

NASSAU COUNTY
EXECUTIVE ORDER NUMBER 9
(Emergency Management – COVID-19)

WHEREAS, the Governor of the State of Florida has issued Executive Orders pursuant to the State Declared Emergency, that address actions as to activities within the State; and

WHEREAS, the President of the United States, Donald Trump, declared a National State of Emergency due to COVID-19; and

WHEREAS, on March 18, 2020, the Board of County Commissioners declared a Local Emergency pursuant to Chapter 252, Florida Statutes; and

WHEREAS, the Nassau County Executive Orders #1, #2, and #6 addressed the beach areas and beach activities; and

WHEREAS, it has been determined that allowing motor vehicles on the beach areas enables greater utilization of the beach areas; and

WHEREAS, the utilization of motor vehicles on the unincorporated areas of Nassau County are controlled by Senate Bill 1577 and the Final Judgment dated April 28, 1992; and

WHEREAS, the continued spacing and reduction of gatherings pursuant to the Center for Disease Control Guidelines is appropriate; and

WHEREAS, to better serve the citizens and maintain the safety of the beach areas, vehicular access and parking should be as set forth herein; and

WHEREAS, the Federal Endangered Species Act must be considered as it pertains to usage of the beach from May 1, 2020 through October 30, 2020; and

WHEREAS, Executive Order #7 is hereby amended to allow operators of motor vehicles, regardless of residency, with a permit for disabled persons to drive and park on the beach (see Section 3); and

WHEREAS, the amendment also includes an amended definition of “Motor Vehicle” (see Section 7), adds a definition for “Street Legal Vehicle” (see Section 7) and provides new sections addressing towing (see Section 10 and Section 11); and

WHEREAS, the amendment further adds a new section prohibiting possession of glass containers on the beach or beach parking lots (see Section 12).

NOW, THEREFORE, MICHAEL S. MULLIN, as Nassau County Manager, by virtue of the authority vested in me by the Local State of Emergency and County Emergency Management Plan and with the consent of the Emergency Management Director, promulgate the following Executive Order to take immediate effect:

SECTION 1. This order amends Executive Order #7.

SECTION 2. Effective at 12:00 noon, Thursday, May 21, 2020, motor vehicles, as defined herein, with a permit for disabled persons, regardless of residency, are allowed to drive and park on the beach as set forth herein.

SECTION 3. The motor vehicle shall have a disabled symbol on the tag issued by the Department of Highway Safety and Motor Vehicles or shall have a disabled placard issued by the Department of Highway Safety and Motor Vehicles hanging from the rearview mirror, both of which shall be

visible to the attendant. The owner/operator of the motor vehicle shall be required to produce his/her state issued driver license to the attendant. The attendant shall, as with all vehicles, note the driver license number and tag number.

SECTION 4. The Sheriff's Department and County designated security shall have the authority to issue orders to beach users violating the provisions of this order, including orders to remove themselves from the beach issued by the Sheriff's Department. Failure to remove oneself from the beach shall constitute a trespass and is a second-degree misdemeanor subject to a \$500.00 fine and/or sixty (60) days in jail.

SECTION 5. The County Manager, Sheriff or Emergency Management Director shall have the authority to issue further restrictions as to beach use and parking areas based upon conditions including, but not limited to, safety issues and tidal issues. Signage will be utilized, when possible, to notify users of the restrictions. Additional executive orders may be issued.

SECTION 6. Alcoholic beverages, sealed or unsealed, are also prohibited in the beach parking lots of Peters point, Burney Park, Scott Road and the "Dunes Club" parking area. The consumption of alcoholic beverages on the unincorporated beach areas or parking areas are prohibited.

SECTION 7. The following definitions apply:

- (1) **ALCOHOLIC BEVERAGE** – A beverage containing more than one percent (1%) of alcohol by weight.
- (2) **BEACH** – Includes the dry sand and wet sand areas within the unincorporated beaches.
- (3) **MOTOR VEHICLE** – For beach access, automobiles and street legal vehicles that are four-wheel drive/all-wheel drive, and street legal, four-wheel drive golf carts. For beachfront parking areas: automobiles and pick-up trucks are allowed. Anything larger

than a pick-up truck is prohibited. Automobiles do not include four-wheelers or ATV's, except as authorized and deemed essential by the County Manager.

- (4) STREET LEGAL VEHICLE – Vehicles that have been issued a tag by the Department of Highway Safety and Motor Vehicles.
- (5) CAMPING – Erection of a shelter (tent) for the purpose for sleeping; or lying upon a bedroll, blanket, or other protective garb for the purpose of sleeping.
- (6) DISABLED PERSONS PARKING PERMIT – Permits issued by the Department of Highway Safety and Motor Vehicles that are displayed by a symbol on the motor vehicle's tag or by a placard "hanging" on the rearview mirror.

SECTION 8. PENALTY: Violation of any section of this order will subject the violator to a second-degree misdemeanor, subject to a \$500.00 fine and/or sixty (60) days in jail. Motor vehicle usage is subject to the State laws such as, but not limited to, tickets for speeding in excess of the designated speed limit, reckless driving, careless driving, etc.

SECTION 9. Motor vehicles entering the beach on the southern tip of Amelia Island are subject to State park regulations. Every owner/operator should familiarize themselves with the applicable rules.

SECTION 10. Any motor vehicle entering the beach at Peters Point that becomes inoperable or "stuck" in the designated "driving lane" shall be towed at the owner/operator's expense by a County authorized tow truck. The owner/operator shall assume sole responsibility for removing any motor vehicle from the beach that has cleared the designated "driving lane" and becomes inoperable or "stuck". Said motor vehicle shall be removed from the beach by 9:00 p.m.

SECTION 11. Any motor vehicle entering the beach at Lewis Street and making a left or right turn that becomes inoperable or “stuck” shall be towed at the owner/operator’s expense by a County authorized tow truck. The owner/operator shall assume sole responsibility for removing any motor vehicle from the beach that has cleared the designated “driving lane” and becomes inoperable or “stuck”. Said motor vehicle shall be removed from the beach by 9:00 p.m.

SECTION 12. Glass containers shall not be allowed on the beach, in beach parking lots, or in vehicles on the beach or in beach parking lots.

SECTION 13. This order shall remain in effect during each seven (7) day emergency period and is automatically extended based upon the Board of County Commission’s extension of the declared emergency.

SECTION 14. All other provisions of Executive Order #7 not specifically amended herein shall remain in effect.

DATED this 21 day of May, 2020.

NASSAU COUNTY, FLORIDA



MICHAEL S. MULLIN
County Manager

CONSENT:

/s/ Greg Foster

GREG FOSTER
Emergency Management Director