

EMERGENCY ORDINANCE 2020- 09

AN EMERGENCY ORDINANCE OF FRANKLIN COUNTY, FLORIDA, TEMPORARILY LIMITING THE USE OF ALL PUBLIC BOAT RAMPS OWNED AND OPERATED BY FRANKLIN COUNTY, FLORIDA, TO RESIDENTS AND PROPERTY OWNERS OF FRANKLIN COUNTY, FLORIDA; CLOSING ALL PUBLIC BOAT RAMPS AND ASSOCIATED PARKING LOTS OWNED AND OPERATED BY FRANKLIN COUNTY, FLORIDA, TO PERSONS WHO ARE NOT RESIDENTS OF, OR PROPERTY OWNERS 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 that declaration 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 to close all Beaches and associated parking lots and Beach Accesses in Franklin County, Florida, to the public; and,

WHEREAS, Franklin County has determined that gatherings at the public boat ramps and associated parking lots owned by Franklin County, 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 limiting the use of all public boat ramps and associated parking lots to the residents and property owners of Franklin County, Florida, 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; and,

WHEREAS, the board of county commissioner of Franklin County, Florida, declare that a state of emergency exists and that the immediate enactment of this ordinance is necessary to protect the health, safety and welfare of the public,

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

1. All public boat ramps and associated parking lots owned by Franklin County are limited to use by the residents and non-resident property owners of Franklin County, Florida.
2. It shall be unlawful for members of the public who are not either residents of, or property owners in, Franklin County, Florida, to access, use or recreate for traditional purposes, all public boat ramps and associated parking lots owned by Franklin County, Florida.
3. Definitions:
 - a. "Boat Ramp" shall mean a ramp on the shore from which boats are launched into, and hauled from, the water.
 - b. "Associated Parking Lot" shall mean an area owned by Franklin County, a political subdivision of the State of Florida, where cars and other vehicles are temporarily left and which is either abutting or adjacent to the public boat ramp.
 - c. "Property Owner in Franklin County" shall mean a person who is not a resident of Franklin County, Florida, but who owns real property located in Franklin County, Florida. Proof of ownership of land in Franklin County can be established by presenting a recorded deed, a fully signed lease, a utility bill or a tax bill for property in Franklin County, Florida.
 - d. "Residency" in Franklin County can be established by a Florida driver's license or identification card, a fully signed lease, a utility bill or a U.S. Passport or other government issued identification showing a Franklin County address and the person's name and image.
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.
7. Effective Date: This ordinance shall take effect immediately upon adoption on this the 10th day of April, 2020, beginning at 12:01 a.m. (E.T.).

8. 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 9th day of April, 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

