

EMERGENCY ORDINANCE 2020- 11

AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA, PROHIBITING CAMPING OR LIVING AT ANY TIME IN PUBLIC PARKS, FISHING PIERS AND BOAT RAMPS IN UNINCORPORATED FRANKLIN COUNTY; PROVIDING FOR TOWING AT OWNER'S EXPENSE; PROVIDING FOR ENFORCEMENT BY THE SHERIFF; PROVIDING FOR PENALTIES, PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, both the State of Florida and Franklin County, Florida, have declared a state of emergency due to the COVID-19 Pandemic; and,

WHEREAS, Franklin County adopts this ordinance pursuant to its authority granted by Chapter 125, Florida Statutes, and its home rule powers; and,

WHEREAS, Franklin County has determined that prohibiting camping or living in public parks, public fishing piers and public boat ramps in unincorporated Franklin County is a proper and reasonable exercise of the police power of the County and is necessary to prevent the spread of COVID 19; and,

WHEREAS, Franklin County finds that, in addition to protecting the public health, safety and welfare during the COVID-19 Pandemic, this regulation narrowly focuses on the substantial interest in maintaining its public parks, public fishing piers and public boat ramps in an attractive and intact condition, readily available to the people who wish to use, see and enjoy them by their presence; and,

WHEREAS, Franklin County finds that to permit camping or living in public parks, public fishing piers and public boat ramps subsequent to the conclusion of the state of emergency would be incompatible with the purpose of maintaining them in an attractive, intact and readily available condition for the use of the public as a park, boat ramp or fishing pier; and,

WHEREAS, it is the intent of this ordinance that the regulation prohibiting camping or living in any public park, public boat ramp or public fishing pier includes the parking area for each such park, boat ramp and fishing pier; and,

WHEREAS, it is the intent of this ordinance to prohibit camping or living in tents or shacks in public parks, public boat ramps and public fishing piers; and,

WHEREAS, it is the intent of this ordinance that it shall exclude all parks, boat ramps and fishing piers owned and operated by the State of Florida, the City of Apalachicola, and the City of Carrabelle; and,

WHEREAS, Franklin County has determined that the Sheriff of Franklin County be, and is hereby, empowered to authorize the removal and towing of such vehicles, trailers or recreational vehicle type units used for camping or living in parks, boat ramps and fishing piers of unincorporated Franklin County at the owner's expense; and,

WHEREAS, the board of county commissioners has declared a state of emergency exists and that the immediate enactment of this ordinance is necessary,

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

1. No person shall, and it shall be unlawful, to camp or live in, on or upon any public park, public boat ramp or public fishing pier located in unincorporated Franklin County, Florida, designated as a park, boat ramp or fishing pier, including, not necessarily limited to, the following:
 - a. D.W. Wilson Park, Apalachicola, Florida
 - b. Abercrombie Boat Ramp, Apalachicola, Florida.
 - c. Buddy Ward Seafood Landing Park and Boat Ramp.
 - d. Indian Creek Boat Ramp, Eastpoint, Florida.
 - e. Patton Drive Boat Ramp, Eastpoint, Florida.
 - f. Vrooman Park, Eastpoint, Florida.
 - g. Fishing Pier, Island Drive, Eastpoint, Florida.
 - h. Fishing Pier, Franklin Boulevard, St. George Island, Florida.
 - i. Lighthouse Park, St. George Island, Florida.
 - j. 6th Street Park, St. George Island, Florida.
 - k. 9th Street Park, St. George Island, Florida.
 - l. Carrabelle Lighthouse, Carrabelle, Florida.
 - m. Carrabelle Beach Park, Carrabelle, Florida.
 - n. Kendrick Park, Carrabelle, Florida.
 - o. Island View Park, Carrabelle, Florida.
 - p. Gene Sewell park, Lanark Village.
 - q. Leonard's Landing Boat Ramp, Alligator Point, Florida.
 - r. Rio Vista Park, Alligator Point, Florida.
 - s. Ochlocknee Bay boat ramp, Alligator Point, Florida.
2. Penalty: In addition to towing as provided herein, any person who violates the provisions hereof shall be guilty of a non-criminal violation as defined in section 775.08, Florida Statutes, to be enforced in accordance with the provisions of applicable Florida law with respect to the investigation, prosecution and adjudication of non-criminal traffic offenses. A first offense shall be a fine in the amount of \$100.00. In addition to towing as provided herein, any person who violates the provisions hereof a second time, or who violates the provisions hereof which causes or contributes to any injury to any person or property, 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 traffic offenses.
3. Towing: The Franklin County Sheriff and sheriff's deputies are hereby authorized to direct the towing and removal of any motor vehicle, trailer, or recreational vehicle type unit being used to camp or live in violation of this ordinance, and the owner thereof shall be entitled to recover the such vehicle only upon payments of all reasonable towing and storage fees.

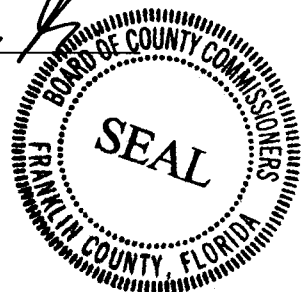
4. Removal of Tents and Shacks. The Franklin County Sheriff and sheriff's deputies are hereby authorized to remove any tent or shack being used to camp or live in violation of this ordinance.
5. Signage: Franklin County shall erect signage at each of its parks, boat ramps and fishing piers notifying the public of this ordinance.
6. Definitions:
 - a. "Motor Vehicle" shall be defined as provided in section 320.01, Florida Statutes, as that section may hereafter be amended, including an automobile, motor cycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of the State of Florida, used to transport persons or property and propelled by power other than muscular power.
 - b. "Owner" shall be defined as provided in section 320.01, Florida Statutes, as that section may hereafter be amended.
 - c. "Person" shall be defined as provided in section 320.01, Florida Statutes, as that section may hereafter be amended.
 - d. "Recreational Vehicle Type Units" shall be defined as provided in section 320.01, Florida Statutes, as that section may hereafter be amended, including travel trailers, camping trailers, truck camper, motor home, private motor coach, van conversion, park trailer, and fifth-wheel trailer.
 - e. "Shack" shall be defined as a type of small, often primitive shelter or dwelling.
 - f. "Tent" a collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used for camping outdoors or as a temporary building.
 - g. "Trailer" shall be defined as provided in section 320.01, Florida Statutes, as that section may hereafter be amended, including any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.
7. 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.
8. Repeal: All ordinances in conflict with the provision of this ordinance are hereby repealed.
9. Effective Date: This ordinance shall take effect immediately and shall remain in effect following the conclusion of the state of emergency declared due to the COVID-19 Pandemic.

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