

**ORDINANCE NO. 2016-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 76-10, AS AMENDED, WHICH PROHIBITED LITTERING, USE OF GLASS CONTAINERS, REGULATED CAMPING, REQUIRED THE CONTROL OF HORSES AND DOGS, DESIGNATED SWIMMING AND SUNBATHING AREAS, PROHIBITED EXCESSIVE VEHICULAR SPEED AND CARELESS AND RECKLESS VEHICLE OPERATION; SPECIFICALLY AMENDING SECTION 1, DEFINITIONS; ADDING A NEW SECTION 2, CAMPING ON THE BEACH; AMENDING AND RENUMBERING SECTION 3, VIOLATIONS; ADDING A NEW SECTION 4, DESIGNATED PARKING AREAS FOR ACCESS TO THE ATLANTIC OCEAN BEACH AREAS; RENUMBERING AND AMENDING SECTION 5, PENALTIES; RENUMBERING SECTION 6, SEVERABILITY; RENUMBERING SECTION 7, EFFECTIVE DATE; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida, has found it necessary to further amend Ordinance No. 76-10, as amended, regarding camping on the Atlantic Ocean beaches and in the county owned or controlled ocean front parks.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners that Ordinance No. 76-10, as amended, shall be further amended as follows:

**SECTION 1. DEFINITIONS:**

1. Littering is the throwing, discarding, placing or depositing of Litter in any manner on the Atlantic Ocean beaches and County owned or controlled oceanfront parks.
2. Litter is any garbage, rubbish, trash, refuse, can, bottle, container, ~~or~~ paper materials or similar materials.
3. ~~Designated swimming and sunbathing areas shall be those areas designated by the civil defense director by the placing of pylons as it applies to those areas outside the city limits. However, the county commission may direct those designations otherwise.~~
3. Beach means the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked changed in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.
4. 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.

5. Camper includes: Recreational vehicle-type units primarily designed as temporary living quarters for recreational, camping or travel use, which either have their own motor motive power or are mounted on or drawn by another vehicle. This includes travel trailers, camping trailer, truck campers, ~~or~~ motor homes, private motor coaches, van conversions, fifth wheel trailers, or park trailers, and all are further defined in Fla. Stat. §320.01.
6. Camping shall mean inhabiting a Camper or Motor Vehicle, including Truck Tractor, 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.
7. Truck Tractor means 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. CAMPING ON THE BEACH**

Camping on the Beach shall be allowed for Nassau County residents only subject to the following:

- a. Anyone desiring to camp on the Beach shall fill out a permit request form. Said form to be prepared by the County Manager's Office and shall, at a minimum, provide the date and time for camping, the number of people with complete names and addresses. Permits shall be for a twenty-four (24) hour period.
- b. The permit may be issued by the County Manager and on a form approved by the County Manager. The permit shall, at a minimum, indicate the commencement and termination of the twenty-four (24) hour period. The County Manager shall also provide a copy of the permit to the Sheriff's Office.
- c. The permit shall be maintained by the permittee and produced on request of a law enforcement officer. Failure to produce the permit shall be a violation and subject the individual or individuals to removal from the Beach. Failure to vacate or leave the Beach shall be considered a trespass pursuant to Florida Statutes and is a first degree misdemeanor.
- d. Campers with an approved permit may erect a tent which shall be removed from the Beach upon the expiration of the permit. Failure to remove the tent shall be a violation and said tent shall be considered a nuisance and shall be removed by the County designated contract entity.
- e. The permittee shall be responsible for the immediate area and shall remove all trash, litter and debris and other materials.

- f. Fires, outside of the dates herein, shall be permitted; however, all fires must be extinguished by permittee.
- g. Camping is not allowed on the dunes or vegetation areas or within ten (10) feet of turtle or shorebird nesting areas.

### **SECTION 23. VIOLATIONS:**

1. Littering. 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. Camping. It shall be unlawful and it is hereby prohibited for any person or persons to camp, or permit to keep any vehicle, recreational or otherwise, to remain on any Atlantic Ocean beach or county owned or controlled beachfront areas for more than twenty four (24) hours. It shall be unlawful to leave camping areas in a littered fashion. It shall be unlawful and it is hereby prohibited for any person or persons to camp on any Atlantic Ocean beach in any county owned or controlled ocean front park between the hours of 8:00 p.m. and 6:00 a.m. who does not have a self-contained sanitary waste disposal unit.
3. Campers or Truck Tractors shall not be allowed to remain in any of the areas set forth in Section 4 between the hours of 8:00 p.m. and 6:00 a.m. Truck Tractors may be allowed 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.
- 4.3. Glass containers. The use of any glass containers on the Atlantic Ocean beaches Beach is hereby prohibited.
- 5.4. Use of vehicles or horses. Absolutely no vehicles or horses are allowed on the dunes or vegetation, or within the designated swimming areas. Horses shall be under the control of the rider at all times. Horses shall be governed under the established traffic and littering laws. Horses shall not be allowed in public shower or shelter areas, cabana 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.

6. 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.

7. 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 have a permit, prepared by the County Manager's Office, or decal attached issued by the County Manager's Office and attached to the trailer or conveyance in such a manner as to be plainly visible. The specific regulations for the permit shall be set forth in a resolution to be adopted by the Board of County Commissioners.

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 permit and affixed decal may cause removal of the trailer and individual from the park or 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.

8.5. Speed limit. It is unlawful to exceed the vehicular speed limit of ten (10) miles per hour or operate a vehicle in a careless or reckless manner.

9.6. Dogs. 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.

10.7. 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. 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. Campers or Truck Tractors shall not be allowed to remain in any of the areas set forth herein between the hours of 8:00 p.m. and 6:00 a.m. Truck Tractors may be allowed pursuant to Section 3(3).

3. A violation of the provisions of this Ordinance may be a citation issued by a law enforcement officer that provides for a court appearance and a fine of one hundred dollar (\$100.00) per violation plus court costs. A law enforcement officer may direct the individual determined to be the driver and/or the owner of the vehicle to remove the vehicle. Failure to do so shall be considered a trespass pursuant to Florida Statutes and is a first degree misdemeanor.

4. Appropriate signs shall be posted by the Facilities Maintenance Department indicating parking and prohibitions as set forth herein.

#### **SECTION 35. PENALTIES.**

1. Any violation of any portion of section 2 of this ordinance shall be a citation issued by a law enforcement officer that provides for a court appearance and a fine of one hundred dollar (\$100.00) per violation plus court costs. A person issued a citation for a violation on or within a

County park, parking lot, or Atlantic Ocean Beach shall vacate the park, parking lot or Atlantic Ocean Beach. Failure to vacate the park, parking lot or Atlantic Ocean Beach shall constitute a trespass pursuant to Florida Statutes and is a first degree misdemeanor, a separate violation of this ordinance and upon conviction in the County Court the violator may be fined up to five hundred dollars (\$500.00), or receive up to ten (10) days' incarceration in the county jail.

2. 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 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 3(1)(a-d).

#### **SECTION -4-6. SEVERABILITY.**

It is the declared intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a 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 57. EFFECTIVE DATE.**

This ordinance shall become effective upon its being filed in the Office of the Secretary of State.

DULY ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

\_\_\_\_\_  
WALTER J. BOATRIGHT  
Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form by the Nassau County  
Attorney:

\_\_\_\_\_  
MICHAEL S. MULLIN