

RESOLUTION 2021- 151

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, DESIGNATING FEES FOR PERMITS ISSUED PURSUANT TO CHAPTER 22 OF THE WALTON COUNTY CODE OF ORDINANCES, ESTABLISHING FINES FOR VIOLATIONS OF CHAPTERS 22 AND 23, AND AUTHORIZING THE ADOPTION OF A BEACH VENDOR PERMIT SUSPENSION/REVOCATION PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Walton County Board of County Commissioners finds it necessary to establish fees for permits issued pursuant to Chapter 22 of the Walton County Code of Ordinances, and to establish fines for violations of Chapters 22 and 23 of the Walton County Code of Ordinances, and;

WHEREAS, the Walton County Board of County Commissioners has previously enacted such fines and fees and hereby desires to update and revise those fines and fees, and;

WHEREAS, the Walton County Board of County Commissioners finds it necessary to establish the beach vendor permit suspension/revocation process contained in Chapter 22 of the Walton County Code of Ordinances, and;

WHEREAS, the Walton County Board of County Commissioners desires to revise the suspension/revocation process to create a points-based system whereby violations of the provisions of that Chapter are assigned point values and that the accumulation of certain point totals within a vendor season should result in pre-determined suspensions or revocations, and;

WHEREAS, the Walton County Board of County Commissioners has determined the process stated herein is in the best interests of the public and provides a reasonable and just manner of enforcement of Chapter 22 of the Walton County Code of Ordinances,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Walton County, Florida, as follows:

1. **Authority; Intent.** Pursuant to Chapters 22 and Chapter 23 of the Walton County Code of Ordinances, the Board of County Commissioners is authorized to set and amend, as necessary, the fees and fines for those designated activities and violations, and to suspend and revoke permits issued under those Chapters. The Board of County Commissioners has determined that it is in the best interest of the citizens of Walton County, tourists, local businesses and the

RESOLUTION 2021- 15

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WHEREAS, the Walton County Board of County Commissioners finds it necessary to establish fees for permits issued pursuant to Chapter 22 of the Walton County Code of Ordinances, and to establish fines for violations of Chapters 22 and 23 of the Walton County Code of Ordinances, and;

WHEREAS, the Walton County Board of County Commissioners has previously enacted such fines and fees and hereby desires to update and revise those fines and fees, and;

WHEREAS, the Walton County Board of County Commissioners finds it necessary to establish the beach vendor permit suspension/revocation process contained in Chapter 22 of the Walton County Code of Ordinances, and;

WHEREAS, the Walton County Board of County Commissioners desires to revise the suspension/revocation process to create a points-based system whereby violations of the provisions of that Chapter are assigned point values and that the accumulation of certain point totals within a vendor season should result in pre-determined suspensions or revocations, and;

WHEREAS, the Walton County Board of County Commissioners has determined the process stated herein is in the best interests of the public and provides a reasonable and just manner of enforcement of Chapter 22 of the Walton County Code of Ordinances,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Walton County, Florida, as follows:

- 1. Authority; Intent.** Pursuant to Chapters 22 and Chapter 23 of the Walton County Code of Ordinances, the Board of County Commissioners is authorized to set and amend, as necessary, the fees and fines for those designated activities and violations, and to suspend and revoke permits issued under those Chapters. The Board of County Commissioners has determined that it is in the best interest of the citizens of Walton County, tourists, local businesses and the

overall economic benefit of Walton County to establish fees for permits, fines for certain uncontested violations of Chapters 22 and 23, Walton County Code of Ordinances, and points-based penalties for violations of those Chapters and suspensions and revocations of permits based on the accumulation of points and specified offenses. Nothing in this resolution can or is intended to affect judiciary discretion in setting fines for any contested violation or to order a violator to pay costs of a contested proceeding.

