ORDINANCE 2022-02

AN ORDINANCE AMENDING WALTON CODE OF ORDINANCES CHAPTER 22, THE "WALTON COUNTY WATERWAYS AND BEACH ACTIVITIES ORDINANCE"; PROVIDING FOR AMENDMENTS TO SECTION 22-02, DEFINITIONS, REVISING DEFINITION OF AIRCRAFT; ADDING DEFINITION OF COMMERCIAL ACTIVITY; PROVIDING FOR AMENDMENTS TO SECTION 22-1 - USE OF PUBLIC BOAT RAMPS; AND PROVIDING FOR AMENDMENTS TO SECTION 22-55 – PROHIBITION OF OBSTRUCTIONS AND RESTRICTIONS OF SIGNS ON THE BEACH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Walton County Board of County Commissioners finds it necessary for the health, safety, and welfare of the citizens of an visitors to Walton County to amend the Walton County Waterways and Beach Activities Ordinance;

NOW THEREFORE, be it ordained by the Walton County Board of County Commissioners that Chapter 22, the "Walton County Waterways and Beach Activities Ordinance," is hereby amended as follows:

Sec. 22-01. - Title and citation.

This Chapter shall be known and cited as the "Walton County Waterways and Beach Activities Ordinance."

Sec. 22-02. - Definitions.

The following words, terms, and phrases, when used in this Chapter, shall have the following meanings, except where the context clearly indicates a different meaning. Words not defined shall be given their common and ordinary meaning.

Aircraft means any motor vehicle or contrivance now known or hereinafter invented, which is used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term "aircraft" shall include ultra-light aircraft and seaplanes not operated by authorized personnel.

Alcoholic beverage means distilled spirits and all beverages containing one-half of one percent or more alcohol by volume.

All-terrain vehicle means any motorized off-highway vehicle sixty-four (64) inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on three (3) or more nonhighway tires and not registered or licensed for highway use.

Animal means any animate being other than a human which is endowed with power of voluntary motion.

Bather means any person who is in the same water as a vessel, whether said person is swimming, wading or engaged in any other activity in the water.

Bathing area means any area of the beach and adjoining waters in which bathers are located or may be located, whether or not designated by signs or other form of notification.

Bay means Choctawhatchee Bay.

Beach means the soft sandy portion of land lying seaward of the seawall or the line of permanent dune vegetation.

Beach equipment means items generally used for swimming, sunbathing or beach recreation, including, but not limited to, beach chairs, umbrellas, tents, hammocks and volleyball nets.

Bloodbaiting means the use of blood or bloody fish parts to attract sharks.

Board means the Walton County Board of County Commissioners.

Boat. See vessel.

Camping means the erection of shelter or similar structures for the purpose of sleeping; or lying upon the beach on a bedroll, blanket, or other protective garb for the purpose of sleeping.

Chumming means the throwing of bait or fish parts into the water to attract fish.

Commercial Activity means the following at described locations:

(1) *At public boat ramps*. Any business-related action at a Walton County public boat ramp facility owned, leased, dedicated to, or maintained by the County to include, but not limited to, launching or meeting/picking up clients.

Controlling interest in the property or that they are otherwise entitled means that the person applying for the permit owns more than fifty (50) percent ownership interest in the property or has a resolution, signed by the other owners of the property, which grants the person applying for the permit the authority to apply for the permit.

Designated limited access areas means the following described locations:

(1) Grayton Beach. An area extending the distance of beach described in the lease between Walton County and State of Florida Internal Improvement Trust Fund/Bureau of State Lands, Number 3884, dated October 1986.

(2) Inlet Beach. An area extending from the west boundary line of Lakeshore Drive eastward for a distance of sixty-six (66) feet~~.~~ to be used for launching of a vessel only and not to park or drive on the beach.

(3) Walton Park. An area extending from the west boundary line of Walton Park westward for a distance of one thousand six hundred (1,600) feet (temporarily closed).

(4) Seagrove Beach. An area extending from the east boundary line of One Seagrove Place eastward for a distance of one thousand six hundred (1,600) feet (temporarily closed).

Gulf. The Gulf of Mexico.

"Idle Speed No Wake Zone" and "Idle Speed" may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that is has under tow.

Jet ski. See personal watercraft.

Motor vehicle means any vehicle which is self-propelled, including golf carts and any rented concession vehicle, but not including bicycles. Operate or operation means to navigate or otherwise use any aircraft or vessel in or on the water.

Obstruction is an object that impedes, hinders, or prevents pedestrian and/or vehicular passage. Obstructions include, but are not limited to, ropes, chains, and fences. This definition shall not include a sign.

Permit means beach vendor's permit, vehicle permit, dog permit, special event permit issued by the County, and/or bonfire or fireworks permit issued by the South Walton Fire District.

Personal watercraft means a small A-1 or A-2 vessel which uses an outboard motor, or inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel; or a craft less than thirteen (13) feet in length designed to be operated by a person or persons sitting, standing, or kneeling on the craft rather than within the confines of a hull.

Rafts, floats, and flotation devices means any device, whether of canvas, vinyl, rubber, Styrofoam or other substance, intended or capable of assisting in the flotation of a person in or on the water in the Gulf of Mexico, and all other waters of the State of Florida.

Sailcraft means a wind-propelled vessel used or capable of being used as a means of transportation on or in the water, including sail boats, sailboards and wind surfboards.

Sand fence means a tool used in dune restoration projects for rebuilding sand dunes, which is usually two (2) to four (4) feet high with a maximum of ten (10) foot long spurs spaced at a minimum of seven (7) feet on an alignment diagonal to the Gulf.

Seaplane means any aircraft as defined herein that is capable of landing and/or lifting off from a water surface.

Sea turtle nesting season means May 1 to October 31 of any given year. Solicit or canvass means any act, delivery or exchange not initiated by the prospective customer or which directs attention to any business, mercantile or commercial establishments, or any other commercial activity, for the purpose of directly or indirectly promoting commercial interests through sales, rentals, or any exchange of value.

Sheriff's Office means the Walton County Sheriff's Office.

Sign means any writing, symbol, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device, which is supported by one or more columns, upright poles, or braces extended from the ground, or that is erected on the ground, and which is used to announce, direct attention to, identify, advertise or otherwise make anything known.

Solicit or canvass means any act, delivery, or exchange not initiated by the prospective customer or which directs attention to any business, mercantile, or commercial establishments, or any other commercial activity, for the purpose of directly or indirectly promoting commercial interests through sales, rentals, or any exchange of value.

SWFD means the South Walton Fire District.

Special event means:

(1) Any use, activity, or event conducted or promoted on the beach that would constitute a violation of any provision of this Chapter or any rule or regulation issued under the authority of this Chapter;

(2) Any activity or event that is organized and promoted to attract, and is likely to attract, a crowd of more than thirty (30) persons to a certain place on the beach at a certain time under circumstances that are likely to create a need for additional police, lifesaving, or other services; or

(3) Any activity or event on the beach that is promoted or sponsored by commercial interests, results in private commercial gain or benefit, or advertises or promotes private commercial interests.

(4) Special events do not include private parties on private property, with no commercial gain or benefit, hosted and attended by the owner of the property.

Surfboard means a fiberglass, epoxy, closed-cell neoprene or Styrofoam instrument with one (1) or more fiberglass fins or skegs attached or inserted into the belly or bottom of the surfboard. This definition shall include windsurfboards and sailboards. This definition shall not include rubber rafts, floats, belly boards, or boogie boards, but does include stand-up paddle boards.

Surfing means the riding or paddling of a surfboard within the waters of the Gulf of Mexico abutting or adjacent to the beach.

