yulee, Florida 32097

Dear John Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2025-036, which was filed in this office on August 13, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp