



Nassau County Beach Community Working Group

REPORT AND RECOMMENDATIONS

Prepared for:

*The Nassau County Board of County
Commissioners*

NOVEMBER 6, 2019

Prepared by:

Kimley»Horn



**Nassau County Beach Community Working Group
Final Report and Recommendations
to the
Nassau County Board of County Commissioners**

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NASSAU COUNTY
BOARD OF COUNTY COMMISSIONERS
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Dist. No. 3 Yulee
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Dist. No. 5 Callahan/West Yulee

JOHN A. CRAWFORD
Ex-Officio Clerk

MICHAEL S. MULLIN
County Attorney/County Manager

TACO E. POPE, AICP
Assistant County Manager

November 6, 2019

The Honorable Justin M. Taylor, Chairman
and the Honorable Board of County Commissioners
96135 Nassau Place
Suite 1
Yulee, FL 32097

Dear Chairman Taylor and the Board of County Commissioners:

As Chairman of the Beach Community Working Group, I am pleased to present to you our final report and recommendations. This report represents countless hours of dedication by the Working Group members and Nassau County staff. The working group met 17 times, received nearly 600 pages of written comments, and was addressed by Nassau residents and other interested parties on over 150 separate occasions. We have consolidated five (5) separate Ordinances related to Nassau's beaches and have made numerous recommendations as to how they could be amended. Additionally, we have also made several recommendations related to the use and management of our beaches that are not in the nature of changes to the County's ordinances.

The issues facing the County regarding use of its beaches are complex, multi-faceted and nuanced and are expected to increase as the County grows. County population in 2040 is expected to be nearly 114,000 and could be as high as 147,000. All members agree that the status quo is unacceptable and should not be allowed to continue. However, we also recognize these are delicate and sensitive issues for the citizens of Nassau County.

I think I speak for all members of the Working Group when I say that it has been an honor to serve to try to help make Nassau County a better place to call home.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gil Langley".

Gil Langley, Chairman
Nassau County Beach Community Working Group

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TAB 1

**Nassau County Beach Community Working Group
Final Report and Recommendations
to the
Nassau County Board of County Commissioners**

The Nassau County Board of County Commissioners (BOCC) empaneled the Beach Community Working Group (Working Group) on December 19, 2018. The Working Group members include:

- Mr. Gil Langley, President & CEO, Amelia Island Tourist Development Council – CHAIR
- Mr. Michael S. Mullin, Nassau County Manager/County Attorney
- Mr. Taco Pope, Nassau County Assistant Manager
- Mr. Doug Podiak, Nassau County Director of Public Works
- Mr. Butch Osbourne, Director of Operations, Nassau County Sheriff's Office
- Mr. Mac Morriss, Ex-Officio Member
- Mr. Lowell Hall, Ex-Officio Member

At their December 19, 2018 meeting the BOCC made the following motion which carried unanimously:

"Approve formation of a Beach Community Working Group consisting of the Interim County Manager; Planning and Economic Opportunity Director; Facilities Maintenance Director; Gil Langley, Director of the Tourist Development Council; Mac Morris and Lowell Hall, Citizens for Preservation of Public Beaches; and a representative from the Sheriff's Office to review current beach related Ordinances for any updates and/or amendments and bring back to the Board."

The Working Group first met on February 26, 2019 and held a total of 17 meetings as follows: February 26, 2019, March 26, 2019, April 11, 2019, April 17, 2019, May 15, 2019, May 30, 2019, June 19, 2019, July 15, 2019, July 24, 2019, August 1, 2019, August 14, 2019, August 15, 2019, September 16, 2019, September 19, 2019, September 26, 2019, October 9 2019 and November 6, 2019. The agendas and minutes for these meeting are located under Tab 5.

Although public comment was welcomed at all meetings of the Working Group the first six meetings were primarily dedicated to receiving public input. Throughout the process the Working Group heard from well over 1000 citizens/interested parties either through direct public input at the meetings or via telephonic and email communication.

During the course of their work the Working group considered the following Nassau County Ordinances 2018-18, 2018-22, 2016-06, 2015-13 and 2003-42. The substance of these ordinances is outlined below:

- Ordinance No. 2018-18 recognizing and confirming the customary use by the public of the beach, in the unincorporated areas of Nassau County. (Customary Use Ordinance)

- Ordinance No. 2018-22 regarding hours of camping, parking of motor vehicles, campers and truck tractors in beach front parks, changing hours of parking in beach front parks.
- Ordinance No. 2016-09 prohibiting littering, use of glass containers, regulated camping, required control of horses and dogs, designated swimming and sunbathing areas, excessive vehicular speed and careless and reckless operations, and designated parking areas for access to beaches.
- Ordinance No. 2016-06 prohibiting and regulating personal property unattended on beaches within the unincorporated areas of Amelia Island. (Leave No Trace Ordinance)
- Ordinance No. 2015-13 providing for beach permits for out-of-county residents for motor vehicles driving or parking on County beaches.
- Ordinance No. 2003-42 regulating concessions and beach rentals on unincorporated areas of beach, providing a requirement for concession licenses, fees, operation and maintenance, signs and merchandise display, and insurance.

It was decided that Ordinance No. 2018-18 (Customary Use Ordinance) needed to remain a stand-alone ordinance so as preserve its grandfathered status.

Through a series of nine (9) facilitated meetings the Working Group considered a wide variety of issues and potential ways they could be addressed. This process resulted in three documents the Working Group agreed to forward to the BOCC. The first document is a Draft Ordinance consolidating the all of the above Ordinances except for the Customary Use Ordinance (Tab 2). The second document is an amended Consolidated Ordinance reflecting the consensus of the committee on issues deemed sufficiently developed for codification (Tab 3). The final document is a series of recommendations that were not appropriate for codification (Tab 4).

TAB 2

Nassau County Consolidated Beach Ordinance Existing Language

(Ordinances 2003-42, 2015-13, 2016-06, 2016-09, 2018-22)

RECITALS

SECTION 1. DEFINITIONS

- A. 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. (2015-13)
- B. Beach 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. (2016-06)
- C. Camper shall mean recreational vehicle-type units primarily designed as temporary living quarters for recreational, camping or travel use, which either have their own motor power or are mounted on or drawn by another vehicle. This includes travel trailers, camping trailer, truck campers, motor homes, private motor coaches, van conversions, fifth wheel trailers, or park trailers, and all are further defined in Fla. Stat. §320.01. (2018-22) (2016-09)
- D. Camping shall mean inhabiting a Camper or Motor Vehicle, including Truck Tractors, or the construction or erection of a shelter for the purpose of sleeping; or lying upon a bedroll, blanket, or other protective garb for the purpose of sleeping. (2018-22) (2016-09)
- E. County Beaches shall mean the ocean beaches bordering the Atlantic Ocean in the unincorporated areas of Nassau County, Florida. (2015-13)
- F. 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. (2003-42)
- G. Dune shall mean 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. (2016-06)
- H. Litter shall mean any garbage, rubbish, trash, refuse, can, bottle, containers, paper materials or similar materials. (2018-22)
- I. Littering shall mean the throwing, discarding, placing or depositing of Litter in any manner on the Atlantic Ocean beaches and County owned or controlled oceanfront parks. (2018-22)
- J. Motor Vehicle shall include automobiles, motorcycles, mopeds, motor trucks, trailers, semitrailers, tractor trailer combinations, recreational vehicle-type units including travel trailers, camping trailers, truck campers and motor homes, wind powered vehicles, and all other vehicles used as a means of transporting persons or property and propelled by other than muscular power. (2018-22)

- K. Person shall mean any natural person, firm, partnership, association, corporation and any other legal entity. (2016-06)
- L. Personal Property shall include but is not limited to: tents (including tent frames), cabanas, umbrellas and other shading devises, 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. (2016-06)
- M. Truck Tractor shall mean a motor vehicle which has four or more wheels and is designed and equipped with a fifth wheel for the primary purpose of drawing a semi-trailer that is attached or coupled thereto by means of such a fifth wheel and which has no provision for carrying loads independently pursuant to Florida Statutes, Section 320.01(11). (2018-22)

SECTION 2. DRIVING AND PARKING

A. Prohibitions/Violations

1. Motor Vehicles, Campers or Truck Tractors shall not be allowed to remain in any of the areas set forth in Section 2.B.1. as established by the County Manager and posted in or on beach front parks with prior notification provided to the Nassau County Sheriff's Office. The hours established shall be posted on the County's website and advertised once in newspapers of general circulation. Truck Tractors may be allowed. during the Concours d'Elegance event, pursuant to a permit issued by the County Manager's Office. The County Manager shall prepare the form for the permit and the permit must be displayed to a law enforcement officer upon request and the failure to do so will be deemed a violation of the Ordinance and may subject the individual and Truck Tractor to removal from the park, including the parking lot. Failure to vacate will constitute a trespass pursuant to Florida Statutes, and is a first degree misdemeanor. The County Manager or his designee shall notify the Sheriff's Office and any other law enforcement agency as to the issuance of the permit and provide a copy of said permit. (2018-22)
2. Absolutely no vehicles are allowed on the dunes or vegetation. (2018-22)
3. No trailers or other conveyances that carry horses, ponies, or burros or any other animal of an equine nature shall be allowed on County owned or controlled ocean front parks or property except as stated herein. (2018-22)
4. Trailers or other conveyances that carry horses, ponies or burros or any other animal of an equine nature shall be allowed entrance to and on the County owned park at Peters Point subject to the following: (2018-22)
 - a. All trailers and other conveyances shall submit an application to the County Animal Control Director, and/or his designee, and shall, if approved, be, issued a decal by the County Animal Control Director, and/or his designee, and said decal shall be placed or attached to the trailer or conveyance in such a manner as to be plainly visible (see Resolution 2018-82, attached hereto). The owner or operator of the trailer or conveyance shall be required to keep a copy of the approved application with them when they are on the beach. Said approved application must be displayed to a law enforcement officer upon request. Failure to do so will be deemed a violation of the Ordinance and may subject the individual and/or owner/operator of the trailer or conveyance to removal from the

- park, including the parking lot. The specific regulations for the application are set forth in a Resolution 2018-82. (2018-22)
- b. Parking for trailers and other conveyances that carry horses, ponies or burros or any other animal of an equine nature shall be designated within Peters Point Beach Front Park. Failure to park in the designated areas or failure to have a will be deemed a violation of the Ordinance and may subject the individual and/or owner/operator of the trailer or conveyance to removal from the park, including the parking lot. Failure to vacate will constitute a trespass pursuant to Florida Statutes, and is a first degree misdemeanor. (2018-22)
- c. Horses, ponies, burros or any other animal of an equine nature shall not be unloaded within Peters Point Beach Front Park except within the designated parking areas. (2018-22)
5. Speed limit. It is unlawful to exceed the vehicular speed limit often (10) miles per hour or operate a vehicle in a careless or reckless manner. (2018-22)
6. A violation of 2.B. shall be a citation issued by a law enforcement officer that provides for a court appearance and a fine of one hundred dollars (\$100.00) per violation, plus court costs. In addition, a law enforcement officer may direct the individual determined to be the driver and/or the owner/operator of the Motor Vehicle, Camper or Truck Tractor to remove the vehicle. Failure to do so shall be considered a trespass pursuant to Florida Statutes and is a first degree misdemeanor. (2018-22)
7. Motor Vehicles, Campers or Truck Tractors that are in violation may also be towed and stored by a towing company at owner's expense. A law enforcement officer shall have the authority to have the Motor Vehicle, Camper or Truck Tractor towed at the owner's or operator's expense. The owner or operator shall be responsible for any storage charges. Shelters and other items utilized for camping shall be removed, by contract employees, that are on the Beach or in one of the areas set forth in Section 2.B.1. or property except as stated herein. (2018-22)
8. It shall be unlawful for any person not a resident of Nassau County, Florida, subject to the exemptions in Section 2.A.11.,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. (2015-13)
9. 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. (2015-13)
10. Appropriate signs shall be posted by the Facilities Maintenance Department indicating parking and prohibitions as set forth herein. (2018-22)
11. 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.

B. Designated Parking Areas for Access to the Atlantic Ocean Beach Areas

1. The areas designated for parking of vehicles for access to the Atlantic Ocean Beach areas are:
 - a. Peters Point Beach Front Park including parking area
 - b. Scott Road Parking Area
 - c. Burney Park including parking area
 - d. Dunes Club Parking area and walkover, located south of the Amelia Island Plantation entrance. (2018-22)
2. Motor Vehicles, Campers or Truck Tractors shall not be allowed to remain in any of the areas set forth herein as established by the County Manager and posted in or on beach front parks with prior notification provided to the Nassau County Sheriff's Office. The hours established shall be posted on the County's website and advertised once in newspapers of general circulation. Truck Tractors may be allowed pursuant to Section 2.A.(2018-22)

C. 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 License upon demand of a certified law enforcement officer. (2015-13)

D. 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. (2015-13)

E. 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. (2015-13)
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. (2015-13)

F. 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. (2015-13)

G. 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. (2015-13)

H. 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. (2015-13)

I. Penalties, Revocation of Permit

1. Any violation of any provision of this Ordinance shall be a separate violation of this Ordinance. (2015-13)

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. (2015-13)
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. (2015-13)

SECTION 3. CAMPING AND CAMPFIRES

- A. It shall be unlawful and it is hereby prohibited for any person or persons to camp in any County owned or controlled ocean front park as established by the County Manager and posted in or on beach front parks with prior notification provided to the Nassau County Sheriff's Office. The hours established shall be posted on the County's website and advertised once in newspapers of general circulation. (2018-22)
- B. A law enforcement officer may direct any individual that is determined to be camping in any County owned or controlled oceanfront park as established by the County Manager and posted in or on beach front parks to vacate the park or property and the failure to do so shall be considered a trespass pursuant to Florida Statutes and is a first degree misdemeanor. (2018-22)
- C. Shelters and other items utilized for camping shall be removed, by contract employees, that are on the Beach or in one of the areas set forth in Section 2.B.1. (2018-22)
- D. The building of campfires or bonfires on the Beach between sundown and sunup is prohibited during marine turtle nesting season, which extends from May 1 to October 31 of each year. Campfires or bonfires are permitted outside of the prohibited dates. All campfires and bonfires shall be extinguished prior to leaving the Beach area. (2018-22)

SECTION 4. CONCESSIONS AND RENTALS

- A. Concession license required. (03-42)

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. (03-42)
- B. Concession licenses. (03-42)
 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. (03-42)
- C. Concession fee. (03-42)

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. (03-42)

D. Operation and maintenance.

1. Personal watercraft concessionaires shall be subject to specific requirements that shall be set forth by Ordinance No. 2003-41 [sections 23½-40-23½-44] of the board of County commissioners. The board of County commissioners may amend said Ordinance. (03-42)
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. (03-42)
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. (03-42)
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. (03-42)
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. (03-42)

E. Insurance. (03-42)

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, less, 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. (03-42)

F. Termination of license; reprimands; fines; suspensions. (03-42)

The code enforcement officer shall have the authority, for violations of this article, to take any one (1) 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:

- a. Impose an administrative fine and fee;
- b. Terminate the concession; or
- c. Terminate the right of the individual to rent or sell items on the beach. (03-42)

SECTION 5. ANIMALS

- A. Absolutely no-horses are allowed on the dunes or vegetation. Horses shall be under the control of the rider at all times. Horses shall not be allowed in public shower or shelter areas. Waste from horses shall be removed by the rider. Failure to remove the waste shall be a violation and may subject the rider and horse to removal from the Beach or County owned or controlled oceanfront park. Failure to vacate will constitute a trespass pursuant to Florida Statutes and is a first degree misdemeanor. (18-22)
- B. Dogs may be permitted on the Atlantic Ocean beaches but must be under leash at all times as defined by the Code of Laws and Ordinances of Nassau County and their owners shall not permit such dogs to be at large. (18-22)

