ORDINANCE 2012-13

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, CHAPTER 20 BEACH CODE BY AMENDING ARTICLE IV CONDUCT, BY ADDING SECTION 20-127 UNATTENDED ITEMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the county charter obliges the county council to protect the public’s right of access to and customary use of the beaches within the county; and

WHEREAS, the county charter sets forth the county council’s power and duty to comprehensively regulate public health, safety, and welfare on and pertaining to the beach including the regulation of individual conduct and pedestrian safety; and

WHEREAS, unattended recreational equipment left on the beach after sundown poses an obstacle and hazard to emergency and maintenance vehicles, pedestrians, and wildlife.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in strike-through type are deletions; words in underscore type are additions.)

SECTION I: Chapter 20, article IV, section 20-127 is added to read as follows:

Sec. 20-127. Unattended items.

Unattended portable recreational equipment, including but not limited to tents, canopies, cabanas, shading devices, chairs, tables, grills, and volleyball nets, on the beach from 9:00 P.M. to 6:00 A.M. is declared to be a public nuisance and shall be removed and disposed of by Volusia County or its designee, except such portable recreational equipment otherwise permitted by federal, state, or local law.
SECTION II: AUTHORIZING INCLUSION IN CODE - The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia, as additions or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

SECTION III: SEVERABILITY - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION IV: CONFLICTING ORDINANCES - All ordinances, or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

SECTION V: EFFECTIVE DATE - A certified copy of this Ordinance shall be filed with the Department of State by the County Manager within ten (10) days after enactment by the County Council and this Ordinance shall take effect upon filing with the Department of State.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 9TH DAY OF AUGUST A.D., 2012.

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

ATTEST:

James T. Dinneen, County Manager

Frank T. Bruno, Jr., County Chair