



**CITY COMMISSION
AND
BEACH STEWARDSHIP COMMITTEE
JOINT WORKSHOP**

City of St. Pete Beach City Hall
155 Corey Avenue
St. Pete Beach, FL 33706

Friday, July 28, 2023
10:00 AM

Call to Order
Pledge of Allegiance
Roll Call

WORKSHOP MEETING

1. Items for Discussion -
 - a. Minutes
 - b. Draft Ordinance
2. 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.**

City Commission and Beach Stewardship Committee Joint Workshop

June 13, 2023

4:00 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrilu, Mayor

Mark Grill, Vice Mayor, Commissioner, District 2

Ward Friszolowski, Commissioner, District 3

Chris Graus, Commissioner, District 1

Chris Marone, Commissioner, District 4 – (entered the meeting at 4:03 p.m.)

BEACH STEWARDSHIP COMMITTEE MEMBERS PRESENT:

Dan Rothenberger, Chair

John Kurzman, Vice Chair

Karen Marriott

Betty Rzewnicki

Michael Welch

STAFF PRESENT:

Alex Rey, City Manager

Andrew Dickman, City Attorney

Matthew McConnell, Assistant City Attorney

Amber LaRowe, City Clerk

Jennifer McMahon, Chief Operating Officer

Mayor Petrilu called the workshop to order at 4:00 p.m. followed by the Pledge of Allegiance.

1. DISCUSSION:

a. Beach Stewardship Discussion Points from 5-17-2023

b. Beach Regulation and Management Draft Ordinance

Assistant City Attorney Matthew McConnell proposed that the Commission and Committee review the attached Ordinance section by section. The review began on page 9 of the Agenda.

- Section 6-5 Alcoholic Beverages
 - Discussion: drinking on the beach – the prohibition of this is mentioned in Section 95 further down in the attached Ordinance; therefore, Section 6-5 remains as written
- Section 14-2 – will remain
- Section 58-1 – Definitions
 - Sunrise and Sunset need to be defined in more layman's terms so that it can be easily understood by most people – Mr. McConnell will work on this the best he can
- Section 58-3 – Sleeping during nighttime prohibited
 - The City worked collaboratively with the Pinellas County Sheriff's Office
 - (b) should say "sunset and sunrise" not "sunrise and sunset"
- Section 95-2 – Definitions
 - Request to add "Cabana Service" – Assistant City Attorney to define and refer to Section 95-22
 - Discussion of "Tiki Hut" – Assistant City Attorney to define as pursuant to State Statute and Florida Building Code
- Section 95-3 – Penalties
- Section 95-4 – Chairs, tables, umbrellas, and cones
 - (c) Request to change "franchise" to "business"
 - Requested to have more outline in (d) about not combining multiple 10'x10' tents
- Section 95-5 – Picnics and food consumption
 - Requested to try to make (c) more clear on the process

- Section 95-6 – Tiki huts
 - Discussion of the word “city” and “city manager” throughout the Ordinance – Attorney McConnell will change “city” to “city manager or designee” throughout the Ordinance as it relates to the approval process of various items within
- Section 95-7 – Temporary Structures
 - Discussion: hotels putting stuff out and leaving out overnight

Due to the time, the City Clerk was asked to send out a Doodle Poll to coordinate another joint workshop to finish reviewing the Ordinance.

Mayor Petrila adjourned the meeting at 5:46 p.m.

MINUTES APPROVED: JULY 11, 2023



AMBER LAROWE
CITY CLERK



ADRIAN PETRILA
MAYOR

DRAFT BEACH STEWARDSHIP COMMITTEE MINUTES

May 17, 2023 - 9:00 A.M.

PRESENT: Dan Rothenberger, Chair
John Kurzman, Vice Chair
Betty Rzewnicki, Member
Michael Welch, Member

EXCUSED: Lenny Stamos, Member

STAFF PRESENT: Ayako Ruckdeschel, Beach Manager
Matthew McConnell, Assistant City Attorney
Jennifer McMahon, Chief Operating Officer
Ginny Bodkin, Deputy City Clerk

Chair Rothenberger called the meeting to order at 9:02 AM. He welcomed new Committee member Betty Rzewnicki and shared some of her bio.

1. Presentations

- a. Jim Kilpatrick, Fire Chief - Pass-a-Grille Rip Tide Safety; Actions to Prevent Drowning

Chief Kilpatrick opened by showing a graphic of how rip currents work, and signs of which beachgoers should be aware. Pass-a-Grille is more of a rip tide due to its geographical structure. The difference between the two was discussed. Signage has been installed as an educational warning. This is a complex issue that exists all along all beaches and beachgoers should be aware.

- b. Holley Short, Audubon Society – Black Skimmer Report

Chair Rothenberger introduced Ms. Short, Tampa Bay Shorebird Project Manager of Audubon, who spoke about her role. She distributed a recent annual report. She spoke about the black skimmer colony on St. Pete Beach and reviewed a presentation, which is part of the meeting record. The Black Skimmer is a State threatened species. She explained their appearance, habits, disturbances, predation and how human intrusion affects their life cycle. The City has relocated their fireworks to respect their habitat. Volunteers (650 hours last year) report on the disturbances and assist with educating beach goers (3,500 people from May-August). She asked that the City continue to work with her organization for the bird's protection.