SECTION 6. LITTERING/UNATTENDED PERSONAL PROPERTY

A. Littering

- 1. It shall be unlawful, and it is hereby prohibited for any person or persons to litter any of the Atlantic Ocean beaches of Nassau County or in any County owned or controlled oceanfront park. All Litter shall be placed in the receptacles provided or carried away by the visitor from these areas. (18-22)
- 2. The use of any glass containers on the Beach is hereby prohibited. (18-22)

B. Unattended Personal Property Prohibited

- 1. Personal items referenced in Section 1.L. that are left unattended in violation of this Ordinance are hereby declared to be a public nuisance. No person shall allow the existence of a public nuisance except as set forth herein.
- 2. Personal items left 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 Section, shall be considered a nuisance and unlawful. (16-06)
- 3. Any Personal Property left unattended during the hours stated in section paragraph (1) shall be deemed to be discarded and the County shall dispose of them except as provided in paragraph 3. (16-06)
- 4. 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 Ordinance provided: (16-06)
 - a. Such items are not placed on the dune or on native vegetation or under or adjacent to dune walkovers. (16-06)
 - b. Such items should be stacked. Stacked furniture shall have the shortest edge facing the ocean. (16-06)

- 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 feet from any turtle nest or other protected species. (16-06)
5. Items left in violation of this Ordinance are declared a public nuisance and shall be removed from the beach by County employees or contract individuals. (16-06)
6. 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. (16-06)
7. The County may request written consent from any property owner where there are items placed as set forth in paragraph 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. (18-22)

C. Permits

1. Permits may be issued by the County Manager or designee for activities otherwise prohibited that are found to be necessary for: (16-06)
 - a. Reasonable accommodations for persons with disabilities. (16-06)
 - b. The permit application shall be on a form, approved by the County Manager, and shall include the information set forth in Section 6.C.2.(16-06)
 - c. The application shall be submitted at least forty-eight (48) hours prior to the issuance of the permit. (16-06)
 - d. The application shall contain the name of the individual and the address. (16-06)
 - e. The application shall include information provided by the State of Florida indicating the issuance to the applicant of an ADA approved permit. (16-06)
2. There shall be no fee for obtaining the permit. Such permit shall include the following: (16-06)
 - a. Name and contact information of the owner or person in possession and contact of the owner. (16-06)
 - b. Description of the item. (16-06)
 - c. Location of the item. (16-06)
 - d. Duration of time the item will remain in such location. (16-06)

D. Notification

1. The County shall provide notice of this Ordinance 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 Ordinance 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. (16-06)
2. The TDC shall prepare a public information statement that provides a summary of the Ordinance 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. (16-06)

3. 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 Section 2(2). (16-06)

E. Enforcement

Nassau County is authorized to enforce this Ordinance and may follow the established procedures by the Sheriff's Department, County Code Enforcement Officers and through any civil complaint. (16-06)

F. 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. (16-06)

SECTION 7. ALCOHOL

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. (15-13)

TAB 3

AMENDED Nassau County Consolidated Beach Ordinance

(Consolidation of Ordinances 2003-42, 2015-13, 2016-06, 2016-09, 2018-22, with Working Group Recommended Changes).

RECITALS to be included later.

KEY: BLACK=existing, RED= deleted, GREEN = added

SECTION 1. DEFINITIONS

- A. 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.
- B. Beach 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.
- C. Camper shall mean recreational vehicle-type units primarily designed as temporary living quarters for recreational, camping or travel use, which either have their own motor power or are mounted on or drawn by another vehicle. This includes travel trailers, camping trailer, truck campers, motor homes, private motor coaches, van conversions, fifth wheel trailers, or park trailers, and all are further defined in Fla. Stat. §320.01.
- D. Camping shall mean the erection of a shelter or similar structures for the purpose of sleeping; or sleeping or lying upon the beach either under or outside of any shelter, vehicle, bedroll, blanket or other protective garb. Evidence to determine an activity to be camping shall include, but not be limited to, the presence of any of the following; tents or similar structures, sleeping bags, mattresses, campfires/bonfires, generators, portable toilets, or improvised privies.
- ~~E. Camping shall mean inhabiting a Camper or Motor Vehicle, including Truck Tractors, or the construction or erection of a shelter for the purpose of sleeping; or lying upon bedroll, blanket, or other protective garb for the purpose of sleeping.~~
- E. County Beaches shall mean the ocean beaches bordering the Atlantic Ocean in the unincorporated areas of Nassau County, Florida.
- F. 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.
- G. Dune shall mean 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.
- H. Litter shall mean any garbage, rubbish, trash, refuse, can, bottle, containers, paper materials or similar materials.

- I. Littering shall mean the throwing, discarding, placing or depositing of Litter in any manner on the Atlantic Ocean beaches and County owned or controlled oceanfront parks.
- J. Motor Vehicle shall include automobiles, motorcycles, mopeds, motor trucks, trailers, semitrailers, tractor trailer combinations, recreational vehicle-type units including travel trailers, camping trailers, truck campers and motor homes, wind powered vehicles, and all other vehicles used as a means of transporting persons or property and propelled by other than muscular power.
- K. Person shall mean any natural person, firm, partnership, association, corporation and any other legal entity.
- L. Personal Property shall include but is not limited to: tents (including tent frames), cabanas, umbrellas and other shading devises, 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.
- M. Truck Tractor shall mean a motor vehicle which has four or more wheels and is designed and equipped with a fifth wheel for the primary purpose of drawing a semi-trailer that is attached or coupled thereto by means of such a fifth wheel and which has no provision for carrying loads independently pursuant to Florida Statutes, Section 320.01(11).

SECTION 2. DRIVING AND PARKING

A. Prohibitions/Violations

1. Driving and parking on the beach is prohibited from 9:00 p.m. to 6:00 a.m. on a year-round basis.
2. Driving and parking on the beach is restricted to motor vehicles equipped with 4-wheel or all-wheel drive.
3. Parking lots in the areas set forth in Section 1.B shall be open on a 24 hour daily basis.
4. ~~Motor Vehicles~~, Campers, as defined in Section 1.C., or Truck Tractors shall not be allowed to remain in any of the areas set forth in Section 2.B.1. between the hours of 9:00 pm and 6:00 am as established by the County Manager and posted in or on beach front parks with prior notification provided to the Nassau County Sheriff's Office. These hours established shall be posted on the County's website and advertised once in newspapers of general circulation. Truck Tractors may be allowed, during the Concours d'Elegance event, pursuant to a permit issued by the County Manager's Office. The County Manager shall prepare the form for the permit and the permit must be displayed to a law enforcement officer upon request and the failure to do so will be deemed a violation of the ordinance and may subject the individual and Truck Tractor to removal from the park, including the parking lot. Failure to vacate will constitute a trespass pursuant to Florida Statutes, and is a first degree misdemeanor. The County Manager or his designee shall notify the Sheriff's Office and any other law enforcement agency as to the issuance of the permit and provide a copy of said permit.
5. Parking on the beach is restricted to designated areas only.
6. Absolutely no vehicles are allowed on the dunes or vegetation.
7. ~~No trailers or other conveyances that carry horses, ponies, or burros or any other animal of an equine nature shall be allowed on County owned or controlled ocean front parks or property except as stated herein.~~

