

Section 19 Local Ordinance Amendments

Purpose

The powers of authority to regulate and enforce activities on the beaches of St. Johns County lies with the Board of County Commissioners and the Sheriff's department, respectively. The special conditions set forth in the ITP and programs formulated through the HCP require County rules and regulations to reflect the changes to existing code.

Relevant ITP Condition - G.2.d.

d. Local Ordinance Amendments. "Within twelve (12) months of the effective date of this Permit, the Permittee shall amend applicable local ordinances as described in Chapter 7 of the HCP to ensure effective implementation of the HCP and terms of the Permit."

HCP Performance During 2012

Implementation: In September 2006, the County submitted to USFWS proposed Ordinance amendments for approval. The St. Johns County Board of County Commissioners adopted a unified Beach Code Ordinance 2007-19, on March 27, 2007. The significant changes to Beach Code include:

- Section 3.02 Restrictions on Animals on Beach. Requirement for horseback riders to complete HCP and Protected Species Training to obtain a permit for riding on St. Johns County beaches.
- Section 3.09 Litter. Prohibition of storing personal property on beach overnight.
- Section 3.13 Fireworks and Explosives. Prohibition of fireworks on County beaches unless permitted through the Board of County Commissioners.
- Section 5.02 Vehicles Authorized on Beach. Requirement for north beach drivers to complete HCP and Protected Species Training to obtain permit to drive north of Vilano beach.
 - Addition of properly permitted sea turtle personnel as having authorization to drive on County beaches for monitoring activities.
- Section 5.03 Prohibited Acts. Prohibition of All-Terrain Vehicles (ATV) on County beaches.
- Section 5.05 Nighttime Driving/Parking. Prohibition of driving before 8:00 am and after 8:00 pm during sea turtle season.
 - Requirement for commercial fishermen to complete HCP and Protected Species Training to obtain permit for riding on St. Johns County beaches.
- Section 7.01 Conservation Zone. Requirement of 30-foot Conservation Zone on Porpoise Point.
 - Prohibition to store personal belongings in Conservation Zone.
- Section 7.02 Beach Lighting. Prohibition of beach lighting during sea turtle season as reflected in County Ordinance 99-33.

Assessment: Ordinance amendments to the Beach Code have allowed County staff, City Police and the Sheriff's Department the authority to enforce HCP/ ITP rules and regulations. However,

since the Beach Code was adopted, the County has found that ambiguity and inconsistencies exist in portions of the Code. The Environmental Division and Beach Services has worked with USFWS, the Sheriff's Department, and the County's attorney's office to create a document that is comprehensive and inclusive to the HCP/ITP and management of the beaches for the citizens of St. Johns County. The Code does not demonstrate consistent permitting requirements for each user group as laid out in the HCP and ITP. The enforcement staff including the addition of the Natural Resource Deputies and Beach Enforcement Specialist in 2010 will be defined along with the code enforcement capabilities for non-criminal activity. New permitting requirements for catamarans, new coastal construction rules, and temporary closures for the protection of wildlife and vegetation will be added. These changes were set to be presented to the Board Of County Commissioners in the spring of 2010, however, with multiple delays the new Beach Code is anticipated to be completed and approved by the fall of 2012.

Alert Stickers: 2012 had continued compliance with the beach gear program (County Ordinance 2007-19). Night staff applied stickers to 245 groups of items and 22 items completely removed from the beach. Stickers are used to communicate to beach patrons that it is unlawful to store gear on the beach after 7:30 p.m. General observations conclude that the majority of the beach gear left on the beach is comprised of pop-up tents which are left out adjacent to the condominiums in which visitors of St. Johns County reside. It is believed that the beach gear program is accurately communicating the ordinance to people as the vast majority of stickered items are removed by the owners of the gear prior to the following evening.

Program Improvements: The County will continue with public outreach programs to properly inform the public of policies and procedures of the Beach Code.