- c. Theresa Aronholz – Sea Turtle Trackers Report

Could not be in attendance.

2. Approval of the Agenda

Member Welch moved, and Member Rzewnicki seconded the approval of the agenda as presented; the motion passed unanimously.

3. Audience Comments –

Cindy Perry Boca of Ciega Drive, a Black Skimmer volunteer, spoke about bicycles on the beach and their effect on the skimmers. Member Kurzman gave return comment.

4. Action Items

a. Approval of Minutes 2/15/2023

Member Welch moved, and Member Kurzman seconded the approval of the February 15, 2023 minutes as presented; the motion passed unanimously.

b. Election of Committee Officers 2023-24

Member Rzewnicki moved, and Member Welch seconded the reappointment of Dan Rothenberger as Committee Chair for 2023-24; the motion passed unanimously.

Member Welch moved, and Member Rzewnicki seconded the appointment of John Kurzman as Committee Vice Chair for 2023-24; the motion passed unanimously.

5. Items for Discussion

a. Update on Beach Ordinance –

Assistant City Attorney Matthew McConnell explained that the City Commission has reviewed the ordinance twice to date and staff thought it appropriate for this Committee to review section by section to be current for any future meetings.

Chief Operating Officer Jennifer McMahon opened the item by reiterating the plan to review the most current version, which includes updates from the Commission's February 28th meeting.

Section 6.5 Consumption or Possession of Alcohol

Committee consensus recommendation was to keep Beaches in this Section

Section 95-1 Intent and Purpose

No recommended changes

95-2 Definitions

Cabana definition discussed; *Beach* definition from Florida Administrative Code

Committee consensus was to recommend removing the word 'domestic' from *Pets*

A recess at was taken at 10:07 AM. The meeting reconvened at 10:15 AM with updated copies of the ordinance distributed to all.

Definition of *Dune* was discussed

Suggestion of differentiating public vs. private.

Consumption On Premise - Suggested differentiation between public vs. private beach

Suggestion to add Unattended Fishing Line to the ordinance since the definition is here.

95-3 Penalties

Mr. McConnell indicated that this aligns with the Sheriffs Dept.

No recommended changes

95-4 Chairs, Umbrellas Cones and Signs

Suggestion that Public vs. Private needs to be defined

Discussion on b) 'if nest is found'

d) Suggestion of substituting 'portable shelter' for 'tent'

e) 'Signs' will be removed in final

95.5 Picnics and Food Consumption

Suggestion to remove 'public' in b)

No additional recommended changes

95-6 Tiki Huts

No recommended changes

95-7 Temporary Structures

Discussion on taking chairs in at night

Cross-reference Sec. 95-4 c)

Suggested to address the intention of the section

95-8 Vehicle Permits

Discussion of intent of h) electric vehicles (to avoid, noise, pollution)

Discussion on tags or stickers for resident bicycles

Mr. McConnell will investigate adding bicycles to insurance exempt vehicles

95-9 Beach Maintenance Regulations

Discussion who picks up trash where

No recommended changes

95-10 Prohibitions on Sand Beach

b) Strike the word 'public'

No other recommended changes

95-11 Animals Prohibited on Sand Beaches

No recommended changes

Could say dog/cat beach

95-12 Distribution of Handbills and Other Advertising

No recommended changes

95-13 Fishing on Beach

No recommended objections

95-14 Feeding Wild Birds and Seabirds

Add 'including but not limited to' the cited species

No other recommended changes

95-15 Fireworks

No recommended changes

95-16 Micro-mobility

Mr. McConnell may change language regarding sidewalk and mention e-bikes

95-17 Vending on beaches

No recommended changes

95-18 Solicitation

No additional recommended changes

95-19 Prohibition of Activities Disruptive to Marine Turtles

Do not specify only nighttime

No additional recommended changes

95-20 Permit Required

Mr. McConnell will research *Dune* definition

d) remove 'wedding' – replace with 'beach ceremony'

No additional recommended changes

95-21 Special Events on the Beach

Discussion that permits and site plans dictate the size of an event

No recommended changes

95-22 Transient Lodging Facilities

h) should be moved to another section

Discussion on designated alcohol areas and difference between 'occupants' vs. 'patrons' and wristbands

Intent is for hotel guests and local guests to both have access to cabana service

d) and i) could be all 'patrons' vs 'occupants'

The Chair called a recess at 12:15 PM and reconvened at 12:19 PM.

Robert Czysteczon, owner Plaza Beach Resort, 4506 Gulf Blvd. gave comment that the focus/starting point needs to be on private beach vs. public beach. He also commented on rip currents.

Jeremy DaSilva, General Manager of the Postcard Inn, gave public comment regarding cabanas, serving their guests, cabana zones, and wristbands vs cups.

Geoff Glick of Suncoast Watersports commented on cleaning the beach, sports equipment, and turtle season.

Dave Winkler of Suncoast Watersports thanked the Committee for taking this deep dive and that the consideration of removing 'public' from the ordinance would send the wrong message.

Vice Chair Kurzman spoke about chairs at the County Beach.

Member Rzewnicki spoke about the area beyond high-water line protecting our barrier island; she believes the intention of the ordinance is to protect the beach.

5. Adjournment – Next meeting will be August 16, 2023.

There being no further business, the meeting was adjourned at 12:49 PM.

These minutes will be considered for approval at the August 16, 2023, Beach Stewardship Committee meeting.

DRAFT
City Commission and Beach Stewardship Committee Joint Workshop
July 11, 2023
4:00 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrila, Mayor
Mark Grill, Vice Mayor, Commissioner, District 2
Ward Friszolowski, Commissioner, District 3
Chris Marone, Commissioner, District 4

ELECTED OFFICIALS ABSENT:

Chris Graus, Commissioner, District 1

BEACH STEWARDSHIP COMMITTEE MEMBERS PRESENT:

Dan Rothenberger, Chair
John Kurzman, Vice Chair – present via ZOOM
Karen Marriott
Betty Rzewnicki
Michael Welch

STAFF PRESENT:

Alex Rey, City Manager
Matthew McConnell, Assistant City Attorney
Amber LaRowe, City Clerk
Jennifer McMahon, Chief Operating Officer

Mayor Petrila called the workshop to order at 4:00 p.m. followed by the Pledge of Allegiance.

1. DISCUSSION:

- a. Minutes**
- b. Beach Regulation and Management Draft Ordinance**

City Manager Alex Rey opened the discussion by suggesting that the City Commission and Beach Stewardship Committee focus on policy decisions as opposed to verbiage and repeated phrases in the current proposed Ordinance versus other sections in the Code.

Commissioner Friszolowski mentioned the ownership of the beach and opined a majority is owned by residents and is private.

Commissioner Marone would like to see something that distinguishes resident-owned versus hotel owned versus Pass-A-Grille Beach versus Upham Beach for the sake of rentals. City Manager Rey stated rentals and cabanas on City-owned beaches are regulated via a contract; the current vendor's contract expires this year.

Commissioner Friszolowski suggested that 95-7(b) of the attached Ordinance say "cabanas, umbrellas, and chairs".

The issue of cabanas at hotels was the first point of today's discussion. The discussion included:

- Leave chairs overnight at hotels
 - Establish a buffer/density – staff to prepare a visual
- 30-50 percent of cabanas can be left out permanently with the remaining having to be picked up and put away at the end of the night
- Hoteliers are opposed to bringing in and out each day – determine an appropriate compromise

Section 95-8 vehicle permits were discussed:

- Time restrictions
- Will overregulation breed other issues
- Limit of number of vehicles per business
- Permits for bicycles on the beach
 - No permits for bicycles on the beach
 - No electric bicycles

The consensus was to leave this section for staff to create a permit application for other vehicles on the beach.

Sections 95-9 through 95-15 keep as is.

Section 95-16 will have the second sentence removed.

Tent size was discussed. Attorney McConnell suggested removing the tent size and putting a square foot size in the Ordinance instead.

Section 95-17 vending on the beaches was discussed. Commissioner Friszolowski requested something be included in this section about food vending.

Section 95-18 had no changes.

In Section 95-19, Chief Operating Officer McMahon mentioned tightening the language and adding some information from the County and Florida Department of Environmental Protection.

Section 95-20 permit required was discussed:

- Recreational activities
 - A better definition

Section 95-21 special events on the beach were discussed; the language will be reviewed.

Mayor Petrila discussed the consumption of alcohol on the beach.

Due to the time, no further discussion was had. City Clerk LaRowe was directed to schedule a joint workshop in the next 30 days to conclude the discussion of this proposed Ordinance.

Mayor Petrila adjourned the meeting at 5:48 p.m.

MINUTES APPROVED:

AMBER LAROWE
CITY CLERK

ADRIAN PETRILA
MAYOR

Ordinance 2023-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 6 – ALCOHOLIC BEVERAGES, ARTICLE I – IN GENERAL; SECTION 6-5 – CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES; CHAPTER 14 – ANIMALS, ARTICLE I – IN GENERAL; SECTION 14-2 – FEEDING WILD BIRDS IN PUBLIC PLACES, ARTICLE II – DOGS, REMOVING SECTION 14-35 – PROHIBITED ON SAND BEACHES; CHAPTER 58 – PARKS AND RECREATION, ARTICLE I – RECREATION; AMENDING SECTION 58-1 – DEFINITIONS; CHAPTER 58 – PARKS AND RECREATION, ARTICLE II – CITY PARKS AND FACILITIES; REMOVING SECTION 58-23 – VENDING IN CITY PARKS; AMENDING SECTION 58-25 – PROHIBITED ACTIVITIES IN CITY PARKS; ESTABLISHING SECTION 58-31 – SLEEPING DURING NIGHTTIME PROHIBITED; CHAPTER 62 – PEDDLERS AND SOLICITATORS, ARTICLE II – COMMERCIAL SOLICITATIONS; DIVISION 2 – PERMIT; REMOVING SECTION 62-59 – APPLICATION; QUALIFICATIONS; CONTENTS; DIVISION 3 – REGULATIONS; REMOVING SECTION 62-93 – SPECIFIC RESTRICTIONS ON SOLICITATION ON SAND BEACH AREAS; CHAPTER 94 – WATERWAYS, ARTICLE III – BEACHES, DIVISION 1 – GENERALLY; SECTION 94-66 – DEFINITIONS; SECTION 94-67 – PENALTIES; REMOVING SECTION 94-68 – CHAIRS, TABLES, UMBRELLAS; REMOVING SECTION 94-69 – PICNICS AND FOOD CONSUMPTION; REMOVING SECTION 94-70 – SLEEPING DURING NIGHTTIME PROHIBITED; REMOVING SECTION 94-71 – TIKI HUTS; REMOVING SECTION 94-72 – TEMPORARY STRUCTURES; REMOVING SECTION 94-73 – VEHICLE PERMITS; DIVISION 2 – BEACH MAINTENANCE REGULATIONS; REMOVING SECTION 94-101 – REQUIREMENTS; REMOVING SECTION 94-102 – PROHIBITIONS; REMOVING SECTION 94-103 – EXEMPTIONS; AMENDING THE LAND DEVELOPMENT CODE DIVISION 25 – COASTAL PROTECTION AND CONSERVATION; REMOVING SECTION 25.9 – PERMIT REQUIRED; DIVISION 44 – MARINE TURTLE PROTECTION; REMOVING SECTION 44.3 – PROHIBITION OF ACTIVITIES DISRUPTIVE TO MARINE TURTLES; ESTABLISHING CHAPTER 95 – BEACHES; SECTION 95-1 INTENT AND PURPOSE; SECTION 95-2 – DEFINITIONS; SECTION 95-3 – PENALTIES; SECTION 95-4 – CHAIRS, TABLES, UMBRELLAS; SECTION 95-5 – PICNICS AND FOOD CONSUMPTION; SECTION 95-6 – TIKI HUTS; SECTION 95-7 TEMPORARY STRUCTURES; SECTION 95-8 – VEHICLE PERMITS; SECTION 95-9 – BEACH MAINTENANCE REGULATIONS; SECTION 95-10 – PROHIBITIONS

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

ON SAND BEACH; SECTION 95-11 – ANIMALS PROHIBITED ON SAND BEACHES; SECTION 95-12 – DISTRIBUTION OF HANDBILLS AND OTHER ADVERTISING; SECTION 95-13 – FISHING ON THE BEACH; SECTION 95-14 – FEEDING WILD BIRDS AND SEABIRDS; SECTION 95-15 – FIREWORKS; SECTION 95-16 – MICRO-MOBILITY; SECTION 95-17 – VENDING IN CITY PARKS; SECTION 95-18 – SOLICITATION; SECTION 95-19 – PROHIBITION OF ACTIVITIES DISRUPTIVE TO MARINE TURTLES; SECTION 95-20 – PERMIT REQUIRED; SECTION 95-21 – SPECIAL EVENTS ON THE BEACH; AND SECTION 95-22 – TRANSIENT LODGING FACILITIES; RENUMBERING SECTIONS ACCORDINGLY; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach intends to preserve and protect the beauty of the City’s beaches, parks, and other public property for the use and enjoyment by residents and tourists.

WHEREAS, the City has significant tourist population that utilizes its beaches, parks, and other public property.

WHEREAS, the City’s beaches, parks, and other public property are a valuable asset as the City is a large recreational and tourist community.

WHEREAS, such beaches, parks and any other public properties are intended to be used solely for recreational purposes and not to be used for sleeping during nighttime hours.

WHEREAS, the City Commission believes this is in the best interest of the citizens to promote the public health, safety and welfare.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2.

The Code of Ordinances Chapter 6, Article I is amended as follows:

Sec. 6-5. – Consumption or possession of alcoholic beverages.

- (a) Except as provided in subsection (d) of this section, it shall be unlawful to drink or consume alcoholic beverages on or upon:
- (1) All public streets.
 - ~~(2) All public beach lands.~~
 - ~~(3) (2) Any public sidewalk.~~
 - ~~(4) (3) Any city park.~~
 - ~~(5) All private sand beach areas upland of the Gulf of Mexico and adjacent to private property.~~
 - ~~(6) All sovereignty submerged land.~~
- (b) Notices. Notice of this section shall be posted by the city. If upland property is used for some commercial use, including but not limited to hotels and resorts on the beach, notice shall be posted by the owner and shall contain language determined to be acceptable by the city attorney. For upland property used as multifamily residential use, the owner or condominium association shall be responsible for posting the notice. For upland property is less than three residential living units, the city shall post the notice at the closest public access to the beach.
- (c) Containers. It shall be unlawful for any person to carry on or about his person any container of alcoholic beverages, whether or not the container is a bottle, can, carton or other form of container, in those areas described in subsection (a) of this section unless a permit has been issued pursuant to subsection (e) of this section otherwise allowing said activity to occur under any certain terms and conditions stated in the permit. This subsection shall not be applicable in those areas described in subsections (a)(1), (2) and (3) of this section (consumption at the park should be approved by the City Manager) if the alcoholic beverage is contained in a sealed container or if the bottle, can, carton or other container has never been opened since the time the beverage was originally bottled at the manufacturer's or bottler's plant. Possession of any container of alcoholic beverages wherein the seal has been broken, the bottle cap or pop-top has been opened or removed or where the container may seem to be open or to have been opened shall constitute prima facie evidence of a violation of this section.
- (d) 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 beverages in the areas described in subsections (a)(1), (2) and (3), as stated above, in connection with the approval of a special event permit issued pursuant to Article II of Chapter 26 of this Code.
 - ~~(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.~~

- (32) 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 described in subsection (a)(1), (a) (2), and (a)(3) as provided by the City of St. Pete Beach Land Development Code.
- ~~(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.~~
- ~~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 50 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.~~
 - ~~h. Glass and plastic straws are prohibited at all times on the sand beach.~~
 - ~~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.~~
 - ~~k. 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.~~

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

The Code of Ordinances Chapter 14, Article I is amended as follows:

Sec. 14-2. Feeding wild birds in public areas.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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

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

- (b) *Prohibited.* The feeding of wild birds on public streets, sidewalks, rights-of-way, or parks or beaches is prohibited.

- (c) *Exemption.* Persons feeding domesticated birds on private property are exempt from this section.

The Code of Ordinances Chapter 14, Article II is amended as follows:

~~Sec. 14-35.— 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. 14-36: 35. – Regulations for dogs in approved outdoor seating areas.

The Land Development Code Division 25 is amended as follows:

~~Sec. 25.9. — Permit required.~~

- ~~(a) Dunes. In no instance shall any person, municipality, county, or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.~~
- ~~(b) Other non-exempt activities. All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.~~

Sec. 25.10 9. – Permitting procedures.

Sec. 25.11 10. – Variances

The Land Development Code Division 44 is amended as follows:

~~Sec. 44.3.— Prohibition of activities disruptive to marine turtles.~~

~~The following activities are prohibited on the beach at nighttime during the nesting season for the protection of nesting females, nests, and hatchling marine turtles:~~

- ~~(a) The operation of all motorized vehicles, except emergency and law enforcement vehicles or operated by those persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission, and Florida Department of Environmental Protection approved for mechanical beach cleaning or beach renourishment activities.~~
- ~~(b) The building of campfires or bonfires.~~
- ~~(c) Any transient lighting which purposely and flagrantly illuminates nesting sea turtles or hatchlings. This prohibition does not apply to those persons who have authorization or a permit to engage in marine turtle conservation or research~~
- ~~(d) If any turtle nests or nesting activities have been reported within a portion of a beach, any temporary structures, including but not limited to beach chairs, umbrellas and cabanas which have the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat shall be:~~
 - ~~(1) Removed from the beach nightly; or~~
 - ~~(2) Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or~~
 - ~~(3) Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water.~~

Sec. 44.4.3. – Standards for new beachfront lighting.

Sec. 44.5. 4. – Standards for existing beachfront lighting.

Sec. 44.6. 5. – Standards for publicly owned lighting.

Sec. 44.7.6. – Construction during nesting season.

Sec. 44.8. 7. – Enforcement.

Sec. 44.9. 8. – Monitoring and reporting guidance.

The Code of Ordinances Chapter 58, Article I is amended as follows:

Sec. 58-1. - Definitions.

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.

The Code of Ordinances Chapter 58, Article II is amended as follows:

~~Sec. 58-23. Vending in city parks.~~

~~No person, persons, organizations or firm, other than the department of 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 within any city park. 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.~~

Sec. 58-24. 23. – Camping.

Sec. 58-25. 24. – Domestic Animals

Sec. 58-26. 25. – Prohibited activities in city parks.

(7) 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,

other than the department or concessionaires acting by and under the authority of the City of St. Pete Beach.

Sec. 58-27. 26. – Picnic areas and use.

Sec. 58-28. 27. – Resident preference for programs and services.

Sec. 58-29. 28. – Advertising, publicity and signs.

Sec. 58-30. 29. – Proper use of facilities.

Sec. 58-31. 30. – Park hours.

Sec. 58-31. – Sleeping during nighttime prohibited.

(a) Intent. It is the intent of the city commission to preserve and protect the beauty of the city's 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, 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) Permitting persons to sleep on the beaches, in the parks and on any other public property during nighttime hours will have a negative effect on the appearance of such areas and upon the city's tourism industry.
- (5) Persons sleeping on the beaches, in the parks or on any other public property are exposed to the risk of harm from others or the elements.
- (6) 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.

- (b) Prohibition. It shall be unlawful for any person to sleep at the following places between sunrise and sunset of the following day, referred to in this section as the nighttime hours:
On any public park or any other public property within the corporate limits.
- (c) Penalty. Any person found guilty of violating this section shall, upon conviction, be subject to a fine not to exceed \$500.00 or imprisonment for a period not to exceed 60 days.

The Code of Ordinances Chapter 62, Article II, Division 2 is amended as follows:

~~Sec. 62-59.~~— Application; qualifications; contents.

- ~~(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.~~

~~Sec. 62-60.~~ 59. – Issuance.

~~Sec. 62-61.~~ 60. – Display required.

~~Sec. 62-62.~~ 61. – Termination for violation.

~~Sec. 62-63.~~ 62. – Hour sales permitted.

~~Sec. 62-64.~~ 63. – Expiration.

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

Secs. 62-654–62-90. – Reserved.

The Code of Ordinances Chapter 62, Article II, Division 3 is amended as follows:

~~Sec. 62-93. — Specific restrictions on solicitation on sand beach areas.~~

- ~~(a) There may be no more than two permitted solicitors on a single parcels of sand beach property at any one time.~~
- ~~(b) Except for boat and beach equipment rentals, solicitation shall be oral, with no display of wares.~~
- ~~(c) Signs shall be regulated as provided in chapter 122.~~
- ~~(d) 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.~~
- ~~(e) 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.~~
- ~~(f) 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.~~
- ~~(g) 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.~~

~~Sec. 62-94. 3. – Permitted hours for solicitation.~~

Secs. 62-954 – 62-120. Reserved.

The Code of Ordinances Chapter 94, Article III, Division 1 is amended as follows:

~~Sec. 94-66 – Definitions.~~

~~Sec. 94-67. Penalties.~~

~~Sec. 94-68. Chairs, tables, umbrellas.~~

- ~~(a) It shall be unlawful for any person to place upon the public beach any chair, bench, table 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.~~
- ~~(b) It shall be unlawful for any person placing or causing to be placed any chair, bench, table or umbrella equipment upon the public beach to allow such to remain upon such public beach between sunset and sunrise.~~

~~Sec. 94-69. 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) Glass containers or bottles associated with the consumption of food or nonalcoholic beverages shall be prohibited.~~
- ~~(c) Notwithstanding subsection (b)(2) of this section, 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.~~

~~Sec. 94-70. Sleeping during nighttime prohibited.~~

- (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) Permitting persons to sleep on the beaches, in the parks and on any other public property during nighttime hours will have a negative effect on the appearance of such areas and upon the city's tourism industry.
 - (5) Persons sleeping on the beaches, in the parks or on any other public property are exposed to the risk of harm from others or the elements.
 - (6) 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.
 - (7) The beaches beginning at 30th Avenue and running north to the north boundary of block "M," Don Ce Sar Subdivision, and beginning at the south boundary line of block "N," Don Ce Sar Subdivision, and running north to 37th Avenue, are gulfward of residential property. Sleeping on the beach in these areas is contrary to the health and safety of the public.
- (b) *Prohibition.* It shall be unlawful for any person to sleep at the following places between the hours of 9:00 p.m. and 6:00 a.m. of the following day, referred to in this section as the nighttime hours:
- (1) On any public beach or in any public park or any other public property within the corporate limits.
 - (2) Between the waters of the Gulf of Mexico on the west and the most landward line of the sand dune or permanent construction, whichever first occurs, in the following area: beginning at 30th Avenue and running north to the north boundary of block "M," Don Ce Sar Subdivision, and beginning at the south boundary line of block "N," Don Ce Sar Subdivision, and running north to 37th Avenue.
- (c) *Penalty.* Any person found guilty of violating this section shall, upon conviction, be penalized as provided in section 1-14.

Sec. 94-71. — 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.
- (3) The applicant is licensed as a commercial watersport business as provided by the land development regulations in subpart B of this Code.

~~(4) The tiki hut is constructed as provided in section 98-67.~~

~~Sec. 94.72 — 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.~~

~~Sec. 94.73. — Vehicle permits.~~

- ~~(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) *Bond; insurance.* Based on the scope of activity, the department may require the posting of a bond or a liability insurance policy protection against damage to property or persons.~~
- ~~(e) *Compliance.* In reviewing the application for a permit, the department shall 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.~~
- ~~(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.~~

~~Secs. 94-7466 – 94-79. – Reserved.~~

The Code of Ordinances Chapter 94, Article III, Division 2 is amended as follows:

~~Sec. 94-101. — 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.~~
- ~~(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.~~

~~Sec. 94-102. — 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~~

~~Sec. 94-103. — Exemptions.~~

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

~~Secs. 94-104 101– 94-130. – Reserved.~~

The Code of Ordinances Chapter 95 is added as follows:

Sec. 95-1. – Intent and purpose.

It is the intent and purpose of these regulations to safeguard and beautify the beaches within the City's jurisdiction by limiting certain activity conducted on the beaches. These regulations are also intended to provide for the health, safety, and welfare of the city's residents and the visitors of the City of St. Pete Beach.

Sec. 95-2. – 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:

Beach means the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiological form, or to the line of permanent vegetation, usually the effective limit of storm waves.

Cabana means a temporary open-sided structure often roofed with fabric, thatching or similar material, and which may include curtains or other lightweight blinds, that is placed on the beach within an approved cabana service area and sized to provide shade and/or privacy for individuals or small groups. This term shall include chairs or other accessory items constructed with or placed beneath the structure. Cabanas shall not be used for retail sales, bar service, food preparation, storage, or overnight sleeping.

City manager means the person appointed by the city commission as the chief administrative official for the city or the designated representative thereof.

Consumption on premises means the drinking of beer, wine, and/or liquor on the property of a business which is licensed through the Florida Department of Business and Professional Regulation or its successor with a COP-class, SFS-class, or other license class that provides at least the minimum approval to allow for an on-premise consumption type of sale. The use of the term premise shall not be construed to include land located seaward of the rear property line when the upland property is not owned to the mean high-water line.

Erosion control line (ECL) – It is established, by the State of Florida pursuant to Florida Statute 161.141, as amended. Any lands seaward of the ECL are deemed to be State sovereign lands.

Pets/domestic animals means a dog, cat, or other animal that is domesticated and may be kept as a household pet. The term does not include livestock or other farm animals.

Permanent structure means an assembly of materials that is constructed on or placed over land or water, with either its own location on the ground or attached to something with a location on the ground, in which it is anticipated that the structure will remain in place for its expected lifespan or for which a temporary period of placement has not been defined and permitted through this Code. All structures erected for a period of longer than 180 days shall be considered permanent.