- ~~8. Trailers or other conveyances that carry horses, ponies or burros or any other animal of an equine nature shall be allowed entrance to and on the County owned park at Peters Point subject to the following:~~
- ~~a. All trailers and other conveyances shall submit an application to the County Animal Control Director, and/or his designee, and shall, if approved, be, issued a decal by the County Animal Control Director, and/or his designee, and said decal shall be placed or attached to the trailer or conveyance in such a manner as to be plainly visible (see Resolution 2018-82, attached hereto). The owner or operator of the trailer or conveyance shall be required to keep a copy of the approved application with them when they are on the beach. Said approved application must be displayed to a law enforcement officer upon request. Failure to do so will be deemed a violation of the Ordinance and may subject the individual and/or owner/operator of the trailer or conveyance to removal from the park, including the parking lot. The specific regulations for the application are set forth in a Resolution 2018-82.~~
 - ~~b. Parking for trailers and other conveyances that carry horses, ponies or burros or any other animal of an equine nature shall be designated within Peters Point Beach Front Park. Failure to park in the designated areas or failure to have a will be deemed a violation of the Ordinance and may subject the individual and/or owner/operator of the trailer or conveyance to removal from the park, including the parking lot. Failure to vacate will constitute a trespass pursuant to Florida Statutes, and is a first degree misdemeanor.~~
 - ~~c. Horses, ponies, burros or any other animal of an equine nature shall not be unloaded within Peters Point Beach Front Park except within the designated parking areas.~~
7. Speed limit. It is unlawful to exceed the vehicular speed limit of ~~ten (10)~~ 5 (five) miles per hour or operate a vehicle in a careless or reckless manner.
8. A violation of 2.B. shall be a citation issued by a law enforcement officer that provides for a court appearance and a fine of one hundred dollars (\$100.00) per violation, plus court costs. In addition, a law enforcement officer may direct the individual determined to be the driver and/or the owner/operator of the Motor Vehicle, Camper or Truck Tractor to remove the vehicle. Failure to do so shall be considered a trespass pursuant to Florida Statutes and is a first degree misdemeanor.
9. Motor Vehicles, Campers or Truck Tractors that are in violation may also be towed and stored by a towing company at owner's expense. A law enforcement officer shall have the authority to have the Motor Vehicle, Camper or Truck Tractor towed at the owner's or operator's expense. The owner or operator shall be responsible for any storage charges. Shelters and other items utilized for camping shall be removed, by contract employees, that are on the Beach or in one of the areas set forth in Section 2.B.1. or property except as stated herein.
10. 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.
11. Appropriate signs shall be posted by the Facilities Maintenance Department indicating parking and prohibitions as set forth herein.

12. 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.

B. Designated Parking Areas for Access to the Atlantic Ocean Beach Areas

1. The areas designated for parking of vehicles for access to the Atlantic Ocean Beach areas are:
 - a. Peters Point Beach Front Park including parking area
 - b. Scott Road Parking Area
 - c. Burney Park including parking area
 - d. Dunes Club Parking area and walkover, located south of the Amelia Island Plantation entrance.

~~2. Motor Vehicles, Campers or Truck Tractors shall not be allowed to remain in any of the areas set forth herein as established by the County Manager and posted in or on beach front parks with prior notification provided to the Nassau County Sheriff's Office. The hours established shall be posted on the County's website and advertised once in newspapers of general circulation. Truck Tractors may be allowed pursuant to Section 2.A~~

C. Campers including travel trailers, camping trailer, truck campers, motor homes, private motor coaches, van conversions, fifth wheel trailers, or park trailers, and as all are further defined in Fla. Stat. §320.01 are prohibited on the beach at all times and on beach front park parking areas between the hours of 9 pm and 6 am. Parking by these types of vehicles at other times is subject to said vehicle being wholly contained in a single parking space.

D. Permits

1. 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 License upon demand of a certified law enforcement officer.
2. It shall be unlawful for any person not a resident of Nassau County, Florida, subject to the exemptions in Section 2.A.10., 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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 3. CAMPING AND CAMPFIRE

- ~~A. It shall be unlawful and it is hereby prohibited for any person or persons to camp as defined in Section 1.D, or to construct a campfire/bonfire, at any time on the beach. in any County-owned or controlled ocean front park as established by the County Manager and posted in or on beach front parks with prior notification provided to the Nassau County Sheriff's Office. The hours established shall be posted on the County's website and advertised once in newspapers of general circulation.~~
- ~~B. A law enforcement officer may direct any individual that is determined to be camping in any County owned or controlled oceanfront park as established by the County Manager and posted in or on beach front parks to vacate the park or property and the failure to do so shall be considered a trespass pursuant to Florida Statutes and is a first degree misdemeanor.~~
- ~~C. Shelters and other items utilized for camping shall be removed, by contract employees, that are on the Beach or in one of the areas set forth in Section 2.B.1.~~
- ~~D. The building of campfires or bonfires on the Beach between sundown and sunup is prohibited during marine turtle nesting season, which extends from May 1 to October 31 of each year. Campfires or bonfires are permitted outside of the prohibited dates. All campfires and bonfires shall be extinguished prior to leaving the Beach area.~~

SECTION 4. CONCESSIONS AND RENTALS

~~A. 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.~~

~~B. 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.~~

~~C. 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.~~

~~D. Operation and maintenance.~~

- ~~1. Personal watercraft concessionaires shall be subject to specific requirements that shall be set forth by Ordinance No. 2003-41 [sections 23½-40-23½-44] 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.~~

~~E. Insurance. (03-42)~~

- ~~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, less, 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.~~

~~F. Termination of license; reprimands; fines; suspensions.~~

~~The code enforcement officer shall have the authority, for violations of this article, to take any one (1) 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:~~
 - ~~a. Impose an administrative fine and fee;~~
 - ~~b. Terminate the concession; or~~
 - ~~c. Terminate the right of the individual to rent or sell items on the beach.~~

SECTION ~~5~~ 4. ANIMALS

- A. Horseback riding or horse walking on the beach shall be limited to exclusive licensee(s) franchisee(s) selected by Nassau County to provide horseback riding services to the public. Absolutely no-horses are allowed on the dunes or vegetation. Horses shall be under the control of the rider at all times. Horses shall not be allowed in public shower or shelter areas. All horses on the beach are required to wear manure bags at all times while on the beach. Waste from horses shall be removed by the ~~rider~~ licensee. Failure to equip horses with manure bags or remove the waste shall be a violation and may subject the ~~rider and horse to removal from the Beach or County-owned or controlled oceanfront park~~ licensee to loss of license. Non-licensed horseback riders or walkers on the beach shall be in violation of this section and shall vacate the beach. Failure to vacate will constitute a trespass pursuant to Florida Statutes and is a first degree misdemeanor.
- B. Dogs may be permitted on the Atlantic Ocean beaches but must be under leash at all times as defined by the Code of Laws and Ordinances of Nassau County and their owners shall not permit such dogs to be at large.

SECTION ~~6~~ 5. LITTERING/UNATTENDED PERSONAL PROPERTY

A. Littering

1. It shall be unlawful, and it is hereby prohibited for any person or persons to litter any of the Atlantic Ocean beaches of Nassau County or in any County owned or controlled oceanfront

park. All Litter shall be placed in the receptacles provided or carried away by the visitor from these areas.

2. The use of any glass containers on the Beach is hereby prohibited.

B. Unattended Personal Property ~~Prohibited~~

1. Personal items referenced in Section 1.L. that are left unattended in violation of this Ordinance are hereby declared to be a public nuisance. No person shall allow the existence of a public nuisance except as set forth herein.
2. Personal items left 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~~ Section, shall be considered a nuisance and unlawful.
3. Any Personal Property left unattended during the hours stated in ~~section (1)~~ subsection B.2. shall be deemed to be discarded and the County shall dispose of them except as provided in ~~paragraph 3~~ Subsection B.3.
 - a. 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 Ordinance provided: 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 feet from any turtle nest or other protected species.
5. Items left in violation of this Ordinance are declared a public nuisance and shall be removed from the beach by County employees or contract individuals.
6. 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.
7. The County may request written consent from any property owner where there are items placed as set forth in paragraph 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.

C. 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 Section 5.C.2.
 - c. The application shall be submitted at least forty-eight (48) hours prior to the issuance of the permit.