

ARTICLE XV. BOAT RAMPS*

***Editor's note:** Ord. No. 93-23, approved Sept. 7, 1993, and effective Sept. 24, 1993, amended this chapter by adding provisions to be included as art. XIV; such provisions have been included as art. XV, §§ 15-601--15-606, at the discretion of the editor, inasmuch as other provisions were previously codified as art. XIV. Section 8, conflict, of Ord. No. 93-23 provided that, as of the effective date, art. VI of this chapter, pumping and dredging control; the special act which created the Windermere Water and Navigation Control District (ch. 33, art. IV of this Code); and the special act creating the Lake Conway Water and Navigation Control District (ch. 33, art. II of this Code) shall no longer apply with respect to the permitting and regulation of boat ramp facilities.

Sec. 15-601. Short title.

The regulations established herein shall be known and may be cited as the "Orange County Boat Ramp Ordinance."

(Ord. No. 93-23, § 1, 9-7-93)

Sec. 15-602. Findings.

(a) It is the intent of this article to regulate boat ramp facilities within those portions of Orange County not located within the boundaries of any municipality (unless there is a special act or interlocal agreement which gives Orange County dredge and fill jurisdiction within a municipality) in order to minimize the adverse impacts of such activities upon the natural resources of Orange County.

(b) It is the intent of this article to apply these regulations in a manner sensitive to the property rights of the applicant, the property rights of lakefront property owners, and the rights of the citizens of Orange County to enjoy the benefits of their natural resources.

(c) It is recognized that at some point recreational use of waters may reach a saturation level, with overuse of the waters resulting in a decline in the recreational value of the lake and diminution of the overall quality of a given water body.

(d) The board is authorized pursuant to its home rule powers and general law to regulate and control all waters located within those portions of Orange County not within the boundaries of any municipality, and those portions of Orange County located within a municipality where interlocal agreements or special acts so allow.

(e) In order to protect the public health, safety and welfare, preserve the natural beauty and attractiveness of waters in such portions of Orange County, and maintain lake quality, the Orange County Boat Ramp Ordinance is hereby enacted as one (1) measure to protect such legitimate public interest.

(Ord. No. 93-23, § 2, 9-7-93)

Sec. 15-603. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give this article its most reasonable liberal application and to effectuate the intent of this article described above:

(a) *Board* shall mean the Board of County Commissioners of Orange County, Florida.

(b) *Boat ramp facility* shall mean the boat ramp and any other improvements which may be required by state or local regulations or this article to be built in conjunction with a particular type of boat ramp.

(c) *Boat ramp* shall mean any structure or clearing that extends to or waterward of the normal high water elevation or any structure or clearing upon which trailerable watercraft can be launched or retrieved. Provided, however, that, notwithstanding the foregoing, this definition shall not apply to a homeowner who clears land which is the site of his personal residence, in compliance with applicable regulations, without building any structure or dredging or filling, for the sole purpose of launching and retrieving his other personal watercraft.

(d) *Boat ramp facility permit* shall mean a permit issued by the Orange County Environmental Protection Department, upon authorization by the board, pursuant to the regulations contained herein, which permit, in conjunction with the required building permit(s), authorizes construction of a boat ramp facility. The permit shall automatically expire and reapplication shall be required in the event that construction of the boat ramp facility is not completed within one (1) year of issuance of such a permit.

(e) *Boat ramp facility sites* shall mean a duly platted lot or parcel of record which is the location of any boat ramp facility.

(f) *Commercial boat ramp facility* shall mean a boat ramp and any improvements required by state or local regulations to be built in conjunction therewith, the use of which is fee-based, open to equal public access, and intended to profit its owner, not including: (1) fees paid by any homeowner or condominium association for maintenance of common elements; or (2) fees imposed by any governmental or quasi-governmental entity. A commercial boat ramp facility shall also include any boat ramp used in connection with any commercial establishment where the boat ramp is used as an enhancement to the principal function of the basic facility, whether or not use of the boat ramp facility itself is fee-based or profit motivated, or both.

(g) *Companion boat mooring docks* shall mean a single mooring boat dock required to be built in conjunction with any boat ramp, except for a private boat ramp. A companion boat mooring dock may be permitted as part of the boat ramp facility permit and shall not require a boat dock permit. However, the companion boat mooring dock shall require a separate building permit.

(h) *Person* shall mean any individual, firm, partnership, corporation, or other entity not including the State of Florida.

(i) *Private boat ramp facility* shall mean a boat ramp and, if applicable, any improvements required by state or local regulations to be constructed in conjunction therewith, other than a commercial boat ramp, which boat ramp and improvements are not the subject of unrestricted public access to waters, and which are intended to be used, and are in fact used, only by those persons living in the single-family residence located at the boat ramp facility site and their usual and customary guests who are either in the company of the resident or using the resident's watercraft. It is intended that this type of facility be limited in scope of use. It is further intended that any application for a private boat ramp facility or semi-private boat ramp facility which is approved as such, but is in fact routinely used by individuals other than usual and customary guests of a private resident who are either in the resident's company or using the resident's watercraft, shall be considered an illegal use and be subject to revocation upon majority vote by the board of county commissioners.

(j) *Projected property line* shall mean a straight line continuation of, and extension to, the upland property line.

(k) *Prop clean-off area* shall mean an area designated for removal of aquatic plants from boat motors and trailers, which area shall have a receptacle for depositing plant fragments or other aquatic debris.

(l) *Public boat ramp facility* shall mean a boat ramp and any improvements required by state or local regulations to be constructed in conjunction therewith, which are the subject of unrestricted public access to waters.

(m) *Semi-private boat ramp facility* shall mean a boat ramp facility (other than a commercial, public or private boat ramp) along with a companion boat dock and any other improvements required by state or local regulations to be constructed in conjunction therewith, which are intended for the use of, and are in fact used by, a group of residents living in a subdivision or multifamily development, as the case may be, wherein a boat ramp facility is located or their usual and customary guests, but only if in the company of such residents.

(n) *Unrestricted public access* shall mean:

- (1) Open to any member of the general public at reasonable hours, free of charge; or
- (2) Operated by any governmental entity including, but not limited to, Orange County.

(o) *Waters* shall mean and include, but is not limited to, rivers, lakes, streams, waterways, bays, springs, impoundments, inlets, canals, and all other waters or bodies of water, whether natural or artificial, located in any unincorporated areas of Orange County.

(Ord. No. 93-23, § 3, 9-7-93)

Sec. 15-604. Exemptions.

These regulations and the requirement to obtain a permit hereunder shall not apply to the following:

- (1) Any boat ramp, the construction and use of which commenced prior to September 24, 1993, which is otherwise in compliance with any applicable local, state or federal laws existing prior to September 24, 1993.
- (2) The maintenance or minor repairs to any currently usable structure which is part of a properly permitted boat ramp or boat ramp facility, as defined under this article, so long as such maintenance or minor repairs is done in a manner consistent with the intent of this article and to the extent reasonably necessary in order to maintain or repair such structure for purposes of keeping in good condition the existing structure. This exemption shall not be construed to mean construction of a new structure whereone (1) did not exist; new construction or additions to any structure which would increase the area of the existing structure; or any repairs to an existing boat ramp which would require replacement of more than fifty (50) percent of the existing boat ramp structure.
- (3) Any existing or proposed public, private, semi-private, or commercial boat ramp facility where:
 - a. The owner or operator applied to a water management district or other state agency with jurisdiction, pursuant to F.S. ch. 373, pt. IV (1997) (or any predecessor or successor statute), for a permit for the boat ramp facility; and
 - b. The permit application was the subject of a hearing before an administrative law judge pursuant to F.S. § 120.57(1) (1997) (or any successor statute); and
 - c. The administrative law judge rendered a recommended order to the water management district or other state agency which contained a recommendation that the permit be issued, with or without conditions; and
 - d. The permit was issued by the water management district or other state agency with jurisdiction.

(Ord. No. 93-23, § 4, 9-7-93; Ord. No. 98-18, § 1, 8-25-98)

Sec. 15-605. Permit procedure and criteria.

(a) *Application and supporting data.* Any person applying for a boat ramp permit shall be required to submit five (5) copies of an application to Orange County Environmental Protection Department. No application shall be accepted unless accompanied by an application fee, as established by the board of county commissioners, which fee shall be nonrefundable, payment of which does not guarantee issuance of a permit. Application forms shall be provided by the Orange County Environmental Protection Department and shall require the following information, at a minimum:

- (1) Florida Department of Environmental Regulation permit for a boat ramp and companion boat dock, where applicable;
- (2) U.S. Army Corps of Engineers permit for a boat ramp and companion boat dock, where applicable;
- (3) Submerged lands lease from the Florida Department of Natural Resources for a boat ramp and companion boat dock, where applicable;
- (4) Satisfactory evidence of title or extent of interest of the applicant to: (1) the riparian upland ownership; and (2) submerged ownership of the boat ramp facility site. Provided, however, that notwithstanding the foregoing, a claim of ownership of the submerged part of the boat ramp facility site by the Florida Department of Natural Resources shall not preclude issuance of a boat ramp facility permit, provided that applicant has complied with any applicable department of natural resources or other state or federal requirements;
- (5) A survey of the boat ramp facility site, including a depiction of all easements, rights-of-way, improvements and other encroachments, which survey shall depict the property at the time of permit application and shall be prepared, signed and sealed by a surveyor registered in the State of Florida;
- (6) Site plan depicting the boat ramp facility and any other existing or proposed improvements (including parking spaces) at the boat ramp facility site. Such site plan shall also depict the normal high water elevation. A site plan for a semi-private boat ramp facility or commercial boat ramp facility must be prepared by a professional engineer registered in the State of Florida;
- (7) Calculations regarding the amount of fill and excavation that will be required for construction of the boat ramp facility;

- (8) A list of materials that will be used to construct the boat ramp facility;
- (9) Cross section survey depicting slopes, elevations and depth profiles of the boat ramp facility;
- (10) Verification that the proposed boat ramp facility is a permitted use under the Orange County Zoning Regulations [chapter 38 of this Code] or has previously been determined to be a special exception;
- (11) Any applicable permit fees which may be set from time to time by Orange County by separate resolution;
- (12) A current tax map illustrating all upland property located within a five-hundred-foot radius of any portion of a boat ramp facility site, including the names and mailing addresses of the owners of such property. In the case of an application for a public or commercial boat ramp facility, or semi-private boat ramp facility where launching of motorized boats would be allowed, the names and mailing addresses of the following upland owners is required: (1) if the proposed boat ramp facility is on a lake, those upland owners on the lake whereon the proposed boat ramp facility is to be located; or (2) if the proposed boat ramp facility site is on a canal or similar impoundment, all upland owners on the nearest lake which is navigably accessible from the canal as well as those upland owners on the subject canal.

(b) *General site performance criteria and requirements.*

- (1) No boat ramp facility of any kind shall be permitted without adequate stormwater management facilities which, in the opinion of the county engineer, are designed to intercept all stormwater from the boat ramp above the normal high water elevation; provided, however, that all commercial boat ramp facilities and semi-private boat ramp facilities shall be required to have stormwater management facility designs which are consistent with the criteria contained in the Orange County Site Development Ordinance (Ordinance Number 86-20 as codified at sections 30-236 through 30-282 of the Orange County Code as the same may be amended and replaced from time to time). The foregoing criteria are not intended to exempt the upland portion of the boat ramp site from any other applicable regulations regarding stormwater retention.
- (2) No private or semi-private boat ramp shall be more than fifteen (15) feet in width.
- (3) In order to prevent boat prop scouring and littoral zone damage, no boat ramp facility, except for a private boat ramp facility, shall be permitted unless built in conjunction with a companion boat mooring dock.
- (4) A companion boat mooring dock shall have not more than one (1) boat slip, unless constructed in conjunction with a commercial or public ramp facility.
- (5) To discourage boat maintenance and repairs at boat ramp facility sites, electrical outlets and lighting of any kind shall be prohibited within one hundred (100) feet of any boat ramp facility, except for a private boat ramp facility.
- (6) Public road access to any commercial or public boat ramp facility site is mandatory.
- (7) The parking of any car or trailer at any semi-private boat ramp facility site by individuals other than those authorized (pursuant to section 15-603 herein) to use the boat ramp facility site is expressly prohibited. At least one (1) sign informing the public of the foregoing restriction and one (1) "Tow-Away" warning sign, as required by the applicable state statute, shall be required at each semi-private boat ramp facility site. All parking areas shall be landscaped in accordance with the Orange County Landscape Ordinance [chapter 24 of this Code]. A landscape buffer of at least ten (10) feet or, in the alternative, a five-foot high masonry wall shall be required between parking areas which are adjacent to residential areas. Restrictions on the number of parking spots at a semi-private boat ramp facility shall be as limited to a maximum of six (6) vehicle and trailer spaces.
- (8) No semi-private companion boat mooring dock shall exceed the length of the boat ramp (measured from the normal high water mark to the waterward end of the ramp) and a width of four (4) feet.
- (9) Boat houses and other similar sheltered structures proposed to be built in conjunction with a companion boat mooring dock are prohibited.
- (10) All commercial and public boat ramp facilities (or semi-private boat ramp facilities which allow motorized boat usage) shall have a prop clean-out area.
- (11) No portion of any boat ramp or any type of boat ramp facility shall be closer than twenty-five (25) feet from the projected property line of abutting shoreline owners.
- (12) No boat ramp or any type of boat ramp facility may be located on any lot or parcel that is smaller than seventy (70) feet wide by one hundred (100) feet deep (or equivalent perimeter in the event of

irregularly shaped lots). Except in the case of a private boat ramp facility, any such boat ramp or boat ramp facility shall be considered the principal use of any such lot or parcel.

(13) Motorized boats shall not be launched from semi-private boat ramp facilities permitted after September 24, 1993, if: (a) there is an existing public boat ramp facility within six hundred (600) yards of the proposed boat ramp facility site; and (b) there is navigable access from the existing boat ramp facility site to the proposed boat ramp facility site.

(14) A developer's agreement between the applicant and county shall be required as a condition of approval of any commercial or semi-private boat ramp facility, which agreement shall be recorded at the applicant's expense and shall: (a) allocate to the applicant, its successor and assigns the responsibility for maintenance and costs arising from use of the boat ramp facility including, but not limited to, costs for increased water safety enforcement and maintenance, which costs shall not exceed ten (10) percent of the assessed value of the boat ramp facility site; (b) set forth any applicable restrictions on the use of such boat ramp facility; (c) authorize that the semi-private boat ramp facility site may be liened in the event that the boat ramp facility site is not properly maintained; and (d) require the applicant to post a one-year irrevocable letter of credit, in favor of Orange County, in the amount of ten (10) percent of the assessed value of the boat ramp facility site in favor of Orange County to secure the foregoing costs.

For purposes of this subsection, "maintenance" shall mean keeping the boat ramp facility site in a condition which is: (1) in compliance with the Orange County Lot Clearing Ordinance [article II of chapter 28 of this Code], as it may be amended and replaced from time to time; (2) consistent with the standard of upkeep of the majority of lots of the subdivision (or surrounding neighborhood if the boat ramp facility site is not in a subdivision) wherein the boat ramp facility site is located; and (3) assure that such site and the facilities, structures and buildings located thereon are safe and functional.

(15) The county shall have the authority to clean up, fence and otherwise block access to any boat ramp facility site which is not properly maintained until such site has been cleaned up to the satisfaction of the county, or the county has been reimbursed for the costs of cleanup.

(16) No commercial or semi-private boat ramp facility site may be located within any platted subdivision which receives final subdivision plan approval and is recorded after September 24, 1993, unless such boat ramp facility was approved prior to the final approval and recordation of such plat and is shown thereon. In addition, with respect to nonsubdivision planned development projects that receive final approval after September 24, 1993, no semi-private or commercial boat ramp facility may be located within any such planned development unless such boat ramp facility was approved prior to final approval of the planned development and is shown on the approved land use plan for the planned development.

(17) Provided, however, that the illustration of the boat ramp facility site on a plat shall not be deemed to create any public right to such site. Such boat ramp facility site shall be considered a private covenant and restriction and be a covenant running with the land, enforceable by the individuals in the subdivision. This subsection shall survive any repeal of this article.

(18) Overnight mooring, beaching or storage of boats shall be prohibited at any semi-private boat ramp facility site.

(19) Restrooms at semi-private boat ramp facilities are encouraged.

(20) There shall be no more than one (1) boat ramp per subdivision or planned development (in the event there is no subdivision).

(21) All semi-private boat ramp facilities shall have at least one (1) trash receptacle.

(22) All parking, refuse and restrooms shall be designed in a manner consistent with the surrounding land uses.

(23) Landscaping, screen walls and any other available measures to reduce noise impacts shall be a part of the design of all boat ramp facilities.

(24) A "No Wake" sign shall be posted at all boat ramp facilities requiring no wake within a one-hundred-foot radius of the boat ramp facilities, notwithstanding whether a skier is being dropped off or picked up.