Service animal means an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual's disability and may include, but are not limited to, guiding an individual who is visually impaired or blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

Smoking means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product, with the exception of unfiltered cigars.

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.

Temporary structure means an assembly of materials which is constructed or placed, in compliance with the provisions, procedures and standards of this Code, for a limited and defined period of time, and which does not involve the construction or alteration of any permanent structure. A structure erected for a period of 180 days or longer shall not be considered a temporary structure.

Sec. 95-3. – Penalties.

- (a) Any person violating this article shall constitute an offense against the city, and where no specific penalty is provided therefore shall subject the offender, upon conviction, to a fine of not to exceed \$500.00 or imprisonment for a period not to exceed 60 days.
- (b) The judgment of a court of proper jurisdiction imposing any fine or fine and cost of prosecution shall contain provision for a period of imprisonment in default of payment of the fine or cost. The payment of fines and costs of prosecution may also be enforced by attachment summarily against the property of the delinquent.
- (c) In addition to the penalties provided in subsections (a) and (b) of this section, any condition caused or permitted to exist in violation of any of the provisions of this Code

or any ordinance shall be deemed a nuisance, pursuant to Chapter 46, Article II of the City's Code of Ordinances, and shall be subject to abatement by the city, and each day that such condition continues shall be regarded as a new and separate offense.

Sec. 95-4. Chairs, tables, umbrellas, and cones.

- (a) It shall be unlawful for any person to place upon the beach any chair, bench, table or umbrella which is in a location or is of a size which would interfere with the use or access of the beach by the general public.
- (b) It shall be unlawful for any person placing or causing to be placed any chair, bench, table or umbrella equipment upon the beaches to allow such to remain upon the beach between sunset and sunrise.
- (c) 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.
- (d) The maximum tent size allowed on the beach is 10 feet by 10 feet.
- (e) Cones, regardless of the type, are prohibited at all times without prior approval from the City.

Sec. 95-5. 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 95-22, 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 beaches, provided that:
 - (1) Those persons having picnics or consuming food or nonalcoholic beverages within the area shall be responsible for cleaning up and removing from the beach 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) Glass containers or bottles associated with the consumption of food or nonalcoholic beverages shall be prohibited.
- (c) Notwithstanding subsection (b)(2) of this section, the city commission or 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 commission and/or 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.

Sec. 95-6. Tiki huts.

Tiki huts are prohibited on any beach unless a permit has been issued by the City Manager 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 and may not use the tiki hut for the sale or distribution of alcohol.
- (3) The tiki hut is constructed as provided in The Florida Building Code and the City's zoning code.

Sec. 95-7. 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.

- (a) Any commercial operation must receive a permit from the city and provide the proper insurance.
- (b) Cabanas can only be placed out in designated areas once the rental has been paid and occupied.
- (c) All temporary structures on the beaches, including but not limited to chairs, tables, umbrellas, cabanas, and tents, shall be stacked and secured nightly at a City approved location. For the purpose of this regulation, beach concession standards found in Land Development Code section 6.12(h) and tiki huts as regulated in section 95-7 shall not be considered temporary structures.
- (d) All Cabana services, whether commercial or residential, are required to receive a permit from the City and shall be no closer than 75 feet to the wet sand.

Sec. 95-8. – Vehicle permits.

- (a) Required. No person, organization, municipality, county or other public agency shall drive any vehicle or ride any bicycle (non-electric) on, over or across any beach unless such motor vehicle or bicycle has been issued a "vehicle on the beach" permit under this section. Emergency or law enforcement vehicles are exempt and will be coordinated through the City Manager.
- (b) Criteria for issuance. Permits for the operation of vehicles on the beach shall be issued for the following purposes:
 - (1) City Beach maintenance operations
 - (2) Permitted commercial activities.
 - (3) Special events; and
 - (4) Mechanical beach cleaning.
- (c) Criteria for issuance. Permits for the operation of non-electric bicycles on the beach shall only be issued to residents of the City of St. Pete Beach.

- (d) *Issuance; additional federal, state or county permits.* Permits shall be issued by application to the City Manager 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.
- (e) *Insurance.* The City Manager shall require a liability insurance policy protecting against damage to property or persons. City vehicles, Pinellas County Sheriff vehicles, and emergency response vehicles are exempt.
- (f) *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.
- (g) *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. Safe operation shall be deemed as 10mph per Land Development Code Section 6.12(h) (3).
- (h) *Electric Vehicles.* Permits for vehicles on the beach will only be issued to electric vehicles beginning January 1, 2026.

Sec. 95-9. –Beach maintenance regulations.

- (a) *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.
 - (4) Seaweed and other natural sea vegetation may be placed within the five-foot (5') 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 day's high tide mark, debris line, or where authorized by a permit from DEP) requires approval from DEP and the Sea Turtle Trackers.
- (b) *Exemptions.* The city shall be exempt from permitting requirements of this division, but shall otherwise comply with all federal, state and local laws.

Sec. 95-10. Prohibitions on sand beach.

- (a) Consumption or possession of alcoholic beverages.
 - (1) It shall be unlawful for any person to drink or consume any alcoholic beverage on or upon all beaches without first obtaining a permit from the City.
 - (2) 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 this section.
- (b) It shall be unlawful for any person to smoke on beaches. Smoking is defined in section 95-2 above.

