

ORDINANCE 2019 - 08

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 7-4 OF THE FLAGLER COUNTY CODE OF ORDINANCES, ESTABLISHING BEACH EQUESTRIAN PERMITTING REQUIREMENTS; REGULATING THE USE OF HORSES ON THE BEACHES OF THE UNINCORPORATED COUNTY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section (1)(f) of the Florida Constitution empowers the County to enact ordinances not inconsistent with general law, and Section 125.01(1)(t), Florida Statutes, authorizes the Board of County Commissioners (“Board”) to adopt ordinances necessary to for the exercise of its powers; and

WHEREAS, the increased use of the beaches of the County by horseback riders both commercially and recreationally compels the County to enact an ordinance to ensure the safety of beachgoers and the protection of the natural environment.

NOW THEREFORE, be it ordained by the Flagler County Board of County Commissioners as follows:

SECTION 1. FINDINGS

An ever-increasing number of horseback riders are finding the unincorporated beaches of Flagler County very desirable for riding recreationally and for commercial purposes. The County is involved in reestablishing the natural beach dunes of the unincorporated County, creating sand berms anchored with native vegetation. The beaches are a vital part of the County’s quality of life, serving recreational and environmental values. Horseback riding has the potential of unnecessarily damaging the reestablished dunes without regulations. Also, due to increased use, the County needs to promulgate standards to protect visitors, riders and the horses.

SECTION 2. FLAGLER COUNTY CODE AMENDMENT

Section 7-4 of the Flagler County Code of Ordinances is hereby amended as follows (additions are shown in underline, and deletions are shown in ~~striketrough~~ format):

* * * *

Sec. 7-4. – ~~Reserved~~Horses on the Beach.

- A. It shall be unlawful for any person to possess or have under his or her control any horse or equestrian animal on the Atlantic Ocean beaches of the unincorporated county without a valid government issued identification and a permit issued pursuant to this section. Applications for such permits must include at a minimum:
- (1) Copy of a valid, government issued identification;
 - (2) Current Coggins Test papers;
 - (3) Agreement to hold harmless and indemnify Flagler County; and
 - (4) Acknowledgement that the applicant has read and understands this ordinance and any other rules promulgated by the Parks and Recreation Department.
 - (5) Applicants for Beach Equestrian Guide Permits must also submit:
 - a. A business tax receipt; and
 - b. Proof of general commercial liability insurance.
- B. Beach Horseback Riding Permits shall consist of three types: Beach Equestrian Guide Permit, Beach Equestrian Rider Permit, and Beach Equestrian Day Pass. The permits allow the holder to horseback ride on the beach of the unincorporated county subject to the restrictions of this ordinance.
- (1) Beach Equestrian Guide Permits:
 - a. Shall be valid for two years from the date of issuance.
 - b. Allow permit holder to issue Day Passes to up to six individuals.
 - i. Day Passes shall be valid for the date of issuance only.
 - ii. The Beach Equestrian Guide shall be jointly and severally responsible for any violation of this ordinance by persons to whom he/she issues Day Passes.
 - iii. The Beach Equestrian Guide shall furnish to the Parks and Recreation Department, on a monthly basis, a report identifying the name, address, and email of persons to whom the Beach Equestrian Guide issued Day Passes and the respective dates of issue.
 - (2) Beach Equestrian Rider Permits:
 - a. Shall be valid for one year and are non-transferrable.
 - b. Allow permit holder to lead up to two individuals. The Beach Equestrian Rider must supervise any riders whom he/she leads and is jointly and severally responsible for any violations of this ordinance by such persons.
 - (3) Beach Equestrian Day Passes:
 - a. Shall be valid for the date of issue only and are non-transferrable.
- C. Beach equestrian riders in the unincorporated county shall adhere to the following regulations:
- (1) Riders must display proof of permit issued pursuant to this section by the Parks and Recreation Department or a Beach Equestrian Guide.

- (2) Riders must access the beach at the following designated access points: Mala Compra Road or Jungle Hut Road or such other access points as approved by the County Administrator.
- (3) Horse trailers must be parked in designated areas only.
- (4) Horses must be thoroughly controlled, broken, and restrained at all times.
- (5) Horses must be ridden with due care and diligence and shall not be allowed to graze or go unattended.
- (6) Riders must remove all animal waste from the county parks and parking areas, and may not discard animal waste in public garbage receptacles.
- (7) Horses must remain within the wetted area of the sand and stay off the dunes except when accessing the beach. Horses must avoid vegetation and turtle nests.
- (8) Riders must maintain a safe distance of fifteen feet from sea turtle nests.
- (9) Riders must maintain a walking pace when approaching within fifty feet of beachgoers.

D. This section shall not apply to individuals authorized by Federal, State, or local law to engage in activities otherwise prohibited herein.

(e) A violation of the section is a civil infraction which carries a maximum civil penalty not to exceed five hundred dollars (\$500.00). A law enforcement or code enforcement officer who has probable cause to believe that a person has committed an act in violation of this article may issue a citation to the person. Such a citation may be contested in the County Court. If a person fails to pay the civil penalty or fails to appear in court to contest the citation, the court may issue an order to show cause upon the request of the law enforcement or code enforcement officer. This order shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such an order fails to appear in response to the court' directive, that person may be held in contempt of court. Repeat offenses will result in the revocation of permitting privileges for a period of one year.

SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS

- A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions and amendments thereto, and shall be appropriately renumbered or re-lettered to conform to the uniform numbering system of the Code. Scrivener's errors may be corrected as deemed necessary.
- B. Only Section 2 herein shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended herein shall remain unchanged by this Ordinance.

SECTION 4. SEVERABILITY

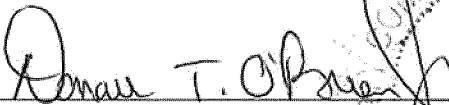
If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

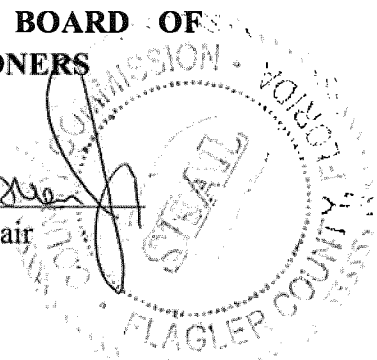
SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

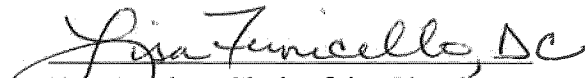
PASSED AND ADOPTED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, THIS 19TH DAY OF NOVEMBER 2019.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS


Donald T. O'Brien Jr., Chair



ATTEST:


Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:


Al Hadeed, County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 19, 2019

Honorable Tom Bexley
Clerk of the Circuit Court
Flagler County
1769 East Moody Boulevard, Building 1
Bunnell, Florida 32110

Attention: Ms. Lisa Funicello

Dear Mr. Bexley:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Flagler County Ordinance No. 2019-08, which was filed in this office on November 19, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb