

EMERGENCY ORDINANCE 2020-12

AN EMERGENCY ORDINANCE OF FRANKLIN COUNTY, FLORIDA, TEMPORARILY LIMITING THE USE OF ALL BEACHES 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 has renewed it every seven days since; 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, on March 27, 2020, Franklin County found it necessary to enact emergency ordinance 2020-8 closing all Beaches to the Public, closing all parking lots associated with county owned beach parks, and closing all public Beach Accesses; and,

WHEREAS, on April 9, 2020, Franklin County enacted emergency ordinance 2020-__ extending the temporary closure of all Beaches, all Beach access points and Public Beach Parking Lots until the end of the Declaration of the State of Emergency, and

WHEREAS, Franklin County has determined that gatherings on the Beach continues to constitute 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 limiting the Public's use of the Beaches continues to be necessary to help prevent the spread of the COVID-19 virus; and,

WHEREAS, Franklin County has determined that the limited use of the Beach may be made by the Public, provided that the public must continue to follow the social distancing guidelines enacted by the Governor of the State of Florida by remaining six feet apart; and,

WHEREAS, Franklin County has determined that there is a continuing state of emergency due to the COVID-19 Pandemic and that it is necessary to continue the limited closure of the Beaches; and,

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

WHEREAS, Franklin County has declared that an emergency exists and that the enactment of this Ordinance is necessary for the public's health, safety and welfare,

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

1. All Beaches in Franklin County, Florida, are temporarily closed to the Public, subject to the following limited usage: the Public may use the Beaches each day from 6 a.m. (ET) to 9 a.m. (ET) and from 5 p.m. (ET) until 8 p.m. (ET) for traditional Beach purposes, provided that the public must continue to observe the social distancing guidelines enacted by the Governor of the State of Florida by remaining six feet apart.
2. It shall be unlawful for members of the Public to access, use or recreate for traditional purposes, the Beaches in Franklin County, Florida, except for daily use between 6 a.m. (ET) to 9 a.m. (ET) and from 5 p.m. (ET) until 8 p.m. (ET).
3. Public Beach accesses and Beach parking lots are re-opened without limitation.
4. 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. "Public" shall include all persons present in Franklin County, Florida.
5. Signage: Franklin County shall post signs notifying the Public of this Ordinance at each Public Beach parking lot and each Beach access.
6. 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.
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 on May 4, 2020 at 12:01 a.m. (ET).
10. Termination Date: This emergency ordinance shall sunset automatically upon the expiration of the state of emergency declared by the State of Florida and Franklin County due to the COVID-19 Pandemic.

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 30th day of April, 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