

ORDINANCE NO. 2018-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 76-10, AS AMENDED, SPECIFICALLY AMENDING SECTION 2(2), SPECIFICALLY HOURS OF CAMPING IN BEACHFRONT PARKS, AMENDING SECTION 2(3), SPECIFICALLY HOURS OF PARKING MOTOR VEHICLES, CAMPERS AND TRUCK TRACTORS IN BEACHFRONT PARKS, AND AMENDING SECTION 3(2), SPECIFICALLY LISTING BEACHFRONT PARKS AND CHANGING THE HOURS FOR PARKING; PROVIDING FOR 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, for the health, safety and welfare of the citizens of Nassau County, Florida;

WHEREAS, the Board of County Commissioners of Nassau County, Florida, has found it necessary to amend Ordinance No. 76-10, as amended, specifically Section 2(2), Section 2(3) and Section 3(2); and

WHEREAS, the Board of County Commissioners of Nassau County, Florida, finds that the hours enumerated in Section 2(2), Section 2(3) and Section 3(2) should closely approximate the hours set by the City of Fernandina Beach with respect to city ocean front parking areas.

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. 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.

4. Camper includes: Recreational vehicle-type units primarily designed as temporary living quarters for recreational, camping or travel use, which either have their own motor power or are mounted on or drawn by another vehicle. This includes travel trailers, camping trailer, truck campers, ~~or~~ motor homes, private motor coaches, van conversions, fifth wheel trailers, or park trailers, and all are further defined in Fla. Stat. §320.01.
5. Camping shall mean inhabiting a Camper or Motor Vehicle, including Truck Tractors, or the construction or erection of a shelter for the purpose of sleeping; or lying upon a bedroll, blanket, or other protective garb for the purpose of sleeping.
6. 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. 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 in any county owned or controlled ocean front park ~~between the hours of 8:00 p.m. and 6:00 a.m. as established by the County Manager and posted in or on beach front parks with prior notification provided to the Nassau County Sheriff's Office. The hours established shall be posted on the County's website and advertised at least twice in newspapers of general circulation.~~
3. Motor Vehicles, Campers or Truck Tractors shall not be allowed to remain in any of the areas set forth in Section 3 ~~between the hours of 8:00 p.m. and 6:00 a.m. as established by the County Manager and posted in or on beach front parks with prior notification provided to the Nassau County Sheriff's Office. The hours established shall be posted on the County's website and advertised at least twice in newspapers of general circulation.~~ 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. Glass containers. The use of any glass containers on the Beach is hereby prohibited.

5. Use of vehicles or horses. Absolutely no vehicles or horses are allowed on the dunes or vegetation. Horses shall be under the control of the rider at all times. Horses shall not be allowed in public shower or shelter areas. Waste from horses shall be removed by the rider. Failure to remove the waste shall be a violation and may subject the rider and horse to removal from the Beach or County owned or controlled oceanfront park. Failure to vacate will constitute a trespass pursuant to Florida Statutes and is a first degree misdemeanor.
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. 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. 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. 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 3. DESIGNATED PARKING AREAS FOR ACCESS TO THE ATLANTIC OCEAN BEACH AREAS.

1. The areas designated for parking of vehicles for access to the Atlantic Ocean Beach areas are:

- a. Peters Point Beach Front Park including parking area
- b. Scott Road Parking Area
- c. Burney Park including parking area
- d. Dunes Club Parking area and walkover, located south of the Amelia Island Plantation entrance.

2. Motor Vehicles, Campers or Truck Tractors shall not be allowed to remain in any of the areas set forth herein between the hours ~~of 8:00 p.m. and 6:00 a.m.~~ as established by the County Manager and posted in or on beach front parks with prior notification provided to the Nassau County Sheriff's Office. The hours established shall be posted on the County's website and advertised at least twice in newspapers of general circulation Truck Tractors may be allowed pursuant to Section 2(3).

SECTION 4. VIOLATIONS/PENALTIES

1. 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 Motor Vehicle, Camper or Truck Tractor to remove the vehicle. Failure to do so shall be considered a trespass pursuant to Florida Statutes and is a first

degree misdemeanor. A law enforcement officer may direct any individual that is determined to be camping in any county owned or controlled oceanfront park between the hours of 8:00 p.m. and 6:00 a.m. to vacate the park or property and the failure to do so shall be considered a trespass pursuant to Florida Statutes and is a first degree misdemeanor.

2. Motor Vehicles, Campers or Truck Tractors that are in violation may also be towed and stored by a towing company at owner's expense. A law enforcement officer shall have the authority to have the Motor Vehicle, Camper or Truck Tractor towed at the owner's or operator's expense. The owner or operator shall be responsible for any storage charges. Shelters and other items utilized for camping shall be removed, by contract employees, that are on the Beach or in one of the areas set forth in Section 3(1)(a-d).

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

SECTION 5. 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 6. EFFECTIVE DATE.

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

DULY ADOPTED this ____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

PAT EDWARDS
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