

EMERGENCY ORDINANCE 2020-07

AN EMERGENCY ORDINANCE OF FRANKLIN COUNTY, FLORIDA, TEMPORARILY CLOSING ALL BEACHES AND PUBLIC BEACH ACCESSES IN FRANKLIN COUNTY, FLORIDA, PROVIDING FOR ENFORCEMENT BY THE SHERIFF; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A SUNSET DATE.

WHEREAS, Executive Order 20-52 declared a state-wide state of emergency due to the COVID-19 Pandemic; and,

WHEREAS, on March 17, 2020, Franklin County declared a state of local emergency due to the COVID-19 Pandemic; and,

WHEREAS, on March 17, 2020, the Governor issued Executive Order 20-68 limiting gatherings on the Beach; and,

WHEREAS, on March 21, 2020, Franklin County found it necessary to enact emergency ordinance 2020-6 to prohibit parking at public beach parks and beach accesses; and,

WHEREAS, Franklin County has determined that gatherings on the Beach constitutes a threat to the public's health, safety and welfare and are likely to lead to the spread of the COVID-19 virus and that enactment of this emergency ordinance closing the Beaches and public Beach Accesses is necessary to help prevent the spread of the COVID-19 virus; and,

WHEREAS, Franklin County has determined that the Sheriff of Franklin County be, and is hereby, empowered to enforce this Emergency Ordinance,

NOW THEREFORE BE IT ORDAINED BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS THAT:

1. All Beaches and Beach Accesses in Franklin County are temporarily closed to the public.
2. It shall be unlawful for members of the public to access, use or recreate for traditional purposes, the Beaches in Franklin County, Florida.
3. Definitions:
  - a. "Beach" shall include all of the sandy beach area from the waters of the Gulf of Mexico, Apalachicola Bay, and St. George Sound to the frontal dune line or, where there is no frontal dune line, to the line of permanent vegetation or construction, whichever is more seaward.
  - b. "Beach Access" shall mean all public beach access points, including all associated boardwalks, walkways, parking areas and the area on the Beach beginning at the entrance to the Beach.

4. Penalty: Any person who violates the provisions hereof shall be guilty of a misdemeanor of the second degree as defined by applicable Florida law, to be enforced in accordance with the provisions of Florida law with respect to the investigation, prosecution and adjudication of criminal offenses.
5. Severability: If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held by a final judgment from a court of competent jurisdiction to be unconstitutional, void or invalid, it shall be severed from this ordinance and the remaining portion of the ordinance shall be enforced.
6. Repeal: All ordinances in conflict with the provision of this ordinance are hereby repealed.
7. Effective Date: This ordinance shall take effect midnight March 23, 2020.
8. Termination Date: This emergency ordinance shall sunset on the 27th day of March, 2020, and it shall not be enforced thereafter, unless extended by further action of the Board

This ordinance was adopted by unanimous vote of the Board of County Commissioners of Franklin County, Florida, during a duly declared local state of emergency due to the COVID-19 Pandemic, on this the 22nd day of March, 2020.

Franklin County, a political subdivision of  
The State of Florida

Attest:

By: Marcia M. Johnson  
Marcia M. Johnson, Clerk of Court

By: Noah Lockley, Jr.  
Noah Lockley, Jr., Its Chairman

Approved as to legal form and sufficiency

By: Thomas M. Shuler  
Thomas M. Shuler, Franklin County Attorney