

PUTNAM COUNTY ORDINANCE NO. 2007-_____

AN ORDINANCE OF THE COUNTY OF PUTNAM AMENDING ARTICLE 2.05 OF THE LAND DEVELOPMENT CODE BY AMENDING SECTION 2.05.02 AND BY ADDING SECTION 2.05.19; ADDING REGULATIONS RELATING TO MUD BOGGING IN PUTNAM COUNTY; PROVIDING FOR PENALTIES; AND AN EFFECTIVE DATE

WHEREAS, the Putnam County Board of County Commissioners is authorized and empowered to regulate land uses such as Mud Bogging; and

WHEREAS, improper or unregulated use of Vehicles can result in a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the unincorporated areas of Putnam County as a result of accidents, noise, fumes, and damage to environmentally sensitive lands, and incompatible location of such uses in relation to surrounding land uses; and

WHEREAS, the necessity, in the public interest, for the provisions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in the pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the unincorporated areas of Putnam County and the persons therein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY FLORIDA THAT:

Section 2.05.02 is hereby amended to read in its entirety as follows:

Section 2.05.02 Temporary Use Table. The following table identifies certain temporary uses permitted within the various zoning districts. The table also provides a cross reference to applicable supplemental regulations for each such temporary use.

TABLE 2.05A – TEMPORARY USE TABLE		
Temporary Uses	Zoning District	Supplemental Regulations
Carnivals, Fairs, Circuses, Midways	AG, C-2, C-3, C-4, P-1, P-2	2.05.06
Fund Raising	Property used for community services and all commercially zoned property.	2.05.07
Non-Residential Building	All Districts	2.05.08
Outdoor Music Festivals	AG, C-2, C-3, C-4, P-1, P-2	2.05.09
Outdoor Promotional Sales	C-2, C-3, C-4	2.05.10
Recreational Vehicle As Temporary Shelter	AG, AE, and all Residentially zoned property.	2.05.11
Sale of Produce and Seasonal Goods	AG (if produce is grown on same property), C-2, C-3, C-4	2.05.13
Secondary Living Unit	AG, AE, and all Residentially zoned property	2.05.14
Special Event Sales	C-2, C-3, C-4, Public Property	2.05.15
Mobile/Itinerant Vendors	[To be added.]	2.05.16
Tent Revival	AG, C-2, C-3	2.05.17
Yard Sale	Residential Properties in All Districts	2.05.18
<u>Mud Bogging</u>	<u>AG, C-3, C-4, IH</u>	<u>2.05.19</u>

A new section 2.05.19 is hereby added as follows:

Section 2.05.19 Mud Bogging.

Section 1: Scope and prohibitions:

- a. **Zoning Districts:** Mud Bogging is not permitted within the unincorporated boundaries of Putnam County except as provided herein. Subject to the provisions in section 3 below, Mud Bogging is allowed by Temporary Use Permit on property zoned AG, C-3, C-4 or IH, so long as said property is not part of a vested subdivision. Otherwise, Mud Bogging may be allowed in a PUD zoning district as provided in section 3.02.33, Putnam

County Land Development Code. Mud Bogging is also restricted by the following locational requirements:

- 1) Any Mud Bogging activity shall be a minimum of 100 feet from a Jurisdictional Wetland or lake bottom, and the Wetland/lake bottom must be protected from encroachment by adequate barriers.
 - 2) Mud Bogging activities shall not take place within 500 feet of a vested subdivision.
 - 3) Mud Bogging shall not take place within 500 feet of a church Synagogue, Mosque or other recognized place of worship. If a Temporary Use Permit allows a distance less than 500 feet, the event shall not take place within 30 minutes before or after scheduled services.
- b. Use of Vehicles on Public Land: The use of Vehicles is permissible on publicly owned lands in accordance with the rules and standards established by the public owner. However, in the absence of such rules or standards, the use of any Vehicle on public land that has not been improved or designed to facilitate conventional vehicular traffic shall require a temporary use permit or PUD zoning district that allows for such use. The terms and conditions of the use shall be established in the permit or PUD. Use of Vehicles in publicly owned drainage improvements, except in connection with construction or maintenance of the drainage improvements, is expressly prohibited.

Section 2: Definitions

The following definitions shall apply in the interpretation, enforcement and intent of this Ordinance:

“*Vehicle*”: any motor vehicle, motorcycle, truck, buggy, all terrain vehicle or other mechanically driven equipment or conveyance.

“*Mud Bogging*”: the use of a Vehicle to engage in what is commonly known as mud bogging, which includes, without limitation, traveling across terrain (a) that has not been improved or designed to facilitate conventional vehicular, or (b) that is chosen for such travel because of its wet or muddy characteristics. The term does not include (i) bona fide agriculture, silviculture, hunting or construction activities; (ii) governmental, fire, law enforcement or military personnel engaging in activities within the scope of their employment or duties; or (iii) the use of up to eight (8) Vehicles by the record owner of the land (and his family or guests) on such land for any activity, even if such activity would otherwise constitute Mud Bogging hereunder.

“*Jurisdictional Wetlands*”: wetlands that fall under the jurisdiction of the Department of Environmental Protection.

“*Enforcement Officer*”: includes officers working for the Sheriff and code enforcement officers working for the Department of Planning and Development Services.

Section 3: Supplemental Provisions

Unless expressly modified under an approved PUD zoning district that allows Mud Bogging, all Mud Bogging shall be subject to the following minimum standards:

- 1) The boundaries of the private land where Mud Bogging is to take place shall be clearly delineated and recognizable to the Enforcement Officer by use of fencing or signage or other means.
- 2) The property must be 10 acres or greater in size, and the activity must take place at least 100 feet from the property line.
- 3) The Temporary Use permit is to be posted at the site during the operation of the event.
- 4) The person who is given the Temporary Use Permit shall be on site during the Mud Bogging Activity.
- 5) A site plan, drawn to scale, will be required to be submitted at the time of application. Said site plan shall contain at a minimum the following:
 - i. Delineation of the area to be used for the actual Mud Bogging.
 - ii. Off-street parking for all Vehicles to be at the site.
 - iii. Delineation of any known Jurisdictional Wetlands.
 - iv. Location of the driveway
- 6) Mud Bogging shall only be allowed from a half an hour after official sunrise to a half an hour before official sunset
- 7) A driveway permit must be obtained and the driveway must be installed per the conditions of approval prior to the issuance of the Temporary Use permit. The Director may allow for the driveway to be installed after the issuance but before that proposed activity takes place.
- 8) Temporary sanitary facilities shall be provided with proper Health Department approvals if required.

Section 4: Violations; Penalty

An enforcement officer finding probable cause that a person has committed an act in violation of Ordinance may issue a citation pursuant to Section 12.18.04 of the Land Development Code.

If an enforcement officer finds that the conditions of a Temporary Use Permit, or PUD are not being met, he may shut down the Mud Bogging operation until such time as the conditions have been met.

When a use of a Vehicle is subject of a temporary use permit or PUD, and the use violates the conditions of the permit of PUD, the matter may be brought before the Special Magistrate, after a properly noticed hearing as prescribed under Section 11.06 of the Land Development Code, and the Special Magistrate, after a properly noticed hearing as prescribed under Section 11.06 of the Land Development Code, and the Special Magistrate may suspend or revoke the permit or PUD.

The provisions of this section are additional and supplemental means of enforcement. Nothing contained in this section shall prohibit the County from enforcing its codes or ordinances by any other lawful means, including, without limitation, a proceeding under Section 11.06 or 12.18 of the Land Development Code.

Section 5: Conflict and Severability

Should this Ordinance conflict with any other ordinance of Putnam County or any other applicable law, the more restrictive shall apply. Should any section, subsection or provision of this Ordinance be declared unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the parts declared to be unconstitutional or invalid.

Section 6: Inclusion in the Code of Laws and Ordinances

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Putnam County, Florida.

Section 7: Repealer

Emergency Ordinance No. 81-2, a prior adopted regulation of mud bogging activities in unincorporated Putnam County, is hereby repealed.

Section 8: Effective Date

This Ordinance shall become effective upon receipt of acknowledgement of filing by the Secretary of State.

DONE, ORDERED AND ADOPTED by the Putnam County Board of Count Commissioners this ____ day of _____ 2007.

**BOARD OF COUNTY COMMISSIONERS PUTNAM
COUNTY, FLORIDA**

By _____
Brad Purcell, Chair

ATTEST:

Tim Smith, Clerk of Courts