TDC means the Walton County Tourist Development Council.

Tent means a portable shelter of skins, canvas, plastic, nylon, or the like, supported by one (1) or more poles or a frame and often secured by ropes fastened to pegs in the ground. The term tent includes, but is not limited to, camping tents, beach tents, and sun shelters.

Temporary Beach Storage Box means an approved container used to store beach items. See further description and requirements in section 22-54(2) (c) and (4) and 22-60 (d) (6)

Temporary Beach Storage Rack means an approved rack used to hold beach water items such as kayaks and paddleboards. See further description and requirements in section 22-54(2) (c) and (5) and 22-60 (d) (7)

Ultralight aircraft or ultralight means any heavier-than-air, motorized aircraft which meets the criteria for maximum weight, fuel capacity and airspeed established for such aircraft by the Federal Aviation Administration under Part 103 of the Federal Aviation Regulations.

Vehicle means any properly licensed, tagged, permitted device, in, upon, or by which any person or property is or may be transported or drawn upon a highway.

Vending means offering for sale or rent or as part of any contract agreement, or the solicitation thereof, any merchandise, services, goods, materials, or property of any kind of character on the beach or to be consumed or placed on the beach, in the bay or in the gulf or their adjoining waters.

Vendor means any person, entity, or any person or entity associated with such a person or entity, that engages in vending within the meaning of this chapter.

Vessel as defined in F.S. § 327.02(36), means a motor propelled or artificially propelled vessel and every other description of boat, watercraft, barge, and air boat other than a seaplane on the

water, used or capable of being used as a means of transportation on or in the water, including jet skis.

Water-based activities means those vendor operations in which the customer will participate in an activity on or in the water. This includes, but is not limited to, ocean kayak rentals, water trampolines, climbing walls, inflatable boat rides, personal watercraft rentals, and parasail operations.

Water's edge means that portion of the shore at any given time of the day where the tide flows and reflows along a water body.

Wind surfboard means a surfboard equipped with a sail and designed to be propelled by the wind. The term "wind surfboard" shall be synonymous with the term "sailboard."

Sec. 22-1. - Use of public boat ramps.

(a) Title. This Section shall be known as the public boat ramp ordinance of the County.

(b) Findings. The docking of boats at public boat ramps may deny others the use of public boat ramps. The docking may also present a hazard to other boaters and the public wishing to use the public boat ramps.

(c) Purpose and intent. The purpose and intent of this Section is to improve the access and use of public boat ramps located in the County.

(d) Complaints. If any person wishing to use a public boat ramp in the County comes upon a boat docked or anchored which is hampering access or causing a hazard, she or he should call the code enforcement or Sheriff's Office. After a complaint is received, the appropriate agency will be notified.

(e) Commercial Activity. Any use of Walton County Parks for Commercial Activity at any boat launching facility owned, leased, dedicated to, or maintained by the County will require a commercial bay permit issued by the County. No person shall conduct any Commercial Activity or utilize a Park in a manner that will result in Commercial Activity, whether land-based or from the water, without a permit. The yearly permits will expire June 1 of each year. The application can be filed at any time during the permit year by submitting online. The cost of the permit is $250.00 per year. Permits must be attached to the port side of the vessel, adjacent to the boat registration and to the tongue of the trailer. Permits require the following:

1. The boat and trailer being permitted shall be owned/registered to the permitted operator.
2. The boat and trailer must have current registration.
3. Proof of a current Coast Guard captain's license (if required).
4. Proof of a current Florida charter fishing license (if required).
5. Proof of liability insurance of not less than $100,000.00 for general public liability per occurrence.

Sec. 22-2. - Reserved.

Sec. 22-3. - No wake zones.

(a) The Board reserves the right to declare restricted waterways within its boundaries.

(b) The areas of enforcement shall be all waters, creeks and canals located within the boundaries described in this Section for the purpose necessary to protect the safety of the public as such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards in compliance with F.S. § 327.46.

(c) Implementation of the boating restricted areas is contingent upon receiving all applicable state and/or federal authorizations to ensure compliance with Chapter 68D-23, Florida Administrative Code and to assist in navigation consistent with the United States Aids to Navigation System.

(d) No person except a law enforcement officer, authorized emergency personnel, or other person actually engaged in a rescue attempt, shall operate any vessel or sailcraft in excess of idle speed, defined herein, in the following list of restricted waterways:

(1) Within 500 feet of the following public boat ramps: Cessna Landing Boat Ramp (-86° 13' 43.95"W 55.06"N), Point Washington Boat Ramp (-86° 6' 53.53"W, 30° 22' 22.21"N) and Grady Brown Park Boat Ramp (-86° 9' 17.86"W, 30° 25' 58.14"N).

(2) Within 300 feet of the following public boat ramps: Black Creek Boat Ramp at County Road 3280 (-86° 4' 5.37"W, 30° 27' 3.09"N), Portland Park Boat Ramp (-86° 11' 36.78"W, 30° 30' 26.0"N), Alaqua Creek Boat Ramp at Highway 20 (-86° 11' 11.52"W, 30° 30' 44.85"N).

Secs. 22-4—22-11. - Reserved.

Sec. 22-12. - Vessel speed not to exceed reasonable speed under existing conditions.

Nothing contained in this Chapter shall be construed to authorize or approve the speed of any vessel or sailcraft in excess of that which is reasonable and proper under the existing conditions or circumstances including, but not limited to, the presence of water skiers, bathers, fishermen, natural hazards or other water traffic.

However, the provisions of this Chapter shall not be construed to restrict law enforcement or rescue vessels, or vessels when conducting official duties or operating under emergency conditions or to prohibit racing or exhibition of vessels or sailcraft during a publicly announced, properly authorized, supervised and adequately patrolled regatta, speed trial or exhibition.

Secs. 22-13—22-30. - Reserved.

Sec. 22-31. - Horses, dogs, animals on beaches.

(a) No person owning or having charge, care, custody or control of any horse shall cause, permit or allow the horse onto or upon any public beaches in the County.

(b) All animals shall be prohibited from public beaches of Walton County except:

(1) Dogs assisting those who are sight and hearing impaired or service animals; or

(2) Dogs owned by Walton County real property owners or permanent residents who have obtained a permit and who maintain the dog on a leash. Proof of real property ownership or County residency is required (such as deed, driver's license, tax receipt, utility bill, lease agreement, or voter's registration showing address). For property titled in the name of a business, a person must show proof that they own a controlling interest in the property to be considered eligible for a permit (copy of state or other document showing percentage of ownership or list of officers). The permit will allow leashed dogs on the beach between the hours of 3:30 p.m. and 8:30 a.m. of the following day. Any Walton County real property owner or permanent resident desiring a permit shall be required to pay a reasonable fee, which shall be set by resolution of the Board and amended as necessary. Permits are non-transferable. Should any permit holder transfer his or her permit to another individual, his or her permit shall be revoked for a period of one (1) year.

(c) Owners of dogs shall be responsible for pick-up of their dogs' waste.

(d) Permits may be issued by the Board's designee upon receipt of a completed application. All permits issued shall be for a period of one (1) year and will expire on August 1 of each year with a grace period until August 15 of each year. Proof of rabies vaccination must be presented prior to obtaining a permit.

(e) Nothing in this Section shall be interpreted to apply to a property owner of the sandy area next to the mean high tide which would interfere with the property owner's right to have their own dog or horse on their property.

Secs. 22-32—22-52. - Reserved.

Sec. 22-53. - Application.

This Chapter shall govern conduct on the beach and water bodies south of Highway 20.

Sec. 22-54. - Regulation of use and conduct on the beach and water bodies.

(a) Overnight camping. It shall be unlawful to camp overnight on the beach.

(b) Fires.

(1) It shall be unlawful for any person to ignite or maintain, or participate in the maintenance of, a bonfire, campfire, or other activity that results in an open flame on the beach of the Gulf of Mexico, without a permit as provided herein. No fires will be allowed within 200 feet of a marked turtle nest or within 50 feet of vegetation line or within 100 feet of any habitable structure.

(2) It shall be unlawful and a violation of the ordinance for a person to fail to clean up after the fire has been extinguished. Bonfire pits and any evidence of or remnants from fires shall be removed from the beach by one (1) a.m. Evidence of or remnants from fires shall not be deposited in TDC beach garbage collection stations.

(3) All fires must be in containers approved by the SWFD and only combustible, non-toxic material, free of nails, glass, and other potentially dangerous items may be used in any fire.

(4) It shall be unlawful and a violation of the ordinance for a person to use a charcoal grill on the beach. Propone gas grills may be permitted for use pursuant to this Section if less than two hundred and twenty-five (225) square inches in size.

(5) All persons desiring to obtain a permit for a fire on public or private land within the area described herein above shall apply for a fire permit from the coordinator of the SWFD. All applications for fire permits shall set forth in detail the following:

a. Full name, address and driver's license number including state of the applicant;

b. The date and time the fire is to be set;

c. The kind or type of fire to be set;

d. The materials to be burned;

e. The specific location of the fire;

f. Written consent of private property owners;

g. The safeguards to be taken to protect the public and other property from injury; and

h. Such other information as may be prescribed by the SWFD.

(6) The fee for the issuance of the fire permit shall be set by resolution of the Board and amended as necessary.

(7) Permits shall not be issued when the SWFD has good reason to believe that the proposed fire will endanger the public health, safety, welfare, or other people or property, or when the Florida Fire Service issues a no burn order.

(8) Issuance of a permit by the SWFD shall not excuse or relieve the applicant from any liability or responsibility for damages which may result from carelessness or neglect in setting, starting, looking after, or guarding a fire.

(9) Owners of property adjacent to the Gulf are exempt from the requirements to have all fires in a container approved by the SWFD; however, under no circumstances may fires be directly on the sandy beach so as to contaminate the white sand. Property owners shall register to be provided a single permit and shall be required to notify the SWFD when a fire will be burned. This permit issued to property owners may not be used by other persons, tenants, renters, or visitors, and is non-transferable.

(10) Fireworks displays south of the Bay shall require a permit from the SWFD and may only be issued to a person or company maintaining a valid, current Bureau of Alcohol, Tobacco and Firearms Explosive (BATFE) license. At a minimum this shall be a low explosive license.

(c) Fishing. It shall be unlawful for any person:

(1) To fish in the Gulf after having been warned by any law enforcement officer that the health and safety of bathers is being endangered; or

(2) While on the beach or within 2,500 feet from shore to intentionally fish for sharks or to fish by those methods commonly known as "chumming" or "bloodbaiting."

Nothing in this Section shall be construed to create a duty on the part of any County employee to prevent fishing or to warn of the presence of sharks in the Gulf.

(d) Glass containers. It shall be unlawful for any person while on the beach to possess or utilize any glass or ceramic bottle or container.

(e) Soliciting and canvassing. It shall be unlawful for any person to solicit or canvass on the beach, except those operating with a beach vendor permit, and only within the conditions of their permit. No soliciting or canvassing shall per permitted at the public beach parking areas.

(f) Littering. It shall be unlawful for any person to discard or otherwise dispose of or abandon any trash, garbage, bottles, containers, cans, dead fish or parts thereof, charcoal briquettes or ashes, cigarette butts, or any other litter on the beach, except in designated containers for that purpose. It is further unlawful to dispose of any household garbage on the beach.

(g) Personal property on the beach between one hour after dusk and one hour after sunrise.

(1) It shall be unlawful for any person to leave an item of personal property on the beach between one (1) hour after dusk and one (1) hour after sunrise unless a permit has been granted by Walton County. It shall be unlawful for any person to leave an item of personal property between one hour after dusk and one hour after sunrise on the dunes or at the toe of the dune at any regional or neighborhood beach access owned, leased, dedicated to, or maintained by the County.

(2) County Permit:

a. Any person that desires to leave an item of personal property on the beach between one (1) hour after dusk and one (1) hour after sunrise must apply for a permit from Walton County, and must obtain all necessary permits from state and federal agencies. No county permit shall be issued for any of the following items:

1. Items that will obstruct, hinder or otherwise impede emergency and maintenance vehicles from traversing the beach;

2. Items that may be easily removed from the beach, even though removal may be inconvenient for the owner or person in possession and control of the item;

3. Obstructions and signs;

4. Items prohibited by federal or state law or items prohibited by the Walton County Code of Ordinances; and

5. Items that may adversely impact federally protected species.

b. There shall be no fee for obtaining the County permit mandated by Section 22-54(g)(2) a. Such permits shall include the following:

1. Name and contact information of the owner or person in possession and control of the item;

2. Description of the item;

3. Location of the item;

4. Duration of time the item will remain in such location; and

5. Acknowledgement that owner or person in possession and control of the item will be liable for any impacts to federally protected species.

c. **State of emergency. All items, whether permitted or not, shall be removed from the beach within twenty-four (24) hours of declaration of a state of emergency for the County due to hurricane, severe weather systems, or other emergencies that impact the beach. A public notice will be posted on the County website concerning allowing vendors on the beach to retrieve their equipment and the conditions for retrieval. Violations of those conditions can result in civil citations and/or loss of vendor permit.**

d. Take provision. The County will not be liable for any impacts to federally protected species resulting from any permitting or leaving of items on the beach at the toe of the dune. Such liability will rest with the individual applicant.

(3) Abandonment. Any item of personal property which remains on the beach between one (1) hour after dusk and one (1) hour after sunrise, unless a permit has been obtained from the county by the owner or person in possession and control of the item, shall be deemed abandoned and shall become the property of the county which may dispose of the item in accordance with Florida Statutes.

(4) Up to one (1) temporary beach storage box that has received all necessary federal, state, and local permits shall be allowed on the beach by private property owner but must be placed as far landward as possible but seaward of the vegetation lines. Beach storage boxes must be removed entirely from the beach in the event of a declared state of emergency and can be no larger than four feet by four feet by eight feet (any exceptions must be contained in the beach item application and approved by code compliance). Beach storage boxes shall be constructed of wood and painted white, alternatively, canvas coverings may be utilized subject to the same color and dimensional requirements.

Effective permit season of 2022 all new temporary storage boxes approved shall be made of canvas (or similar material) and no additional wooden storage boxes shall be approved. All wooden temporary storage boxes previously approved must be phased out and replaced with the canvas (or similar material) type by season 2023 year. The beach item permit number must be displayed on all outside pieces of the wooden storage boxes and must be attached to the canvas type, so it is easily visible.

(5) Up to one (1) approved temporary beach storage rack that has received all necessary federal, state, and local permits shall be allowed on the beach by private property owner but must be placed as far landward as possible but seaward of the vegetation lines. Beach storage racks must be removed entirely from the beach in the event of a declared state of emergency, must have three (3) feet vertical clearance from beach and can be no wider than needed to hold (2) two paddleboards or kayaks. The beach item permit number must be displayed on all separate pieces of the temporary beach storage rack and visible.

(6) Enforcement. It shall be the duty and responsibility of the Sheriff's Office and/or the County Code Compliance Department to enforce all provisions of this Section.

(h) Swimming and surfing.

(1) Authority to close or restrict use of beach and water bodies.

(2) The Board, the Director of Emergency Operations, SWFD, or the Sheriff's Office shall have the authority to declare that an emergency exists and temporarily close or restrict the

use of the beach and any water adjacent to the beach for use by the public when conditions endangering the safety of the public are present.

(3) It shall be unlawful for any person, having been given actual or constructive notice such as by the posting of signs or the making of public announcements, to violate any order closing the beach or water adjacent to the beach. Those persons surfing as defined herein with a surfboard are exempt from this Section, unless a mandatory evacuation order for the adjacent beach property has been issued.

(i) Sound amplification. No audio device, such as loudspeakers, television, radio, compact disc, tape, record player, or musical instrument, except equipment used by law enforcement, rescue or beach safety personnel, shall be used on the beach and water bodies in any manner, that can be heard by a person using normal hearing faculties, at a distance of 75 feet or more from the source of the sound.

(j) Removal of beach sand. No beach sand may be removed from the beach. Holes dug on the beach are required to be attended, shall be filled prior to leaving the beach and cannot be larger than 3 feet x 3 feet and no deeper than 2 feet.

(k) Removal of water. No water may be pumped from the Gulf except for permitted construction under guidelines established by the County. Additionally, pumping or conveying through channels or piping of water into the Gulf is prohibited without proper permits.

(l) Animals. Animals on the beach shall be governed by section 22-31.

(m) Use of rafts, floats, and other flotation devices. No person shall use any raft, float, body board, or other flotation device of any description, except for a vessel, sailcraft, stand up paddle board, or surfboard, more than 500 feet from the water's edge.

(n) Breach of the peace; disorderly conduct. No person shall commit such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engage in brawling or fighting, or engage in such conduct as to constitute a breach of the peace or disorderly conduct.

(o) It shall be unlawful to use a generator on the beach unless it conforms to the following specifications:

(1) Noise output must be less than or equal to sixty (60) decibels;

(2) Power output must be less than or equal to one hundred twenty (120) volts, two thousand (2,000) watts (sixteen (16) amps);

(3) Engine displacement must be less than or equal to one hundred (100) cubic centimeters;

(4) Physical size must be less than or equal to twenty-four inches by twelve inches by eighteen inches (24"x12"x18");

(5) Generators must have an integrated fuel tank;

(6) Generators must be contained in a sound reducing box of appropriate size while in use;

(7) Fuel shall not be stored on the beach or boardwalks;

(8) A fire extinguisher, ten (10) pounds, Class ABC, shall be required for use of generators on the beach.

(p) It shall be unlawful for any person, other than an employee of the County, the TDC, the Sheriff's Office, SWFD, or a specific place vendor or his or her agent, to use or possess a steel blade shovel or other metal tools made for digging/excavating sand on the beach;

(q) It shall be unlawful for any person to use, erect, or possess a tent with a total footprint larger than ten feet by ten feet (10' x 10'), on the beach at any regional or neighborhood beach access owned, leased, dedicated to, or maintained by the County. Tent use as provided in this section shall be limited to the upland one-half (1/2) of the beach and have a (4) four-foot walkway between tents for the purpose of ingress and egress to the water, except Grayton Beach. In no event shall this provision prohibit private property owner, or his or her guest or agent, from using, erecting, or possessing a tent of any size on his or her real property between one hour after sunrise and one hour after dusk.

(r) It shall be unlawful to place beach equipment on the beach within fifteen (15) feet of the water's edge or within fifteen (15) feet of the toe of the dune or line of permanent dune vegetation on any regional or neighborhood beach access.

Sec. 22-55. –Prohibition of obstructions and restrictions of signs on the beach.

(a) It shall be unlawful for any person to place, construct, or maintain an obstruction on the beach.

Exemptions. Sand fences which have received all necessary permits from state and federal agencies are exempt from the prohibition contained in this Section. Ropes, chains, and fences placed, constructed, or maintained by federal, state, or local governments, or their agents, for the protection of federally protected species are exempt from the prohibition contained in this Section. Signs approved by Code Compliance relating to established County colored flag system and double red flag conditions are exempt from the prohibition contained in this section.

(b) It shall be unlawful for any person to place, construct, or maintain a sign on the beach unless it conforms to the following criteria:

(1) Signs shall not be allowed on the beach between one (1) hour after dusk and one (1) hour after sunrise;

(2) Signs shall not be permanently affixed or attached to the ground;

(3) Signs shall be limited in size to eighteen (18) inches by twenty- four (24) inches;

(4) Signs shall be placed at least two hundred fifty (250) feet apart, or at each corner of the property's boundaries if a property line is less than two hundred fifty (250) feet;

(5) Signs shall not be placed seaward of the mean high-water line or erosion control line;

(6) Signs and any associated supporting structure, column, upright pole, or brace, shall be white and shall be wood or PVC;

(7) The text or content of the signs shall be professionally printed and the color of the text or content of the signs shall be black or selected from the following list from the Munsell Book of Color: Hue 5B, Value 8, Chroma 4; Hue 2.5 PB, Value 4, Chroma 10.

Sec. 22-56. - Personal watercraft.

No person shall operate a personal watercraft in excess of idle speed:

(a) Closer than 500 feet perpendicular from the water's edge except to go to and from the shore, except personal watercraft operated:

(1) In the channel of the intracoastal waterway east of the Choctawhatchee Bay; and

(2) On rivers.

(b) In an unsafe, reckless, or careless manner endangering the life, limb, or property of any person.

(c) Personal watercraft are prohibited from launching from county or state owned properties or parks located on the Gulf of Mexico.

(d) No commercial personal watercraft operations will be permitted from Topsail Hill to the Bay County Line.

Sec. 22-57. - Permitted vehicles on the beach.

(a) It shall be unlawful for any person to drive, or cause to be driven, an unauthorized vehicle on the beach of the county unless permitted as provided herein. This section does not apply to the use of heavy equipment and other types of vehicles on the beach for local and/or state permitted coastal construction projects that will not result in the unauthorized take of federally listed species, as determined by the USFWS.

(b) Before any vehicle shall be allowed in the designated limited access areas on the public beaches of the county, a permit must be obtained for the vehicle in the form of a decal, and permanently affixed in the back window of said vehicle, or the rear of the motor vehicle. Those who have a valid beach access permit as of the effective date of Ordinance No. 2011-57, and those who held a valid beach access permit with an expiration date of June 1, 2009 and who obtained a valid permit by August 31, 2015, may renew such permits beginning on May 15 of each year. Failure to renew said permit will result in loss of grandfathered status and such applicants shall apply for future permits under subsection (c). Revocation of grandfathered permits for violations of this chapter are permanent and may not be reinstated. Grandfathered permits are in the name of the individual permit holder and may not be transferred.

(c) An additional 150 permits may be issued each year, which are only valid for one year and are nonrenewable. Vehicles and trailers issued a beach access permit under this paragraph must be registered in the State of Florida. County residents that meet the requirements of subsection (e)(1) may submit applications between April 1 and May 10 of each year. A lottery selection will be conducted by the county administration office on May 15 and all applicants will be notified of the results. Those selected in the lottery will have 30 calendar days to purchase permits from the county beginning June 1. Those who fail to purchase t heir permit within the 30 days will forfeit their chance to obtain the beach driving permit for that calendar year.

(d) The permits shall be issued by the board's designee each year based on the requirements of this Code, including, but not limited to, the criteria set forth below.

(1) County resident real property owners and registered voters. County registered voters or real property owners, who are residents of the county, and immediate family members

residing with them in the county may obtain a permit for the use of a properly registered and authorized vehicle along the designated limited access areas on the beaches of the county, if the following criteria are met, in addition to any other requirements contained in this Code:

a. Each parcel of property shall only be entitled to one vehicle permit each year.

b. The ad valorem taxes for the real property shall not be delinquent.

c. The vehicle being registered must be titled in the name of the permit holder.

d. Proof of real property ownership (such as a deed or tax receipt) or a voter's registration card and proof of residency (such as voter's registration card, homestead exemption card, or driver's license) must be presented to the board's designee at the time of application to document the requirements of this section. For property titled in the name of a business or owned by multiple owners, the person applying for the permit shall show proof that they own a controlling interest in the property or that they are otherwise entitled to obtain a permit for the property. "Controlling interest in the property or that they are otherwise entitled" means that the person applying for the permits owns more than 50 percent ownership interest in the property or has a resolution signed by the other owners of the property grants the person applying for the permit the authority to apply for the permit.

(2) County nonresident real property owners. County real property owners may obtain a permit for the use of a properly registered and authorized vehicle along the designated limited access areas on the beaches of the county, if the following criteria are met, in addition to any other requirements contained in this Code:

a. The person applying for the permit must have had a permit as of the effective date of Ordinance No. 2011-57, or the person applying for the permit must have had a permit with an expiration date of June 1, 2009 and had obtained a permit pursuant to subsection (d), and for the year preceding the date of application. Each parcel of property shall only be entitled to one vehicle permit each year.

b. The ad valorem taxes for the real property shall not be delinquent.

c. The vehicle being registered must be titled in the name of the permit holder.

d. Proof of real property ownership (such as a deed or tax receipt) must be presented to the board's designee at the time of application to document the requirements of this section. For property titled in the name of a business or owned by multiple owners, the person applying for the permit shall show proof that they own a controlling interest in the property or that they are otherwise entitled to obtain a permit for the property. "Controlling interest in the property or that they are otherwise entitled" means that the person applying for the permits owns more than 50 percent ownership interest in the property or has a resolution signed by the other owners of the property grants the person applying for the permit the authority to apply for the permit.

(3) County charter fishing operations; 15 permits total. Under this subsection, (d)(3), there shall be a limit of 15 permits total to be issued which shall be issued first to the applicants renewing their permits from the previous year. If permit holders do not renew their permit by June 15 of each year, an additional number of permits (that would bring the total to

15) may be issued. County residents that meet the requirement of this paragraph may submit applications between May 1 and June 15 of each year. A lottery selection will be conducted by the county administration office on June 20 and all applicants will be notified of the results. Those selected by lottery will have 30 calendar days to purchase permits from the county beginning July 1. Those who fail to purchase their permit within the 30 days will forfeit their chance to obtain the charter fishing beach driving permit. To qualify under this paragraph, county residents that are also licensed charter boat captains and operate charter fishing businesses in the county ("charter operator") may obtain a permit for the use of a properly registered and authorized vehicle along the designated limited access areas of the beaches of the county, if the following criteria are met, in addition to any other requirements contained in this Code:

a. The vehicle and boat trailer being registered shall be owned by the charter operator and used for the charter operation.

b. Proof of residency (such as voter's registration card, homestead exemption card, or driver's license) must be presented to the board's designee at the time of application.

c. Proof of a current Coast Guard captain's license.

d. Proof of a current Florida charter fishing license.

e. Proof of liability insurance of not less than $500,000.00 for general public liability per occurrence.

(4) County Scuba Charter operations; 3 permits total. Under this subsection (d)(4), there shall be a limit of 3 permits total to be issued. Permits will be issued by lottery to eligible applicants. Applicants may submit applications between May 1 and June 15 of each year. A lottery selection will be conducted by County Administration on June 20 and all applicants will be notified of the results. Those selected by lottery will have 30 calendar days to purchase permit from the County beginning July 1. Those who fail to purchase their permit within the 30 days will forfeit their chance to obtain the scuba charter beach driving permit. Current permit holders will be given priority to renew permits each year and shall renew their permit between April 1 and April 30. If any permit holder does not renew their permit by April 30, an additional number of permits (that would bring the total to 3) may be issued using the lottery system set forth in this paragraph. To qualify under this paragraph, the following requirements apply:

a. Applicant must be a Walton County resident OR a Scuba charter operator must be business owner in Walton County. Proof of residency must be presented to the board's designee at the time of application.

b. The vehicle and boat trailer being registered shall be owned by the Walton County resident or scuba charter operator and used for the scuba charter operation.

c. Applicant must provide proof of general liability insurance not less than $1,000,000 per occurrence. Walton County shall be named as certificate holder and additional insured prior to being receiving permit.

d. Proof of required licensure, certifications and insurance must be presented to the Board's designee at the time of application.

e. Applicant must hold a current OUPV Captain License and must be a certified dive guide or dive master (or equal) accredited by a scuba industry agency.

f. Must be certified by the American Red Cross in CPR / AED and as a first responder.

g. Additional requirements regarding beach/gulf operations, life safety vessel requirements and dive operations are listed on the permit application. Failure to comply with any permit requirements may result in permit revocation.

(e) A copy of the beach access permit receipt showing the name of the individual to whom it was issued must remain in the vehicle while being operated on the beach. Additionally, at all times while a properly permitted boat trailer is on the designated limited access area, the properly permitted boat trailer shall remain connected to the properly permitted vehicle.

(f) The board's designee will issue the permits annually upon receipt of a completed application. If the board's designee is a constitutional officer, they shall retain a processing fee as set by the board by resolution. On or about April 1 of each year the board's designee shall submit to the board of county commissioners a written report of the number of permits that have been issued during the current year.

(g) Only four-wheel drive vehicles that have a current motor vehicle registration to be driven on the highways shall be permitted.

(h) The fees for the designated limited access area permit described above shall be set by resolution of the board. One decal (vehicle permit) shall be issued for each vehicle authorized to use the limited access area. Replacement permits, for newly purchased vehicles or lost permits, will be issued to the original permittee for the processing fee only. A detailed explanation, accompanied by proof, such as a law enforcement report, is required for lost or stolen permit decals. Nonresidents with mobility disabilities, upon proof of disability (disability parking placard, SSI disability letter, etc.), will be eligible to receive a no cost temporary permit from the code enforcement department. Residents with mobility disabilities, upon proof of such disability (Florida disability parking placard, SSI disability letter, etc.), may be issued an annual permit for the processing fee only, upon obtaining an annual eligibility letter from county administration.

(i) In addition to the designated limited access area permit described in subsection (d), individuals launching boats shall be required to have a corresponding trailer decal for each trailer, for an additional fee as set by the board. The decal shall be placed on the tongue of the trailer.

(j) The speed limit of authorized vehicles along the designated limited access on the public beaches of the county shall be five miles per hour.

(k) Any reckless driving along the designated limited access of the public beaches shall constitute a violation of this article.

(l) Conviction for violation of this article shall result in fines imposed and could result in revocation of the vehicle permit.

(m) All permits issued shall be for a period of one year and will expire June 1 of each year.

(n) Permitted vehicles are not allowed on the beach other than in the designated limited access areas.

(o) All access areas will be appropriately marked and designated as such.

(p) During turtle nesting season driving is prohibited from 10:00 p.m. until 8:00 a.m. or after the morning nesting survey has been completed (if completed earlier than 8:00 a.m.), with the exception of vehicles launching or recovering boats. When driving between dusk and 10:00 p.m., headlights must be on dim and used only when in motion. Headlights must have red filters over the headlights. Light wavelength with red filters should be > 560 nm. All vehicles launching boats must be parked in designated parking areas so as to not obstruct other beach users.

(q) All-terrain vehicles are not permitted on the public beach. All-terrain vehicles used by sheriff department officers, South Walton Fire District, and county employees for official business may be driven on the beach. Beach vendor permits issued by the county for water-based activities or exclusive vending areas in excess of 1,000 linear beach front, may include all-terrain vehicles that are restricted to activities associated with the permitted vending activity only. Private security all-terrain vehicles may obtain a permit for a single vehicle to patrol properties they maintain which are in excess of 1,000 linear beach front, for a reduced fee as set by resolution of the board, which will allow them to access the beach within the limits specified in the permit. All ATVs used for official non-emergency, permitted vendor, or private security must have red filters over the headlights. Light wavelength with red filters should be > 560 nm. See section 22-60(d)(10) for restrictions on vendors driving on the beach.

Sec. 22-58. - Aircraft.

No person operating, directing, or responsible for any airplane, seaplane, helicopter, glider, balloon, dirigible, parachute, ultralight, or other aerial apparatus shall take off from or land on the beaches or water bodies, unless authorized or permitted by Walton County or the TDC.

Sec. 22-59. - Temporary use for special events.

(a) Policy and objective. This article is intended to ensure broad beach usage by allowing temporary uses of the beach for purposes which otherwise would be prohibited. These special uses would be allowed by a permit that waives certain restrictions under specific conditions which still protect the public health, safety, and welfare. The permitting process is intended to provide a convenient procedure to be followed by beach users.

(b) Permit required. No person shall organize, promote, or conduct a special event, except as provided in a special event permit issued pursuant to this section. It shall be unlawful for a vendor to organize, promote, or conduct a special event on behalf of a client without being listed on the permit application.

(c) Permits for special events.

(1) A permit for special event, according to its terms, may constitute a temporary waiver of one or more provisions of this chapter.

(2) Permits are required for special events with thirty (30) or more people expected. Permits are required for all weddings that are to be held on a public beach access, so as to not have more than one wedding taking place at the same time and place.

(3) The county shall create an application for the permit that details the items allowed and prohibited for use on the beach during special events. The permit shall require the applicant to provide, at a minimum, the following information:

a. Date and time of the special event;

b. Location of the special event;

c. Description of the special event;

d. Anticipated crowd size;

e. Sponsor of the special event;

f. Written consent from the property owner;

g. Any other information required by the county;

h. The location of the walk-over or access to the beach that will be used for the event and permission from the owner if necessary;

j. Detailed equipment list and layout to include quantity of tables, chairs, lights, and other fixtures or equipment; and

i. Parking plan.

(4) Special events over one hundred (100) people will require the special event sponsor to provide security and adequate parking.

(5) Special event sponsors are required to clean the beach immediately after the event has been completed.

(6) No special event shall be located within one hundred (100) feet of an active turtle nest.

(7) Fee. The fee for special event permits shall be set by resolution of the board and changed as necessary. Each special event shall require a separate permit.

Sec. 22-60. - Beach vendors.

(a) Policy. The county finds that the use and enjoyment of the beach by the public is enhanced by the provision of certain goods and services so long as individual peace and quiet is not unreasonably disturbed; that a comprehensive and effective program of beach management for the enjoyment of the beach by the public requires flexibility in the number, location, and type of beach vendors; and that as the trustee of the public interest in the beach, the county has the power to regulate the provision of goods and services by private vendors making use of the public interest on the beach. No beach vendor activities that require permanent installation of electricity or running water will be permitted as a vending operation by the county unless properly permitted with DEP and the building department.

(b) Permit required.

(1) A vendor permit shall be required for vending any kind or character on the beach. A specific place permit shall grant to the vendor the right to engage in vending on the specifically identified place on the beach from a fixed beach location. A vendor with multiple locations will need a permit for each specific location. Such permit shall provide the exclusive authority to engage in vending within a defined area or zone of operation on the specific beach. A vendor that is providing goods or services for use on the beach that does not have a defined area of the beach may only deliver the goods or services to the beach but may not engage in vending from the beach. Delivery vendors must either remove their goods from the beach each day or store their goods in temporary beach storage boxes that have received all necessary federal, state, and local permits.

(2) A permit will be issued upon completion of required application and submission of required documents and payments. Applications shall be made to the county.

(3) The Board may enter into an agreement with a vendor to provide managed vending services at all regional beach accesses and/or neighborhood beach accesses with greater than 100 linear feet of public beach that are owned, leased, dedicated to, or maintained by the County or TDC~~,~~, except for the Miramar Beach Regional Beach Access. In the event the Board enters into an agreement with a vendor to provide managed vending services at any regional or neighborhood beach access, the terms of the agreement shall govern vending at that particular regional or neighborhood beach access. No vending shall be permitted on neighborhood beach accesses with 70 or less linear feet of public beach that are owned, leased, dedicated to, or maintained by the County or TDC.

(4) Vendor permits are subject to suspension and/or revocation for failure to abide by applicable regulations. Suspension/revocation procedures shall be as set forth by resolution of the Board of County Commissioners and may be amended from time to time.

(c) Fee. The fee for beach vendor permits shall be set by resolution of the board and changed as necessary. Each type of activity shall require a separate permit.

(d) Operations and maintenance generally.

(1) Each vendor shall continuously have on file with the county a statement fully disclosing those natural persons owning, leasing, or having an ownership or leasehold interest in the vending operation, and those natural persons who shall be principally responsible for its operation or who in any manner assist with the operation of the vending operation.

(2) The vendor must have and maintain a telephone or marine radio at its land-based, watersports and parasail operations centers.

(3) All equipment shall be maintained so as to promote an attractive appearance and to ensure safety of operation and quality of services. Beach chairs and umbrellas must be placed on the beach:

a. at regional and neighborhood beach accesses owned, leased, dedicated to, or maintained by the County, at a minimum of fifteen (15) feet from the water's edge;

b. at a minimum of fifteen (15) feet from the toe of the dune; or

c. at any beach parcel along Walton County beaches where a vending permit has been issued at a minimum of fifteen (15) feet from the water's edge.

d. at Walton County owned or maintained beach parcels must allow for a ten (10) foot clear corridor from lifeguard towers to the water and from lifeguard towers to the toe of the dune;

e. at Walton County owned or maintained beach parcels must allow for private set up space; and

f. at regional and neighborhood beach accesses owned, leased, dedicated to, or maintained by the County, provide for one continuous access aisle through middle of vendor zone for access to the water.

(4) All activities related to the business operation of each vendor must be confined within its assigned and designated area. During the sea turtle nesting season, vendors shall be allowed access to the beach between 7:30 a.m., or after the morning sea turtle nesting survey has been completed, or whichever is earlier, and one hour after sunset.

(5) Each vendor shall have a trash receptacle on the site, and shall, at the end of each business day, be required to ensure that all trash resulting from operations within a distance of 100 feet measured in any direction is removed from the beach.

(6) Temporary beach storage boxes that have received all necessary federal, state, and local permits shall be allowed on the beach by permitted vendors but must be placed as far landward as possible but seaward of the vegetation lines. Beach storage boxes must be removed entirely from the beach in the event of a declared state of emergency and can be no larger than four feet by four feet by eight feet (any exceptions must be contained in the vending permit application and approved by code compliance). Temporary beach storage boxes shall be constructed of wood and painted white (any exception must be approved by code compliance), alternatively, canvas coverings may be utilized subject to the same color and dimensional requirements.

Effective permit season of 2022 all new temporary storage boxes approved will be required to be made of canvas (or similar material) and no additional wooden storage boxes will be approved. All wooden temporary boxes previously approved must be phased out and replaced with the canvas (or similar) type by season 2023 year. The beach permit number must be displayed on all outside pieces of the wooden storage boxes and must be attached to the canvas type so it is easily visible.

Multiple storage boxes at a vending location shall be placed at least twenty feet apart and positioned so they are perpendicular to the water's edge (any exception must be approved by code compliance). Each vendor shall ensure that all equipment is removed from the beach and dune system or stored in a temporary storage box after business hours each day. Failure to do so may result in fines or the revocation of the permit. For vendors that vend on beach of 1,000 linear feet or greater, owned by the same owner or controlled by the same owner/association, are allowed up to one temporary beach hut per each 500 linear feet (i.e. 1,200 feet = maximum of two beach huts). The gross square footage of the footprint of huts, including decks, must be no more than 144 square feet. Huts must be removed from the beach for declared state of emergency and cannot have permanent utilities (i.e. must be hose/cord connected).

(7) Temporary beach storage rack(s) that has received all necessary federal, state, and local permits shall be allowed on the beach by permitted vendors but must be placed as far

landward as possible but seaward of the vegetation lines. All temporary storage rack(s) must be indicated on the vendor site plan and approved by code compliance. Temporary beach storage racks must be removed entirely from the beach in the event of a declared state of emergency, must have three (3) feet vertical clearance from the beach and can be no wider than needed to hold (2) two paddleboards or kayaks. The beach permit number must be displayed on all separate pieces of the temporary beach storage rack and easily visible.

(8) Beach vendors shall be required to remove any expired vendor permit numbers and display the entire current beach vendor permit number (example 22-0000) on each outside panel of any temporary storage box. Beach vendors shall be required to remove any expired vendor permit numbers and display the entire current beach vendor permit number (example 22-0000) on each separate piece of any temporary beach storage rack. The permit number shall be at least four inches tall, but no more than six inches tall, and must be black or selected from the following list from the Munsell Book of Color: Hue 5B, Value 8, Chroma 4; Hue 2.5 PB, Value 4, Chroma 10

(9) No vending on private property shall occur without written and notarized annual authorization from the property owner on a form prescribed by the Code Compliance Department. No vending shall occur on beaches seaward of the erosion control line established pursuant to Chapter 161, Florida Statutes, without written annual authorization from the county and any private property owner whose southern property line is contiguous to the proposed vending location.

(10) Vendor driving on the beach. Vendor permits that specifically permit driving on the beach by off road, light weight vehicles must adhere to the following: During the sea turtle nesting season (May 1 through October 31, or the last marked nest has hatched, whichever is later), provide vehicles involved in vending operations or special events permitted by the county shall be allowed access to the beach between 7:30 a.m. or after the morning sea turtle nesting survey has been completed, and sunset, and can only be used for activities associated with the permitted vending activity as specified on their permit. Outside of the sea turtle nesting season, vehicular beach access shall be restricted to the period between sunrise and sunset and can only be for activities associated with the permitted vending activity as specified on their permit. Vehicles shall not encroach on marked sear turtle nests or posted shorebird nesting sites, and under no circumstances shall vending equipment and/or supplies be placed within a nest barrier. Vendors shall not be allowed to drive through state parks. See section 22-57(q) for restrictions on vendor driving.

(11) Beach vendors' operations are limited to no more than 50 percent of the public beach frontage at any public beach access. The frontage shall be designated by the Walton County Code Compliance each year. It shall be unlawful and a violation of this ordinance for any person to move or manipulate the device used to designate the vendors' operation limits.

(12) No beach vendor activities that require permanent installation of electricity or running water will be permitted as a vending operation by the county unless properly permitted with DEP and the building department.

(13) At regional and neighborhood beach accesses owned, leased, dedicated to, or maintained by the County, it shall be unlawful to vend food or beverage on the beach or in the parking lot.

(14) Vending of tents greater than ten feet by ten feet (10'x10') shall be prohibited at regional and neighborhood beach accesses owned, leased, dedicated to, or maintained by the County. Vending of tents, as provided in this section, shall be limited to the upland one half (1/2) of the beach.

(e) Operations and maintenance for water-based activity operations. In addition to the requirements in subsection (d), vendors of water-based activity operations shall be subject to the following:

(1) The vendor must have an operations center located at a land-based location with direct access to the beach in the immediate area where the vending services are being provided for public use.

(2) The vendor must provide "access corridors" for jet propelled boats or vessels entering into the Gulf of Mexico. Such "access corridors" shall be designated by the board of county commissioners or its designated representatives and shall be posted as such. The "access corridors" shall not exceed 50 feet in width leading to the shore for pick-up or drop-off, and shall be marked by at least two orange or red buoys not less than 60 inches in circumference and anchored 150 feet from the shoreline, two orange or red buoys not less than 60 inches in circumference and anchored 300 feet from the shoreline, and two orange or red buoys not less than 60 inches in circumference and anchored 750 feet from the shoreline, and two orange or red cones or signs not less than 28 inches high erected at the waterline.

(3) The vendor must have a motorized chase boat or personalized watercraft in good running condition in the water. The chase boat must meet all U.S. Coast Guard safety requirements. It must remain at the vendor's base of operation during all hours of vendor's operations to be available to respond to emergencies. The chase boat shall be equipped with operational marine radio or cellular phone.

(4) All vendors involving water sports and their designated employees shall be required to obtain and maintain a current certification in BLS/CPR for rescue professionals and water safety certification recognized by the American Red Cross or industry equivalent. Proof of certification must be provided with the license application and upon request.

(5) There shall be no storage of hazardous materials (such as fuel) on the beach.

(f) Operations and maintenance for parasail operations. In addition to the requirements in subsections (d) and (e), vendors of parasail operations shall be subject to the following.

(1) Each towboat rented, leased or hired within the county to pull a parasail, kite or the like, shall be registered with the county. The applicant for registration shall provide:

a. The name, residence, and mailing address of the owner;

b. The name, location, and mailing address of the parasail amusement offering the device;

c. A description of the tow boat and device to be pulled, including a copy of the certificate of title where applicable;

d. Evidence of Florida registration;

e. A certificate of the insurance required by subsection (h) issued in favor of the county and stating that the county shall receive 30 days written notice in advance of cancellation;

f. Current United States Coast Guard Certification that the parasail operator is a registered boat captain;

g. A letter of approval or a contract from the abutting property owner or condominium allowing the operator to establish a pull-in site behind an individual's or condominium association's property or condominium;

h. Each such towboat shall be the subject of a single application and each application shall be accompanied by a registration fee defined in section 22-61(c).

(2) The county shall assign a permit decal, including a number or letter and a colored field, for each towboat and personal watercraft that is rented.

(3) Each registration shall expire on February 1.

(4) It shall be unlawful for any person to conduct or assist in conducting, in whole or in part within the county, a parasail, kite, or similar ride on or above the waters of the Gulf of Mexico or Choctawhatchee Bay in exchange for a fee or value, or solicit the same within the county, unless:

a. The tow boat and parasail, kite or the like used in such ride are insured and registered, and each person and business offering or assisting such ride is insured, as required under this division.

b. There is a minimum of 2,000 feet between the land-based operations of vendors.

c. Permanent restroom facilities are provided.

d. The tow boat maintains an idle speed when within 750 feet (250 yards) of the shore.

e. The tow boat nor a parasailer does not come within 750 feet (250 yards) of the shoreline during actual operation (an exception exists when the tow boat is taking customers to and from the operational area to the shoreline).

f. There is provided for each rental location a water channel or access corridor perpendicular to the shoreline, not less than ten feet in width nor wider than 50 feet leading to the shore for pick-up or drop-off, and marked by at least two orange or red buoys not less than 60 inches in circumference and anchored 150 feet from the shoreline, two orange or red buoys not less than 60 inches in circumference and anchored 300 feet from the shoreline, and two orange or red buoys not less than 60 inches in circumference and anchored 750 feet from the shoreline, and two orange or red cones or signs not less than 28 inches high erected at the waterline.

g. There is a minimum of 2,000 feet between airborne parasailers.

h. A ground crew is provided that has both a cellular phone for emergencies and a shore-to-towboat radio. A chase boat and/or jet ski shall also be at the operational site to assist the towboat in the event of an emergency.

i. A current registration decal issued under this section is permanently affixed to the towboat.

j. Parasail operation shall only be allowed from the western edge of Topsail Hill State Preserve to the Okaloosa-Walton County line.

k. Vessel launch system. Every towboat used for parasail operations shall have a vessel launch system with an operable winch attached.

l. Landing and take-off zones.

1. A landing and take-off zone measuring 30 feet wide and 50 feet long is established offshore. This area shall be clearly marked on the shore indicating the landing and take-off zone in the Gulf of Mexico.

2. Except in cases of emergency, the landing or take-off of such ride is made from and to such zone established (beach launches and recoveries of airborne parasailers are strictly prohibited).

3. No person shall knowingly swim within any channel properly marked pursuant to subsection (2)f.

4. No person shall knowingly remain within any properly sized and clearly marked landing and take-off zone established pursuant to this subsection.

5. Parasail towboats shall be prohibited from operation in any coastal dune lake of South Walton County.

m. In the event there is an accident involving a parasail amusement, the permitted vendor shall immediately notify the county in accordance with 46 CFR 4.05-1, Notice of Marine Casualty.

(g) Operations and maintenance of personal watercraft. In addition to the requirements in subsections (d) and (e), vendors of personal watercraft rentals shall be subject to the following.

(1) Each personal watercraft rented, leased, or hired shall be registered with the county. The application for registration shall include:

a. The name, residence, and mailing address of the owner;

b. The name, location and mailing address of the personal watercraft vendor offering the device;

c. Evidence of Florida registration;

d. A certificate of the insurance required by subsection (h) issued in favor of the county and stating that the county shall receive 30 days written notice in advance of cancellation;

e. A letter of approval or a contract from the abutting property owner or condominium allowing the operator to establish a pull-in site behind an individual's or condominium association's property or condominium; and

f. Each personal watercraft shall be the subject of a single application and each application shall be accompanied by a registration fee defined in section 22-60(c).

(2) The county shall assign a permit decal, including a number or letter and a colored field for each personal watercraft that is rented.

(3) Each registration shall expire on February 1.

(4) Personal watercraft vendors shall be subject to the restriction in section 22-56.

(h) Insurance.

(1) It shall be unlawful for any vendor to operate unless the vendor shall have first procured and filed with the county a liability insurance policy, or a duly executed certificate of insurance, the terms and conditions of which shall provide for the protection of all persons suffering injury, loss, or damage to the person, or to property, by reason of the operation of any beach concession.

(2) The insurance policy or certificate of insurance shall provide comprehensive general liability coverage in the amount of $500,000.00 and shall be executed by an insurance company authorized to do business in the State of Florida. Additionally, each person and business renting such devices, or offering or assisting such rides, within the county shall be insured against general public liability in an amount not less than $500,000.00 combined single limit per occurrence, and against property damage in an amount not less than $50,000.00 per occurrence.

a. The insurance policy or certificate of insurance shall contain a provision whereby every company executing the same shall obligate itself to notify the county in writing at least 30 days before any alteration, modification, or cancellation of such policy. Walton County Board of County Commissioners shall be listed as certificate holder and additionally insured on the insurance policy.

b. No authorization shall be issued to operate any concession unless and until such liability insurance policy or certificate of insurance is filed with the county, and failure of the vendor to procure a liability insurance policy as described in this section and keep such policy on file with the county at all times shall be grounds for suspension of the authorization until such time as insurance is obtained.

(i) Acknowledgment. All vendors shall sign an acknowledgment that he or she has read this section and understands its terms. In addition to those penalties in section 22-62, the vendor permit may be suspended and/or revoked for violation of this Ordinance.

(j) Flag system. Beach vendors will be required to provide a sign or placard on the beach at their vending location, describing the established county colored flag system. During double red flag conditions, the vendor shall have a sign or placard placed at a maximum of 250 feet apart, indicating double red flag conditions, water closed, and any violations may result in a $500.00 fine. The vendor must also warn guest verbally of the conditions.

Sec. 22-61. - Public beach parking.

No overnight parking or blocking of parking spaces or blocking of emergency vehicle access points is permitted in the county maintained beach access parking lots. Signs are posted for hours of operation.

Sec. 22-62. - Penalty; fees and fines.

(a) A violation of any provision of this chapter shall constitute a civil infraction punishable by a fine not to exceed $500.00. Each occurrence of a violation, or, in the case of continuing violations, each day a violation occurs or continues, constitutes a separate offense. The board of county commissioners is authorized to set the amount of any fee or fine that is designated in this chapter by a resolution of the board and may amend such resolution as the board determines is necessary. In addition to issuance of fines, the county shall use any other lawful methods of enforcement and remedy to gain compliance with the provisions of this chapter.

(b) Deputies of the sheriff's office and code compliance officers shall be responsible for the issuance of citations for any violation of the provisions of this chapter. Any fees and/or fines collected pursuant to this chapter are to be remitted through the clerk of court and placed in the general fund of the board of county commissioners and the clerk of court shall retain $10.00 from each fee or fine collected alternatively, citations may be heard by a special master approved by the board of county commissioners.

(c) Specifically, as it relates to beach vendor permits, violations of any provision of this chapter may additionally be enforced through vendor permit suspension and revocation as set forth by the board of county commissioners, and as may be amended from time to time. Accordingly, the board of county commissioners is authorized to, by resolution or ordinance, adopt a violation schedule setting forth a system under which a vendor is subject to suspension or revocation of any or all permits issued, and may base that system upon the number of violations of provisions of this chapter, a point-based calculation whereby points are assessed per violation and suspension or revocation is based on cumulative points received within defined time periods, or any other suspension and revocation methodology determined by the board of county commissioner and duly adopted. Upon adoption of such system(s), County Code Enforcement Officials are hereby empowered to issue such suspensions or revocations in accordance therewith. An appeal of any such suspension or revocation shall be to the magistrate assigned to hear code matters. A vendor must submit in writing to code compliance their request for appeal and reason within 48 hrs. of being notified that their permit will be suspended along with a non-refundable application fee of 250.00.

(d) In addition to any suspension or revocation system adopted and implemented above, the failure to pay or timely challenge any citation shall result in the immediate and automatic revocation of all permits issued to the offending vendor, and reinstatement of said permits and issuance of any new permits to said vendor shall not occur until said vendor has paid all fines due related to said citation(s), together with a non-payment penalty equal to the amount of the original citation multiplied by the total number of days the citation(s) have remain unpaid, and the amount of any permit application costs which must be remitted for reinstatement. Payment of the issued citations shall be made to the Clerk of Court and a receipt showing payment in full produced to the County, and all other payments for penalties and application costs shall be made directly to the County. If additional citations have been issued or are outstanding, the vendor subject to revocation under this subsection must either pay those citations in full at the time of applying for reinstatement or show proof where the vendor has filed a timely notice to contest those citations.

Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Effective Date. This Ordinance shall be effective immediately upon adoption by the Board of County Commissioners.

Passed and duly adopted in regular session by the Board of County Commissioners of Walton County, Florida, this 22 day of February, 2022.

BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA

Attest:

COUNTY COMMISSIONERS SEAL WALTON COUNTY, FLORIDA

Alex Alford, Clerk of Circuit Court
and County Comptroller

Michael Barker, Chairman