

EMERGENCY ORDINANCE 2020-08

AN EMERGENCY ORDINANCE OF FRANKLIN COUNTY, FLORIDA, TEMPORARILY CLOSING ALL BEACHES AND PUBLIC BEACH ACCESSES IN FRANKLIN COUNTY, FLORIDA; CLOSING ALL PUBLIC PARKING LOTS ASSOCIATED WITH BEACH PARKS; 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 in 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, including all public beach parking lots associated with the Beaches and Beach Accesses.
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, punishable as provided in s. 775.082 or s.775.083, Fla. Stat.
- 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, including ordinance 2020-6.
- 7. **Effective Date:** This ordinance shall take effect immediately upon adoption on this the 27th day of March, 2020.
- 8. **Termination Date:** This emergency ordinance shall sunset on April 9, 2020 at 7:00 p.m. (ET), and it shall not be enforced thereafter.

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 27th day of March, 2020.

Franklin County, a political subdivision of
The State of Florida

Attest:

By: _____
Noah Lockley, Jr., Its Chairman

By: _____
Marcia M. Johnson, Clerk of Court

Approved as to legal form and sufficiency

By: _____
Thomas M. Shuler, Franklin County Attorney