(c) *Additional design criteria.* Any commercial boat ramp facility shall be subject to the Orange County Site Development Ordinance (Ordinance Number 86-20 as codified in sections 30-236 through 30-282 of the Orange County Code, as same may be amended and replaced from time to time). Preference will be given to gravel, turf-block pavers or other like pervious material which, in the opinion of the county engineer, can support parking. Further, any public or commercial boat ramp facility shall, in addition to the foregoing, be subject to the following minimal design criteria:

(1) *Boat ramp size:*

- a. Width: Single lane, twelve (12) to fifteen (15) feet in width. For additional lanes, use multiples thereof; example, double lane would be thirty (30) feet in width.
- b. Length: The surface of the ramp should be paved down to an elevation of five (5) feet below the lowest recorded water elevation and two (2) feet above the normal high water elevation.

(2) *Boat ramp slope:* A minimum of ten (10) degrees and maximum of fifteen (15) degrees.

(3) *Number of lanes:* A minimum of one (1) lane for every fifty (50) boats per day for which the boat ramp facility is designed.

(4) *Miscellaneous boat ramp criteria:*

- a. Boat ramp shall have a wheel stop to prevent the boat trailer from backing off of boat ramp.
- b. All shoreline alterations shall be stabilized. For purposes of this article, a stabilized shoreline shall include, but not be limited to, the following: rock revetment, aquatic vegetation planting or sod, each of which must be staked in place.
- c. The wetted part of a boat ramp should be paved with three thousand (3,000) psi concrete.

(5) *Companion boat docks:* One (1) companion boat dock shall be required to be constructed in conjunction with each boat ramp lane which is part of a commercial or public boat ramp facility. Each such companion boat dock shall extend out into the water basin and have a minimum boarding length of fifty (50) feet for each boat ramp lane unless modified by an appropriate variance.

(6) *Maneuverability:*

- a. Boat ramps shall have an approach area for maneuvering and backing, extending at least forty (40) feet from the landward end of the boat ramp.
- b. The approach area shall be designed to allow a vehicle to approach the boat ramp at a horizontal angle no greater than thirty (30) degrees from center line of the boat ramp.

(7) *Parking:*

- a. No more than: (1) thirty (30) "vehicle and trailer" spaces; and (2) three (3) "vehicle only" spaces shall be allowed on one (1) acre of a boat ramp facility site. Provided, however, that two (2) "vehicle only" spaces may be substituted for any one (1) of the "vehicle and trailer" spaces permitted under this provision.
- b. Parking spaces shall be depicted on the site plan submitted by the applicant and must demonstrate, to the satisfaction of Orange County, that there is ample room for safe circulation of the maximum number of vehicles and connected trailers proposed to be parked at the boat ramp facility site.

(8) *Locational criteria:* In order to minimize scouring of sediments and destruction of littoral zones, navigable water access must exist at all times from the water end of the boat ramp.

(d) *Public hearing and appeals procedure.*

(1) *Review criteria.* Upon submitting the items required in subsection (a) of this section, which items evidence compliance with subsection (b) or, if applicable, subsection (c) of this section, the environmental protection department shall forward copies of the application and, upon review, shall forward its recommendation to the Orange County Planning, Zoning and Engineering Departments and any affected lake advisory board (including an MSTU) or committee created by special act or municipality. Within thirty (30) days of receipt of a completed application, the environmental protection department shall request scheduling of a public hearing before the board to consider issuance or denial of a boat ramp facility permit, which hearing shall be held no later than forty-five (45) days from the date of the request. Prior to such public hearing, the environmental protection department shall recommend issuance or denial of the permit, considering the shoreline configuration, depth, surface area, and trophic condition of the water bodywhereon the boat ramp facility is proposed, in conjunction with the following criteria:

- a. The potential number of additional users of the waters that would result from approval of the boat ramp facility;
- b. Number of existing boat ramps and similar recreational uses on the waters and the extent to which such existing boat ramps and similar recreational uses to the waters are available to the public;

