



**BEACH STEWARDSHIP COMMITTEE MEETING
CITY OF ST. PETE BEACH**

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, May 18, 2022
9:00 AM

REGULAR MEETING

Call to Order
Pledge of Allegiance
Roll Call

1. Presentations -

a. Keep Pinellas Beautiful Presentation - Pat Deplasco

2. Changes to the Agenda -

3. Audience Comments - Comments shall be limited to 3 minutes per person

4. Action Items -

a. Approval of Minutes: February 16, 2022

b. Election of Officers 2022-23

Sec. 22-306. - Election of officers; conduct of meetings.

(a)The beach stewardship committee shall, annually, at the first meeting held following the appointment of members, organize by electing a chairman and vice-chairman and such other officers as may be deemed necessary from among its members.

Current: Chair - Dan Rothenberger; Vice Chair - Lenny Stamos

Requested Motions:

Motion to appoint _____ as Committee Chair for 2022-23.

Motion to appoint _____ as Committee Vice Chair for 2-22-23.

5. Items for Discussion -

a. Revised Beach Ordinance

b. Vehicles on the Sand

6. Updates -

a. Florida Legislature's Action on Smoking Restrictions

b. Swim Buoys

7. Adjournment

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.**

DRAFT BEACH STEWARDSHIP COMMITTEE MINUTES

February 16, 2022 - 9:00 A.M.

PRESENT: Dan Rothenberger, Chair
Lenny Stamos, Vice Chair
Linda Borgia, Member
Michael Welch, Member

EXCUSED: Janet Harris, Member

ALSO PRESENT: Mandy Edmunds, Parks Supervisor
Ginny Bodkin, Deputy City Clerk
Ariana Wilson, Admin. Assistant – Clerk's Office
Kate Hubbard, Director at FWC Center for Red Tide Research

Chair Rothenberger called the meeting to order at 9:00 AM.

1. Changes to the Agenda - Item 3a was moved to the end of the meeting due to the presenter being late.
2. Audience Comments - There were no audience comments.
3. Presentations
Moved after item 5c.
 - a. FWC Center for Red Tide Research

Dr. Kate Hubbard Research Scientist, Director at Fish and Wildlife Conservation (FWC) Center for Red Tide Research gave an informative presentation regarding the red tide research. This presentation has been made part of the record. Dr. Hubbard provided additional resources to help research and track red tide. A short Q&A took place.

4. Action Items
 - a. Approval of Minutes 11/17/21

Member Borgia moved and Vice Chair Stamos seconded the approval of the November 17, 2021 minutes; the motion passed unanimously.

5. Items for Discussion

a. Status Florida SB 224 – Regulation Smoking in Public Places – Ms. Edmunds reported that the status of the bill is it is now in rules in Senate. Neighboring municipalities were contacted to see how they will proceed if this bill does pass.

b. Fireworks on the Beach – Ms. Edmunds stated that the City is still planning on bringing a barge, and it should be here before the fourth of July. This will move the City's firework display off of the beach and onto the water. Resident, John Kurzman was present and voiced his concerns with the firework display.

c. Bicycles on the Beach – Ms. Edmunds informed the members that the City Commission passed an Ordinance on December 14, 2021, that has banned E-Bikes on the beach. Public comment was made at length by Stephen Carroll and John

Kurzman. They each voiced their concerns and brought some ideas along with some photos, which have been made part of the record.

Member Stamos exited the room at 10:24 AM.

d. Presentation Suggestions for Website – Ms. Edmunds informed the members that going forward any presentations made to the Beach Stewardship Committee will be placed on the City’s Parks and Rec website to make available to the public to view.

e. Consolidation of Beach Ordinances – Ms. Edmunds reported that the City is working with Mr. Dickman, City Attorney, on consolidating beach ordinances by eliminating redundancy. Once an Ordinance is ready it will be brought to this board for review and then taken to the City Commission for further review and approval.

f. Upcoming Beach Cleanup – The City is working with Keep Pinellas Beautiful to facilitate multiple beach cleanups in St. Pete Beach. The next St. Pete Beach turtle tracker collaboration will take place on Saturday, March 19, from 9-11 AM at Upham Beach. Interested volunteers can register through Keep Pinellas Beautiful website at www.kpbcares.org.