Sec. 95-11. – Animals prohibited on sand beaches.

- (a) It shall be unlawful for any owner or other person keeping a dog or other animal to take such dog or other animal upon any sand beach or beach access or to knowingly allow any such dog or other animal 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 must never be left unattended.
 - i. Dogs "in heat" will not be allowed inside the dog beach area.
 - j. Rawhide, food or any other consumable is not allowed inside the dog beach area.
 - k. Dogs are the only type of animal permitted inside the dog beach area.
 - l. 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 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.
- (c) Service animals as defined in this chapter are exempt.

Sec. 95-12. – Distribution of handbills and other advertising.

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 beach.

Sec. 95-13. – Fishing on the beach

It shall be unlawful for any person to fish in the Gulf after having been warned by any law enforcement officer that the health and safety of bathers is being endangered.

Nothing in this section shall be construed to create a duty on the part of any City to prevent fishing or to warn of the presence of sharks in the Gulf.

Sec. 95-14. – Feeding wild birds and seabirds.

- (a) The feeding of birds on the beach is prohibited.
- (b) 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. 95-15. – Fireworks.

It shall be unlawful for any person to offer for sale, expose for sale, sell at retail or use or explode any fireworks on the beach. The board of county commissioners shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public display of fireworks by fair associations or other organizations or groups of individuals when such public display is to take place outside of any municipality; provided, further, that the governing body of any municipality shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public display of fireworks within the boundaries of any municipality, pursuant to Section 791.02, Florida Statutes, as amended.

Sec. 95-16. – Micro-mobility.

The riding of such devices shall be prohibited upon any 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 as referenced in Section 74-92

Sec. 95-17. – Vending on beaches.

- (a) No person, persons, organization or firm, other than the department or concessionaires acting, by and under the authority of the city manager, 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, goods, or property of any kind or character upon any beach.

Sec. 95-18. –Solicitation.

- (a) A solicitation permit may be obtained by written application of the person desiring to solicit. 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) Except for boat and beach equipment rentals, solicitation shall be oral, with no display of wares.

- (d) Signs shall be regulated pursuant to the City's Land Development Code.

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

- (f) 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.

Sec. 95-19. – Prohibition of activities disruptive to marine turtles.

- (a) Marine turtles nesting season is from May 1 – October 31.

- (b) The following activities are prohibited on the beach at nighttime during the nesting season for the protection of nesting females, nests, and hatchling marine turtles:

(1) The operation of all motorized vehicles, except emergency and law enforcement vehicles or vehicles operated by those persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission, and Florida Department of Environmental Protection approved for mechanical beach cleaning or beach renourishment activities.

(2) The building of campfires or bonfires.

(3) Any transient lighting which purposely and flagrantly illuminates nesting sea turtles or hatchlings. This prohibition does not apply to those persons who have authorization or a permit to engage in marine turtle conservation or research.

- (4) If any turtle nests or nesting activities have been reported within a portion of a beach, any temporary structures, including but not limited to beach chairs, umbrellas and cabanas which have the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat shall be:
 - a. Removed from the beach nightly; or
 - b. Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or
 - c. Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water.
- (5) When preparing to leave 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.
- (6) If staying at a beach resort and the room is located on the beach side, close the blinds each night to limit the amount of light reflected onto the beach.
- (7) Any resident who owns property on the beach shall close the blinds each night to limit the amount of light reflected onto the beach.
- (8) Do not disturb sea turtle nests, and report unmarked nests to the Turtle Trackers.
- (9) Anything prohibited in the Florida Marine Turtle Protection Act – Model Lighting Ordinance 12.15.20

Sec. 95-20. – Permit required.

- (a) *Dunes.* In no instance shall any person, municipality, county, or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.
- (b) *Other non-exempt activities.* All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.
- (c) *Recreational Activities.* Any organized recreational activity conducted on the beach shall be required to obtain the necessary permits through the City Manager.
- (d) A beach wedding ceremony shall be required to obtain the necessary permits.

Sec. 95-21. –Special events on the beach.

- (a) 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, 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 may 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.

(b) *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 alcohol in connection with the approval and issuance of a special event permit.

(2) *Special event permit on private lands.* Owners of private lands may obtain a special event permit for the consumption of alcoholic beverages for special occasions. The permits shall be issued by the city manager 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 as provided in section 6-5(d).

(4) *Administrative approval on private lands.* Upon receipt of an accepted site plan application, the City Manager may approve the sale of alcoholic beverages in conjunction with the rental of beach cabanas on private transient lodging property if all of the requirements are met through the site plan review and approval process, as outlined in division five of the land development code and section 95-23 below.

Sec. 95-22. – 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 Department of Business and Professional Regulation liquor license application, 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.

(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 Sunrise to Sunset.
- (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.
- (h), Plastic straws, Glass and extruded polystyrene foam (aka Styrofoam) products are prohibited at all times on the sand beach.
- (i) Only patrons or registered guests of the transient lodging facility may be served alcohol.
- (j) Service of alcohol shall only be provided within a beach cabana service area, as delineated by boundary markers consistent with the on-site site plan map. Boundary markers may consist of 4-foot posts or an equivalent as approved by the City.
- (k) *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 reviewed for compliance by the City Manager and subject to all ordinance amendments at the time of renewal.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Adrian Petrilu, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2023.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney