

ORDINANCE 2020-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, RECOGNIZING A NATIONAL, STATE, AND LOCAL STATE OF EMERGENCY DUE TO COVID-19 (NOVEL CORONAVIRUS DISEASE); CLOSING BEACHES WITHIN WALTON COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN END DATE.

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza;

WHEREAS, in December of 2019, a new and substantial outbreak of COVID-19 emerged in Wuhan, China, and has since spread rapidly throughout the world, including the United States, and more specifically Walton County and other Counties in the State of Florida;

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic;

WHEREAS, the Centers for Disease Control and Prevention (CDC) has issued guidelines to prevent the spread of COVID-19;

WHEREAS, a National State of Emergency was declared by the President of the United States on March 13, 2020;

WHEREAS, a State of Emergency for the State of Florida was declared by the Governor by Executive Order 20-51 (March 1, 2020), 20-51 (March 9, 2020), and 20-68 (March 17, 2020), authorizing in accordance with Section 252.38, Florida Statutes, each political subdivision within the State to “waive the procedures and formalities otherwise required of the political subdivision by law pertaining to... [the] (p)erformance of public work and taking whatever prudent action to ensure the health, safety, and welfare of the community;

WHEREAS, on April 1, 2020, the Governor issued Executive Order 20-91 which ordered all persons in Florida to limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities;

WHEREAS, the Walton County Board of County Commissioners declared a Local State of Emergency on March 16, 2020, which was extended on March 24, 2020 and March 31, 2020;

WHEREAS, pursuant to Section 125.66(3), Florida Statutes, the Board of County Commissioners may declare an emergency exists and that immediate enactment of an Emergency Ordinance is necessary;

WHEREAS, on March 19, 2020, the Walton County Board of County Commissioners adopted Emergency Ordinance 2020-08 which closed the beaches in Walton County to the public;

WHEREAS, the Walton County Board of County Commissioners, the Walton County Sheriff's Office, the South Walton Fire District, and the Walton County Tourist Development Council Staff have continued to see widespread use of the beach on privately owned beachfront property;

WHEREAS, the Walton County Tourist Development Council Staff has noticed a trend whereby owner occupancy of rental units has substantially increased in the last two weeks, thereby contributing to a growing number of non-residents entering Walton County despite a decline in tourism and a state-wide ban on short term rentals;

WHEREAS, it is necessary for Walton County to focus its limited resources on enforcing Executive Order 20-91 and continuing to police activity on the beach diverts scarce enforcement resources that are needed in other locations in Walton County;

WHEREAS, the Walton County Board of County Commissioners declares that an emergency continues to exist due to crowds on the beaches of Walton County, that such crowding is likely to lead to the spread of COVID-19, and that immediate enactment of an Emergency Ordinance temporarily closing all beaches in Walton County, whether public or private, is necessary to prevent the spread of COVID-19;

WHEREAS, the Walton County Board of County Commissioners expressly declares that the temporary closure of beaches due to the public health emergency arising from the COVID-19 pandemic shall not be construed as an abandonment of the public's right to use the dry sand areas of the beaches;

WHEREAS, the Walton County Board of County Commissioners finds it necessary to amend and extend Emergency Ordinance 2020-08 as follows

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Walton County, Florida, that Emergency Ordinance 2020-08 is amended as follows:

1. All beaches within Walton County, Florida, are temporarily ~~CLOSED to the public.~~
2. It shall be unlawful for ~~members of the public~~ any person to enter upon or remain onto ~~access~~ the beaches within Walton County.
3. Beach shall have the same definition as contained in Chapter 22, Walton County Waterways and Beach Activities Ordinance. Words not defined in this Ordinance shall be given their common and ordinary meaning.
4. A violation of this Ordinance shall constitute a criminal offense and shall be punishable as provided in Section 252.50, Florida Statutes.
5. If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or

circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

6. This Ordinance shall become effective immediately and shall be in effect ~~for thirty (30) days~~ until April 30, 2020, unless extended by the Walton County Board of County Commissioners.

PASSED AND DULY ADOPTED in emergency session by the Walton County Board of County Commissioners, this 29th day of April, 2020.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA

Dori Corde
Alex Alford, Clerk of Court
and County Comptroller



W. N. "Bill" Chapman
W. N. "Bill" Chapman, Chair