- c. Noise impacts on residents living directly adjacent to the waters;
- d. The impact that the proposed semi-private boat ramp facility will have on that adjacent area; it is the intent of this subsection that strong preference be given to proposed semi-private boat ramp facilities located on internal lots, as opposed to corner lots in a subdivision;
- e. Whether the fish, wildlife, flora and fauna, including endangered or threatened species (as those threatened or endangered species may be defined from time to time by the applicable local, state or federal laws and regulations) or their habitats will be adversely affected;
- f. Whether the boat ramp facility will adversely affect navigation, water quality, water flow, or cause harmful erosion, shoaling, or sediment resuspension;
- g. Whether there exists a navigable passage from the boat ramp facility to the waters;
- h. Whether the ecological balance of the waters will be adversely affected;
- i. Whether the boat ramp facility will adversely affect significant historical and archaeological resources as defined by state law;
- j. Whether the boat ramp facility will pose a hazard to normal vehicular traffic as a result of trailering vehicles leaving or entering roads;
- k. Whether the boat ramp facility will pose a hazard to boating traffic on the waters, or otherwise adversely affect public safety, given the number of people using the waters, as well as the size, depth and shoreline configuration and natural contours (i.e., existence of a cove, blind spot, etc.) on the subject waters;
- l. If there is existing unrestricted public access to the waters whereon the boat ramp facility is proposed, the applicant must further demonstrate the need for additional access to the waters considering in part:
 - 1. The number of existing boat ramps on the subject waters;
 - 2. The number of existing boat ramps on any adjoining waters connected to the subject waters by any waters capable of passage by any watercraft; and
 - 3. The distance from the proposed boat ramp facility to any existing boat ramp on the same waters.
- m. Whether the proposed boat ramp facility would adversely affect areas of special concern including, but not limited to, outstanding Florida waters, wetlands, areas which provide habitat for endangered species or threatened species (as those endangered or threatened species may be defined by applicable local, state or federal law or regulations) and conservation areas as defined by, and in accordance with, the Orange County Conservation Ordinance No. 89-8, as amended [article X of this chapter].
- n. Interrelationship and organization of multiple uses of the water body that is the site of the proposed boat ramp facility, including:
 - 1. Whether portions of the lake surface have been designated for different activities;
 - 2. Whether the type of boating has been designated over the entire lake (i.e., nonpower boating only);
 - 3. Whether certain uses of the lake have been restricted to certain times of the day;
 - 4. Whether no-wake areas have been established around shoreline fishing areas, swimming areas or existing boat ramps;
 - 5. Whether a speed limit has been established on the lake; and
- o. How the proposed boat ramp will affect existing uses of the water body which is the site of the proposed boat ramp facility.

(2) *Notice of public hearing.* The board shall set a public hearing and publish notice of such public hearing one (1) time in a newspaper of general circulation in Orange County at least two (2) weeks prior to such public hearing. Such notice shall state the development proposed to be made, the legal description of the area in which the development is to be made, a general description of the area involved. The board shall further cause notices to be sent by mail or personal service (in substantially the form as required to be published in a newspaper as hereinbefore provided) to all affected municipalities or

other public agencies, any affected water management district, and any affected lake advisory board (including an MSTU) or committee as created by special act.

The environmental protection official shall notify the applicant of the date and time of the public hearing and shall direct the applicant to post the property with a notice of the public hearing. The applicant shall place the notice in a conspicuous and easily visible location on the subject property at least thirty (30) days prior to the public hearing.

The environmental protection official shall further direct that the applicant give notice to any upland property owners within a five-hundred-foot radius of any upland property line of the proposed boat ramp facility site (for private boat ramp facilities). In the case of an application for a public or commercial boat ramp facility, or semi-private boat ramp facility where launching of motorized boats would be allowed, the notice to the following upland owners is required: (1) if the proposed boat ramp facility is on a lake, those upland owners on the lake whereon the proposed boat ramp facility is to be located; or (2) if the proposed boat ramp facility site is on a canal or similar impoundment, all upland owners on both the canal and nearest lake which is navigably accessible from the canal. No less than four (4) weeks prior to the public hearing, the applicant shall be required to mail such notice of the hearing regarding the proposed boat ramp facility to the required upland owners by certified mail, return receipt requested to the Orange County Environmental Protection Department. Alternatively, the applicant shall provide, at least three (3) weeks prior to the public hearing, a notarized affidavit attesting that written notice to each such upland owner has been hand delivered.

The board, at the public hearing, shall hear any individual who wishes to speak for or against the recommendation made by the Orange County Environmental Protection Department to the board with regard to whether or not the proposed boat ramp will materially affect any of the rights and interests of the public, considering the criteria set forth in the foregoing section of this article, and shall either approve or deny the recommendations of the Orange County Environmental Protection Department with regard to issuance of the permit. The board hereby expressly delegates to the Orange County Environmental Protection Department the authority to make such recommendations, as well as any recommendations pertaining to variance requests to the board.

(3) *Variance.* Any request for a variance from the requirements of this article shall be considered by the board at the public hearing and granted only if the board finds that extraordinary hardship would result from strict compliance with the provision. The board shall consider the recommendation of the environmental protection official with regard to any such variance request as well as any hardship that may be imposed on the public or affected parties by granting the variance.

(4) *Appeals procedure.* Any person who is aggrieved by the board's ruling on the issuance or denial of a boat ramp facility permit may file an appeal of such decision in accordance with the appeal procedures set forth in section 30-46 of the Orange County Code as that section may be amended and replaced from time to time.

If no appeal is filed within the time period set forth in section 30-46 of the Orange County Code, the environmental protection department shall issue an applicant a boat ramp facility permit upon a finding by the board of county commissioners at the public hearing that such a permit should be granted.

(5) *Building permit requirement.* Upon being granted a boat ramp facility permit by the board, the applicant may begin construction of the boat ramp facility, provided that he has obtained the required building permits for any structure which is part of the boat ramp facility and is otherwise in compliance with all other applicable local, state or federal regulations.

(6) *Compliance with other laws and regulations.* Unless specifically exempted herein, issuance of a boat ramp permit shall not excuse the permittee from compliance with any other applicable local, state or federal laws or regulations including, but not limited to, local regulations pertaining to vegetation removal.

(Ord. No. 93-23, § 5, 9-7-93)

Sec. 15-606. Penalties; enforcement.

(a) If the environmental protection official or his agent determines that the boat ramp facility, or any structure constructed in conjunction therewith, has been constructed without prior approval or not in accordance with these regulations or the applicable zoning criteria, he shall promptly issue a written notice of violation to the offending person; provided, however, that the Orange County Planning Department shall issue a notice of violation when a boat ramp is in violation of the Orange County Conservation Ordinance [article X of this chapter]. The notice of violation shall include a description of the site where the violation has occurred, cite the provisions of these

regulations, or other applicable laws, which have been violated, and set forth the required remedial action or actions to be taken as deemed reasonable and necessary by the county. Such remedial action may include restoration of damaged topography; revegetation of the site to comply with applicable local, state or federal laws or regulations; replacement of affected wildlife habitat; payment of all permit and inspection fees; revocation of an existing permit; mitigation; enhancement, or any other actions consistent with the intent of these regulations or other applicable laws (as they may be amended from time to time) in order to ameliorate the adverse impacts of unpermitted or improperly conducted activities.

(b) Violation of these regulations or the conditions of any permit issued pursuant to these regulations shall constitute a violation of any special act, as amended, that may be applicable to the area in which the violation has occurred. The board may use any remedies and seek any penalties provided in such special acts, as amended, in addition to any remedies available in law or in equity.

(c) Any person who shall violate the provisions of this article or any conditions imposed as a part of a permit issued pursuant to this article shall be subject, upon conviction in a court of competent jurisdiction, to a fine not exceeding the sum of five hundred dollars (\$500.00), or imprisonment in the county jail for a term of up to sixty (60) days, or both. Each day during which, or any portion of which, a violation is committed shall constitute a separate offense and shall be punishable as provided herein.

(d) No person shall, prior to issuance of a boat ramp facility permit by Orange County and the termination of all applicable appeal periods, advertise or represent the existence of a boat ramp, boat ramp facility or boat ramp facility site. Such violation shall be subject to prosecution by the Orange County Codes Enforcement Board in accordance with applicable regulations. Each day that the advertisement or representation is in effect shall constitute a separate violation. Provided, however, that no Code violation shall exist, if such representation or advertisement includes an express disclaimer that the proposed boat ramp facility site is contingent on county approval and compliance with all applicable laws and regulations. Such fine shall continue to run until written revocation of any such representations is made or, in the case of an advertisement, upon issuance of a corrective advertisement in substantially the same medium, to substantially the same audience, and with substantially the same frequency as the initial advertisement.

(Ord. No. 93-23, § 6, 9-7-93)

Secs. 15-607--15-700. Reserved.