6. Adjournment Next meeting is May 18, 2022

There being no further business, the meeting was adjourned at 10:26 AM.

These minutes will be considered for approval at the May 18, 2022, Beach Stewardship Committee meeting.

Chapter 95 BEACHES

ARTICLE I. IN GENERAL

Chapter 95 – Beach Regulations is hereby created:

- (a) *Intent.* It is the intent of the city commission to preserve and protect the beauty of the city's beaches, parks, and other public property for use by residents and tourists. In furtherance of such purpose, the city commission makes the following findings of fact:
- (1) The city has a significant tourist population that utilizes its beaches, parks, and other public property.
 - (2) Being a largely recreational and tourist community, the city's beaches, parks, and other public property are a very valuable asset.
 - (3) Such beaches, parks and any other public properties are intended to be used solely for recreational purposes and not for sleeping during nighttime hours.
 - (4) Prohibiting persons from sleeping on the public beaches, in the parks and on other public property during the nighttime hours will promote the public health, safety and welfare.

Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means any beverage containing more than one percent of alcohol by weight.

Club means any group of persons associated together as a duly chartered or incorporated organization, including a social club incorporated by order of the circuit court, which holds a license issued by the state for the sale of alcoholic beverages.

Domesticated bird means a tame bird that lives with a human being and is under such human being's control.

Establishment dealing in alcoholic beverages means any business or establishment licensed by the state for the sale of alcoholic beverages; any area or part of any property, building or structure in which alcoholic beverages are kept for sale, offered for sale, sold, served or dispensed under license by the state; any other area, property, building or structure or part thereof having an entrance, door or other passageway that could in any manner be used or utilized as a means of access, ingress or egress into the area in which alcoholic beverages are kept, offered for sale, sold or dispensed; or which is in any other manner capable of access, ingress or egress at any time to the area in which alcoholic beverages are kept, offered for sale, sold, served or dispensed. However, the term "establishment dealing in alcoholic beverages," when applied to a hotel or club, as defined in this section, means that area (indoor or outdoor) or part of such hotel or club in which alcoholic beverages are kept, sold, served or dispensed when such area is capable of being closed or in some other manner set apart and forbidden to access, including sand beach areas as defined herein and as depicted in the vendor's state alcoholic beverage license.

Sale or sell includes any transfer of liquor, wine or beer or other alcoholic beverages for a consideration, and any gift of liquor, beer or wine in connection with or as a part of a transfer of property other than liquor, beer or wine or other alcoholic beverages for a consideration.

Sand beach areas means the zone of unconsolidated material that extends landward from the mean high water line to the place where there is marked change in material or physiographic form.

Sovereignty submerged land include, but are not limited to, tidal lands, sandbars, shallow banks and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters.

Vendor means any person who keeps for sale, sells or dispenses any alcoholic beverages in any quantity in any place or business licensed by the state for the sale of alcoholic beverages, or any person who holds a license from the state for the sale of alcoholic beverages, including the owner, manufacturer, operator, proprietor or licensee or the servant, agent or employee of any one of such.

Sunrise means the time when the upper limb of the sun as affected by refraction appears above the sensible horizon as a result of the diurnal rotation of the earth.

Sunset means the time when the upper limb of the sun as affected by refraction disappears below the sensible horizon as a result of the diurnal rotation of the earth.

Wild birds means all birds that are not domesticated, as defined in this subsection.

(Code 1960, § 5-2; P.G. Ord. No. 67, § 3; Code 1983, § 5-3(c))

Cross reference(s)—Definitions generally, § 1-2.

Sec. 95- . Prohibitions On Sand Beach

Consumption or possession of alcoholic beverages.

(a) It shall be unlawful for any person to drink or consume any alcoholic beverage on or upon:

- (1) All public parking lots.
- (2) All public beach lands.
- (3) All private sand beach areas upland of the Gulf of Mexico and adjacent to private property without first obtaining a permit from the city.
- (4) All sovereignty submerged land.

(b) It shall be unlawful for any person to carry on or about his person any container of alcoholic beverages, whether the container is a bottle, can, carton or other form of container, in those areas described in subsection

Sec. 95- . Dogs prohibited on sand beaches

(a) It shall be unlawful for any owner or other person keeping a dog to take such dog upon any sand beach or beach access or to knowingly allow any such dog to be upon any sand beach or beach access except as prescribed below.

(b) Designated dog beach area shall be those sand beach lands that lie from the easterly extension of the southernmost ROW line of 1st Avenue north to the easterly extension of the southernmost ROW line of 3rd Avenue and eastward of the Pass-a-Grille Way ROW line. Any dog accessing this designated dog beach area shall be always kept and held on a leash of any substantial material and of a maximum length of eight feet, regardless of location.

(1) For designated dog beach areas, the following rules and regulations apply:

- a. Owners are legally responsible for their dogs and injuries caused by them.
- b. Dogs must be properly licensed, have required immunizations and always wear appropriate ID tags.
- c. Dogs must remain out of any dune vegetation or other protected areas.
- d. Owners must clean up after their dogs.
- e. Owners shall maintain clear sidewalks at all times.
- f. Dogs showing aggression towards people or dogs shall be immediately removed from the premises.
- g. Dogs that bark persistently or are otherwise a nuisance shall be removed from the premises.
- h. Dogs using the dog beach area must be at least four months old.
- i. Dogs must never be left unattended.
- j. Dogs "in heat" will not be allowed inside the dog beach area.
- k. Rawhide, food or any other consumable is not allowed inside the dog beach area.
- l. Dogs are the only type of animal permitted inside the dog beach area.
- m. Violators will be subject to removal from the area and suspension of area privileges.

(2) Hours of operation shall be determined by the city manager or his/her designee and posted on-site. Hours may be adjusted without notice.

(3) The city shall have no obligation or responsibility to replace any existing sand on a dog beach that is removed as a result of alluvial shift, tides, currents, storms or other natural occurrences.

Sec. 95- . Distribution of handbills and other advertising.

- (a) It shall be unlawful for any person to throw, cast, affix or distribute any handbill, circular, card, booklet, placard or other advertising commercial matter whatsoever in or upon any public street or other public place or in or upon any motor vehicle located thereon.

Sec. 95- . Fishing on the beach

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- (a) It shall be unlawful for any person to be engaged in fishing from the sand beach or within any marked swim zone with city limits.

Sec. 95- . Feeding wild birds

- (a) The feeding of wild birds on the beach is prohibited.

Sec. 95- . Fireworks

- (a) It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, use or explode any fireworks as defined by the laws of the state within the city, except by special permission of the city commission.

Sec. 95- . Micro-mobility.

- (a) The riding of such devices shall be prohibited upon any sidewalk or on the beach within the City or any area as designated by the City where notice is posted. Operation of such devices whether privately owned or not is prohibited on sidewalks except for the purposes of parking the device in an acceptable location.

Sec. 95-. Vending in city parks.

- (a) No person, persons, organization or firm, other than the department or concessionaires acting, by and under the authority of the City of St Pete Beach, shall expose or offer for sale, rent or trade any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or merchandise upon any sand beach. Nothing contained herein shall restrict freedom of speech exercised by any person without the use of tables, chairs, or signs erected or placed upon the ground, or other objects, stands, carts, vehicles or similar items.
- (b) No person shall solicit, canvass, or otherwise take orders for the sale of merchandise, good, or property of any kind or character upon any sand beach.

Sec. 95- . Solicitation

(a) A solicitation permit may be obtained by written application of the person desiring to solicit. Such applicant shall be a legal adult or shall have obtained a work permit from a school. The solicitation permit shall contain the following information and shall be signed and sworn to by the applicant:

- (1) Full name of applicant.
- (2) The name of the business or property which the applicant is representing.
- (3) Expiration date of the permit.
- (4) A recent photograph of the applicant.

(b) For solicitation along the sand beach areas of the Gulf of Mexico, the permit shall be issued only after the property owner represented has demonstrated to the satisfaction of the director of planning and development that the sandy beach portion of the property is owned by the upland property owner.

(c) There may be no more than two permitted solicitors on a single parcels of sand beach property at any one time.

(d) Except for boat and beach equipment rentals, solicitation shall be oral, with no display of wares.

(e) Signs shall be regulated as provided in [chapter 122](#).

(f) Solicitation shall be confined to privately owned property, and solicitation shall not occur upon the public beaches. At all times a solicitor shall be required to wear his city-issued solicitor's card on the outside of his clothing.

(g) The establishment of a solicitation line on individual properties shall be through a survey by a licensed surveyor. The solicitation line shall be marked at each boundary line of the property, and at intermediate points if required by the director of planning and development, by means of a device as approved by the city manager or his authorized designee. The property owner shall bear the expense for establishment of the location of the solicitation line and the maintenance of the marking devices. If the property owner fails or refuses to provide a survey establishing the location of the solicitation line after written request by the city, further solicitation on the property shall be prohibited until the survey is provided to the city.

(h) The appropriate board of authority shall be empowered to grant variances to the city solicitation setback line where an upland owner feels that such line as established is unduly restrictive or prevents legitimate use of his property. However, the appropriate board of authority shall grant no variances to this section which would allow the solicitor to locate on public beach land.

(i) The business or property owner shall be responsible for the actions of solicitors employed by or representing him. The business or property owner shall be responsible for compliance with this article by solicitors employed by or representing him, in addition to the citation to be issued to the solicitor.

(Code 1983, § 15-26; Ord. No. 84-13, § 4, 3-6-84; Ord. No. 87-29, § 1, 8-17-87)

Sec. 95-. Natural Habitat Protection

Sea Turtles – Nesting Season May 1st – October 31st

(a) After your day at the beach, fill in any holes, remove beach chairs, umbrellas, towels, beach toys, and any other objects that could interfere with transit of turtle hatchlings.

(b) If staying at a beach resort and your room is located on the beach side, please close your blinds each night to limit the amount of light reflected onto the beach.

(c) No bonfires are allowed and refrain from lights that interfere with nesting turtles of hatchlings.

(d) Do not disturb sea turtle nests, and report unmarked nests to the Turtle Trackers.

(e) Florida Marine Turtle Protection Act – Model Lighting Ordinance 12.15.20

Seabirds

(a) No person shall take, harass, harm, pursue, hunt, shoot, kill, trap, capture, or collect, possess, or sell any of the endangered or threatened shorebird and seabird species (American Oystercatcher, Snowy Plover, Black Skimmer, Least Tern).

Sec. 95- . Dune Protection

It is unlawful for any person to:

- (a) Leave chairs and/or umbrellas in any dune area
- (b) Traverse any across any dune unless using a path specifically created for pedestrian travel.
- (c) Dump any trash or litter into the dunes.
- (d) Alter any dune, including naturally accrued sand, with a permit issued by the city and the Department of Environmental Protection. Dune modification permits must include proposed area to be modified, vegetation to be removed (only allowed to remove invasive species), vegetation to be replaced.
- (e) Enter any dune system without a permit.

Sec. 95-. Vehicles on the beach.

Permits and vehicle types:

- (a) *Required.* No person, municipality, county, or other public agency shall drive any vehicle on, over or across any beach unless such motor vehicle has been issued a "vehicle on the beach" permit under this section, except in emergency situations as approved by the police department or fire department.
- (b) *Criteria for issuance.* Permits for the operation of vehicles on the beach shall be issued for the following purposes:
 - (1) Public works and public safety;
 - (2) Permitted commercial activities;
 - (3) Special events; and
 - (4) Mechanical beach cleaning.
- (c) *Issuance; additional federal, state or county permits.* Permits shall be issued by application to the department of planning and development based on the scope of activity. Where necessary, the applicant shall obtain whatever additional permits that may also be required by either federal, state or county law. Where federal, state or county approval is necessary, no permit issued by the department shall become effective until such approval has been granted.
- (d) *Compliance.* In reviewing the application for a permit, the department shall be authorized to require the applicant to provide all information necessary to determine whether the vehicle will be operated to comply with the requirements of this article or to set reasonable conditions to ensure compliance.

Insurance:

- (e) *Bond; insurance.* Based on the scope of activity, the department may require the posting of a bond or a liability insurance policy protecting against damage to property or persons.

Operation:

- (f) *Safe operation.* Operating vehicles permitted under this section shall be subject to all of the regulations set forth in this article and other ordinances governing the safe operation of vehicles.
 - (1) All vehicles permitted to be on the beach must always travel at or below the maximum speed limit of 15 mph.

(Code 1983, § 5-27; Ord. No. 95-1, § 7, 1-17-95)

Cross reference(s)—Traffic and vehicles, ch. 82.

Sec. 95- . Chairs, tables, umbrellas, cabanas.

- (1) It shall be unlawful for any person to place upon the public beach any chair, bench, table, tent, or umbrella which is in a location or is of a size which would interfere with the use of the public beach by the general public.
- (2) It shall be unlawful for any person placing or causing to be placed any chair, bench, table, tent, or umbrella equipment upon the public beach to allow such to remain upon such public beach between sunset and sunrise.
- (3) Any operation from a franchise to set up chairs, tables, umbrellas, or cabanas on or upon the sand beach requires a permit from the city.
- (4) The maximum tent size allowed on the beach is 10 feet by 10 feet.

Sec. 95- . Special Events on the beach.

No special event shall be permitted within the city limits of St. Pete Beach unless and until a special event permit has been issued in accordance with the requirements of this article. It shall be the authority of the city manager, or his/her designee, to determine whether or not a proposed activity constitutes a special event under the intent of this article and whether an application for the activity will be accepted. This requirement shall not apply to events which are sponsored or co-sponsored by the city. Approval of such sponsorship shall be at the discretion of the city manager or city commission, provided, however, that if an event is open to the entire community, the city commission shall grant such approval, as applicable. City sponsored or co-sponsored events may take place on public property, or private property with the consent of the property owner.

Permits. Permits allowing for the consumption of alcohol for special events, outdoor dining or outdoor drinking areas, or special occasions may be issued as follows:

(1) *Special event permit on public lands.* The city commission may authorize the consumption of alcoholic in connection with the approval of a special event permit issued.

(2) *Special event permit on private lands.* Owners of private sand beach areas may obtain a special event permits for the consumption of alcoholic beverages for special occasions. The permits shall be issued by the city manager or designee and shall include conditions necessary to protect the safety, health and welfare of the public. The upland owner shall be entitled to no more than three permits per month. The area of the beach subject to the permit shall be marked with approved temporary markers, and the consumption of alcohol shall be confined to the marked area. Permits shall not authorize consumption before 8:00 a.m. and shall terminate no later than 10:00 p.m.

(3) *Conditional use permit on public land.* The city commission may authorize the sale and consumption of alcoholic beverages in connection with the approval of a conditional use permit for an outdoor dining area or outdoor drinking area in the area.

(4) *Administrative approval on private lands.* Upon receipt of an accepted site plan application, the technical review committee may approve the sale of alcoholic beverages in conjunction with the rental of beach cabanas

on private transient lodging property if all of the following requirements are met through the site plan review and approval process, as outlined in division five of the land development code.

(5) Any person or persons wanting a beach wedding must first obtain a beach wedding permit through the city.

Sec. 95- . Transient Lodging Facilities

- a. Each transient lodging facility that desires an alcohol cabana service area permit must complete the permitting process and have an active BTR (business tax receipt) for cabana rental associated with the lodging facility.
- b. The cabana service area must be delineated by sketch on COP liquor license, as well as a component of the site plan review. The sketch shall be available for viewing at the transient lodging facility at all times.
- c. The cabana service area can be no closer than 75 feet to a property line abutting an existing residential use located outside of the CRD (community redevelopment district).
- d. All occupants of the cabana service area must wear an identifiable and unique wrist band that is exclusive to the upland transient lodging facility. The wrist band shall indicate that alcohol must remain in the cabana service area at all times.
- e. The cabana service area shall be no closer than 75 feet to the wet sand.
- f. The cabana service area's hours of operation shall be 10:00 am to 10:00 pm.
- g. The cabana service area's patron(s) shall only be served by identifiable transient lodging facility employees, in person and all service-ware shall have clearly identifiable transient lodging facility markings.
- i. Only patrons or registered members of the transient lodging facility that have current room rental as well as a cabana rental in the cabana service area may be served alcohol. Invited guests of the facility patron that desire to be served alcohol shall register with the hotel to secure a wrist band. Patrons and/or guests are prohibited from bringing alcohol into the cabana service area.
- j. Service of alcohol shall only be provided within a beach cabana service area, as delineated by boundary markers consistent with the on-site COP map.

Penalty. Violation of the above criteria will result in:

- 1. First violation - written warning to the transient lodging facility.
- 2. Second violation - written warning to the transient lodging with the stipulation that the permit will be revoked if additional violation occurs within six months.
- 3. Third violation - revocation of the cabana service area permit. The transient lodging facility will not be able to re-apply for a cabana service area permit for one year. For every continual violation an additional six months will be added to this requirement.

l. Cabana service area permits shall be issued on an annual basis, and subject to all ordinance amendments at the time of renewal.

Sec. 95-. Picnics and food consumption.

- (a) Except as provided in subsection (b) of this section, no person shall conduct or participate in a picnic on any of the city's beaches. Except as provided in section 6-5, no person shall possess or consume any alcoholic beverages upon any of the city's beaches.
- (b) Picnics and the consumption of food and nonalcoholic beverages shall be permitted on the city beaches of Pass-a-Grille and Upham Beach, provided that:
 - (1) Those persons having picnics or consuming food or nonalcoholic beverages within the area shall be responsible for cleaning up all of the food, papers, cartons, bottles and other refuse or debris which shall remain or be left from the consumption of such food or beverage.
 - (2) It shall be unlawful to build any fire for any purpose, including the cooking of food, within the sand beaches of the city.
 - (3) No person shall use a grill, stove, fireplace, or other suitable container to cook food on or upon the sand beaches of the city.
 - (4) Glass and plastic straws are prohibited at all times on the sand beach.
- (c) The city manager shall be entitled to authorize the building of a fire, with such requirements as the city manager deems appropriate. Any person receiving authorization to build a fire shall agree in writing to comply fully with all requirements imposed by the city manager.
- (d) Anyone convicted of violating this section shall pay a fine of not less than \$100.00 or more than \$500.00. Signs shall be posted notifying the public of the penalty for violating this section.

(Code 1960, §§ 5-3, 5-3.1; Ord. No. 48, § 2; Ord. No. 83-34, §§ 1, 4; Code 1983, § 5-4; Ord. No. 89-26, § 1, 11-7-89)

State law reference(s)—Florida litter law, F.S. § 403.413.

Sec. 95-. Sleeping during nighttime prohibited.

- (a) It shall be unlawful for any person to sleep between the hours of 9:00 p.m. and 6:00 a.m. on any of the beaches within the city, to include private cabana areas.
- (b) No person shall set up tents, shacks or any other temporary shelters, or any special vehicle to be used, or that could be used for such purpose (such as a house trailer, camp trailer, camp wagon, or the like) for the purpose of overnight camping within any city park, except within such areas, if any, as may have been provided for such use.
- (c) Camping on park grounds is prohibited except at such times and places as may be designated by the city manager, or his or her designee.

Sec. 95-. Tiki huts.

Tiki huts are prohibited on any beach unless a permit has been issued by the department of planning and development in compliance with the following:

- (1) The tiki hut does not violate the terms of F.S. § 161.053.
- (2) The person applying for the tiki hut permit has the written approval of the upland property owner.

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- (3) The applicant is licensed as a commercial watersport business as provided by the land development regulations.
 - (4) The tiki hut is constructed as provided in section 98-67.

(Code 1983, § 5-26(b); Ord. No. 95-1, § 6, 1-17-95)

Cross reference(s)—Tiki hut construction, § 98-67.

Sec. 95-. Temporary structures.

No temporary structure of any kind shall be erected on any beach unless otherwise authorized by this article or other section of this Code.

(Code 1983, § 5-26(c); Ord. No. 95-1, § 6, 1-17-95)

Cross reference(s)—Buildings and building regulations, ch. 98; supplemental district regulations, § 134-1076 et seq.

Sec. 95- BEACH MAINTENANCE REGULATIONS

Requirements.

Mechanical beach cleaning shall be conducted in accordance with the following requirements:

- (1) All mechanical beach cleaning equipment operated on the beach shall require a permit issued by the city in accordance with this article.
- (2) Cleaning equipment shall meet the requirements of state and local law governing the permitting of beach maintenance activities, including the requirements of F.S. §§ 161.052 and 161.053 and the rules and regulations adopted by the state department of environmental protection, division of beaches and shores.
- (3) Cleaning activities shall be performed only between sunrise and sunset.
 - (a) Hotels, businesses, and other establishments are to remove trash as frequently as needed and are required to ensure that the beach area is completely clean at the end of their daily operations.
- (4) Seaweed and other natural sea vegetation may be placed within the five-foot zone, at the toe of the dune, as long as the dune is not disturbed.
- (5) Penetration of the beach surface with any mechanical beach cleaning equipment more than two inches into the surface of the beach is prohibited.
- (6) Mechanical beach cleaning between the dates of May 1st – October 31st (except seaward of the prior days high tide mark or debris line or where authorized by a permit from DEP) is prohibited unless prior approval is given from DEP (Department of Environmental Protection). During this time any beach cleaning must also gain approval from Turtle Trackers before.

(Code 1983, § 5-25(a); Ord. No. 95-1, § 5, 1-17-95)

Cross reference(s)—Environment, ch. 46.

Prohibitions.

The following activities shall be prohibited on beaches:

- (1) Mechanical beach cleaning equipment activities shall be prohibited within five feet of the toe of the dune.
- (2) Mechanical beach cleaning equipment activities shall not disturb any natural beach vegetation.
- (3) Penetration of the beach surface with mechanical beach cleaning equipment by more than two inches into the surface of the beach.
- (4) Any mechanical beach cleaning during the period May 1 through October 31 (turtle nesting season) except seaward of the prior day's high-tide mark or debris line or where authorized by a permit from the state department of environmental protection, division of beaches and shores.

(Code 1983, § 5-25(b); Ord. No. 95-1, § 5, 1-17-95)

Exemptions.

The city shall be exempt from permitting requirements of this division, but shall otherwise comply with all federal, state and local laws.

(Code 1983, § 5-25(c); Ord. No. 95-1, § 5, 1-17-95)

Any and all of the above mentioned ordinances can be altered or given special permission to by approval of the City Manager.