

FLAGLER COUNTY EMERGENCY ADMINISTRATIVE ORDER NO. 2024-01

**AN EMERGENCY ADMINISTRATIVE ORDER
PROHIBITING WALKING OR TRAVERSING ON OR
OTHERWISE DISTURBING OR DAMAGING THE DUNES
AND DUNE VEGETATION ON FLAGLER COUNTY
BEACHES**

WHEREAS, the Chair of the Board of County Commissioners of Flagler County, Florida with the approval of the full Commission issued a Proclamation extending a state of local emergency on May 6, 2024, originally declared on October 4, 2016, and extended by Proclamation every seven days thereafter in accordance with law, as part of a continuing state of emergency on the beaches due to numerous hurricanes, Nor'easters, king tides and other coastal erosion events severely impacting the County's beaches; and

WHEREAS, the Proclamations, in accordance with Chapter 252, Florida Statutes, and Section 12-34 of the Flagler County Code of Ordinances, authorize the County to take all necessary action and issue any necessary orders to protect human life and property; and

WHEREAS, such orders when filed with the Clerk of Court have the force of law, and all existing laws, ordinances, and rules which are in conflict are suspended to the extent of such conflict pursuant to Section 252.46(2), Florida Statutes; and

WHEREAS, a violation of a duly promulgated order is a second degree misdemeanor punishable by a fine of up to \$500.00 for each offense and by a term of imprisonment of up to sixty (60) days for each offense, in accordance with Section 252.50, Florida Statutes; and

WHEREAS, the state of local emergency has facilitated a series of emergency dune restoration projects which serve a paramount public purpose in protecting neighborhoods and public infrastructure on the barrier island from ocean flooding; and

WHEREAS, activities and actions that interfere with the establishment of constructed dunes, including the vegetation planted to stabilize them, must be prohibited for the foreseeable future in order that the new dunes may serve their natural and protective purpose; and

WHEREAS, this order prohibits beachgoers from trampling on, walking on, or traversing across or upon the constructed or vegetated dunes, except at County, municipal and State Park System designated pathways and walkovers providing routes directly to the beach; and

WHEREAS, the prohibition on beach visitors traversing across the dunes, and the requirement to utilize only designated beach access points or walkovers to directly access the dry sand beach without moving laterally across the tops of dunes, applies

also to domesticated animals, and pet owners shall be responsible for ensuring compliance with this order; and

WHEREAS, this order further prohibits erecting any structure or device on the constructed and vegetated dunes or holding any gathering or other activity on the dunes regardless of purpose without the express authorization of Flagler County, the municipality with jurisdiction or the State Park System as applicable; and

WHEREAS, this prohibition also extends to members of the public placing any coolers, beach chairs, umbrellas, or other objects on top of the dunes and on the dune slopes and prohibits any removal or digging of sand from the dune, including on the dune slope; and

WHEREAS, this prohibition does not apply to the construction or repair of a private dune walkover as permitted by the County or a municipality, as applicable, and as permitted by the Florida Department of Environment Protection, provided that such walkovers are to provide direct access to the beach by the owner and his or her guests and are not used to funnel or disperse foot traffic laterally across the dunes (see illustration below); and

WHEREAS, this order does not prohibit an owner or HOA from using alternatives to constructed walkovers, such as Mobi-mats, to channel access to the beach and to regulate their use to protect the dunes; and

WHEREAS, this order continues the prohibition of driving or parking vehicles on the dunes, except in areas specifically designated for vehicles by any government with jurisdiction, because of the impact of vehicles on these sensitive areas, inhibiting the growth of stabilizing vegetation and sand accumulation; and

WHEREAS, this order prohibiting foot and mechanical traffic on and use of the dunes will enable the restored dunes to stabilize and take hold without artificial and manmade interference or damage to the extent practicable.

NOW THEREFORE, it is hereby ordered:

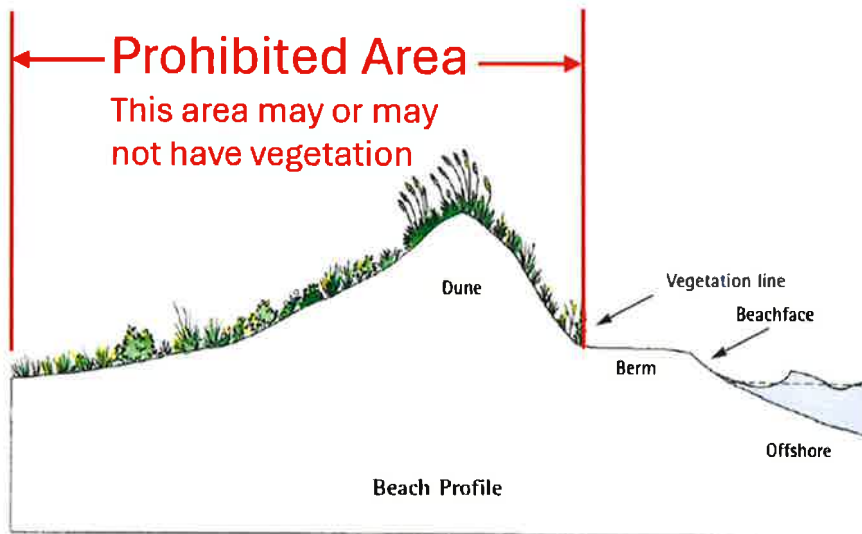
Section 1. Walking or Traversing On or Across Dunes Prohibited.

- (a) It is prohibited for any person to trample, walk, traverse, damage, or drive across or upon the dunes, including upon native vegetation naturally growing or planted to stabilize the dunes, other than to directly access the beach at access points designated by the County, a municipality or by the State Park System. This prohibition extends to the entire coastline of the County including within municipalities and including the entirety of any dune constructed or installed by the County in response to the hurricanes and coastal storms that have eroded the County's beaches. Movement through a permitted walkover or designated access point to reach the beach is permitted only by direct movement to the beach. Any activity on the dune or placement of any object upon the dune or any alteration or damage to the

dune is strictly prohibited unless expressly authorized by the County, a municipality, or the State Park System, provided however, that this order does not prohibit property owners from placing “No Trespassing” or similar signs designed to protect the dunes on their property.

(b) Persons wishing to access the beach may utilize permitted private dune walkovers, public dune walkovers, or public beach access pathways at the following listed access points. For all of these access options, persons shall directly access the beach and are prohibited from detouring laterally off of the access way or traversing about or around the dunes. The following parks and public lands have access facilities available to the public in accordance with posted rules:

- i. Bay Drive Park;
- ii. MalaCompra Road Park;
- iii. 16th Road Park (“Old Salt Park”);
- iv. Jungle Hut Road Park;
- v. Varn Park; and
- vi. Any other access point designated by the County, the jurisdictional municipality, or the State Park System.



(c) It is further prohibited for any person to harm or disturb the vegetation of the dunes within the geographic limits of Flagler County.

(d) This Emergency Administrative Order does not apply to law enforcement, fire rescue, Sea Turtle Patrol, the employees and contractors of the County working on dune restoration projects, or any other person authorized by law to engage in activities otherwise prohibited herein.

Section 2. Penalty. Any violation of this order shall constitute a second degree misdemeanor punishable by a fine of up to \$500 for each offense and by a term of imprisonment for each offense for up to sixty days as determined by the Court in and for Flagler County in accordance with Section 252.50, Florida Statutes.

Section 3. Effective Date. This Emergency Administrative Order will take effect upon filing with the Clerk of Courts of Flagler County in accordance with Section 252.46(2), Florida Statutes, and shall remain in effect until modified or amended or until the expiration of the declared states of local emergency. Upon recording, this Emergency Administrative Order will supersede and replace Flagler County Emergency Order 2018-03.

DONE AND ORDERED, this 20th day of May 2024.

**FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS**

Andrew S. Dance, Chair

APPROVED AS TO FORM:


Al Hadeed, County Attorney

RECOMMENDED:

Heidi Petito, County Administrator

Jonathan Lord, Emergency
Management Director