2. Establishment of Fees. The following fees are set and may be amended by the Board as necessary for activities permitted as follows:

- a. Dog on Beach - \$30.00 per dog plus \$10.00 processing fee
- b. Fire - \$50.00 per 24 hours
- c. Beach Driving Permit (all amounts shall have a \$10 processing fee added thereto):
 - i. Private Vehicle - \$125.00
 - ii. Private Trailer - \$30.00
 - iii. Charter Vehicle - \$200.00
 - iv. Charter Trailer - \$30.00
 - v. ATV Private Security - \$100.00
 - vi. Bay Charter/Launch - \$250.00
- d. Beach Special event -
 - i. \$50.00 for less than 10 people
 - ii. \$150.00 for 10 to 30 people
 - iii. \$250.00 for 31 to 50 people
 - iv. \$500.00 for 51 to 75 people
 - v. \$1,000.00 for 76 or more people
- e. Developments with commercial entitlements shall submit a calendar of events for the calendar year and be subject to a fee of \$1,000.00 per calendar year.
- f. The fee for non-profit organizations shall be waived upon showing proof of the organization's non-profit or tax exempt status.

3. Beach Vendors (separate permit required for each category of operations):

- a. Chair & Umbrella:
 - i. \$1,000.00 for initial location
 - ii. \$250.00 for each additional location
- b. Water Based Activities:
 - i. \$1,000.00 for initial location
 - ii. \$250.00 for each additional location
- c. Personal Watercraft Operations:
 - i. \$1,000.00 for initial location plus
 - ii. \$250.00 per vehicle
 - iii. \$250.00 for each additional location
- d. Parasail Operations:
 - i. \$1,000.00 plus \$1000.00 per location

- e. Miscellaneous Operations (anything not covered above):
 - i. \$250.00 per type and location

4. Establishment of Fines. The following fines are set and may be amended by the Board as necessary. For uncontested violations as indicated in the following chart. The fines are minimum fines and do not affect any fines or costs that may be incurred through a contested civil citation hearing.

- a. Violations of Chapters 22 or 23 not otherwise listed below are as follows:
 - i. First violation - \$100.00
 - ii. Second violation - \$200.00
 - iii. Third and subsequent violations – Fine up to \$500.00
- b. Violations of Section 22-57(a) (driving on beach without a permit):
 - i. All violations \$500.00
- c. Violations of Section 22-57 (p) (Driving permitted vehicle on beach after hours):
 - i. First violation \$100.00
 - ii. Second violation \$200.00
 - iii. Third and subsequent violations – Fine up to \$500.00
- d. Violations of section 22-54(b) (Fire on beach without permit):
 - i. All violations \$500.00
- e. Violations of Section 22-54(a) (Overnight camping):
 - i. First violation - \$200.00
 - ii. Second violation - \$300.00
 - iii. Third and subsequent violations – Fine up to \$500.00
- f. Violation of Section 22.54(g)(2) (c): (State of emergency):
 - i. All Violations \$500.00
- g. Violation of Section 22.54(h)(3) (Double red flag violation):
 - i. All violations \$500.00
- h. Violation of Section 22.54(b)(2) (Failure to clean up after bonfire):
 - i. All violations \$500.00
- i. Violation of Section 22-57(b) (Failure to permanently affix decal to vehicle):
 - i. First violation - \$200.00
 - ii. Second violation - \$300.00
 - iii. Subsequent violations – Fine up to \$500.00
- j. Violation of Section 22.60(b) (Vending without a permit):
 - i. All violations \$500.00

5. Adoption of beach vendor permit suspension/revocation process. The Board of County Commissioners hereby adopts the following table in its entirety as the process for suspending and revoking beach vending permits:

**Beach Vendor Permit Suspension and Revocation Process
POINTS ARE CUMULATIVE**

**15 points=3-day suspension 25 points=5-day suspension
35 points = 10-day suspension 45 Points= 20-day suspension
50 points = revocation**

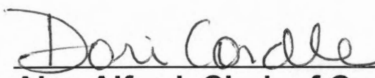
Code Section	Offense	Number of points assigned
	Failure to request hearing or pay citation fine within 10 days of receiving citation	Revocation per ordinance
	Failure to receive/accept citation after notification	15
22-54(b)(l)	Bonfire on the beach without permit	15
22-54(b)(2)	Bonfire on the beach without proper disposal	15
22-54(b)(3)	Fire not in an approved container or using potentially hazardous materials	15
22-54(d)	Glass on the beach	5
22-54(e)	Soliciting or canvassing on the beach or public beach parking areas	5
22-54(g)(2)(c)	Failure to remove any items from the beach within 24 hours of declaration of state of emergency	15
22-54(i)	Sound amplification heard over 75ft from the source of the sound	3
22-54(n)	Breach of peace/disorderly conduct on the beach	25
22-54(o)	Generator use on the beach outside of specifications	5
22-57(a)	Driving on the beach without a permit	5
22-57(k)	Reckless driving on the beach	15
22-59(b)	Holding a special event on the beach without a permit	15
22-60(b)(l)	Vending on the beach without a permit	15
22-60(d) (l)	Proper disclosure of vending co. ownership and principal responsible for operation or management	15
22-60(d)(2)	Required telephone or communication device located at land-based operations center	5
22-60(d)(3)	Maintenance of equipment/box	5

22-60(d)(3)(a)	15' clear corridor at water's edge	5
22-60(d)(3)(b)	15' clear corridor at dune	5
22-60(d)(3)(d)	10' clear corridor at lifeguard tower - water to dune	5
22-60(d)(3)(e)	allowance for private setup space and access aisle through vendor zone	5
22-60(d)(4)	Vending not in designated space or early set up	5
22-60(d)(5)	Vendor trash clean up in designated vending area +100 LF	5
22-60(d)(6)	Improper storage of vending equipment	5
22-60(d)(8)	Vendor permit identification on storage box	15
22-60 (d)(10)	Vendor driving on the beach or outside designated times	15
22-60(d)(11)	Moving or manipulating designation of vendor zones	15
22-60(d)(12)	Beach vendor activities that include permanent installation of electricity and water requirement for FDEP and Walton County planning/building	15
22-60(d)(13)	No vending of food/beverage on county owned/maintained beach or parking lots	5
22-60(d)(14)	No vending of tents larger than 10' x 10' footprint on county owned /maintained beach. Tent area on 1/2 upland section of beach	5
22-60(e)(1)	Watersports operations center with direct access to beach where WS vending services are offered	5
22-60(e)(2)	Access corridors in the Gulf for vessels marked with buoys and cones as described in code section	5
22-60(e)(3)	Watersports chase boat or PWC in good condition, USCG certifications, operational marine radio or cell phone	5
22-60(e)(4)	Watersports vendor requirement for American Red Cross recognized CPR certification or water safety certification.	5
22-60(e)(5)	Watersports fuel storage requirements/restrictions	5

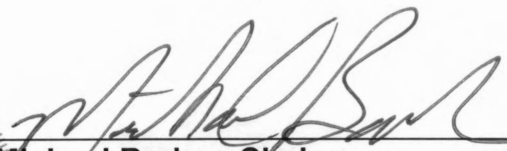
22-60(f)(l) (a-h)	Parasail vending operations - towboat registration and information requirements	5
22-60(f)(2) & (3)	Parasail Tow boat or PWC registration identification requirements	5
22-60(f)(4) (a-m)	Parasail vending operations business, equipment, and operations area requirements	5
22-60(g)(l-4)	Personal Watercraft (PWC) vending operations business, equipment, and operations area requirements	5
22-60(h)	Vending operations general liability insurance requirements	15
22-60 (j)	Failure for vendor to display a sign or placard describing the county-colored flag system at their vending location or failure to post DRF notification as required	15
22-61	Overnight parking in beach access parking lots Restrictions or blocking of emergency access	3
	Any violation not mentioned above	3

- 6. Non-Exclusive Remedy.** The points-based suspension/revocation process above shall not be deemed an exclusive method of suspension, revocation, or denial of beach vending permits, and the Board of County Commission may adopt any and all other methods and manners it deems appropriate, however, the adoption or utilization of any such other manner or method shall not serve as a basis for any defense against the process set forth herein.
- 7. Severability.** If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.
- 8. Effective Date.** This resolution shall be effective immediately upon adoption by the Board of County Commissioners.

DULY ADOPTED this 14th day of **December 2021**.


**Alex Alford, Clerk of Court
And County Comptroller**




**Michael Barker, Chairman
BOARD OF COUNTY COMMISSIONERS**