



**JOINT CITY COMMISSION AND
BEACH STEWARDSHIP COMMITTEE MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, June 4, 2024
1:00 PM

Call to Order
Pledge of Allegiance
Roll Call

WORKSHOP MEETING

1. Audience Comments -

a. Procedure to submit comments and questions prior to the meeting.

No open public comment will be held at this meeting; instead, the City Commission and Beach Stewardship Committee are requesting that comments and questions be submitted at least 24 hours in advance. Please fill out the form, found by clicking the link below, no later than 1:00 p.m. on June 3rd.

[Joint Workshop Comment Form](#)

2. For Your Information: Beach Ordinance Discussion Minutes, Prior Public Comments & Non-Staff Presentations -

a. How to Access Prior Public Comment Submissions and Other Materials Submitted by Non-Staff Members

Please access prior public comments and other non-staff materials by searching the public records portal here:

[Search Public Records Portal](#)

Use the search term "PRR2024-187" or "beach ordinance"

b. 2022-2023 Minutes

3. Items for Discussion -

a. Beach Ordinance Draft MARKUP

b. Beach Ordinance Draft CLEAN VERSION

c. Model Marine Turtle Lighting Ordinance

4. 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 Workshop

July 12, 2022

4:30 p.m.

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor

Chris Graus, Vice Mayor, Commissioner, District 1

Ward Friszolowski, Commissioner, District 3

Mark Grill, Commissioner, District 2

Melinda Pletcher, Commissioner, District 4

STAFF PRESENT:

Alex Rey, City Manager

Andrew Dickman, City Attorney

Amber LaRowe, City Clerk

Jennifer McMahon, Chief Operating Officer

Mayor Johnson called the workshop to order at 4:40 p.m. followed by the Pledge of Allegiance.

1. DISCUSSION AND PRESENTATION

a. Beach Ordinance

Alex Rey, City Manager, introduced the topic by stating the reasoning behind the development of this ordinance is due to several areas in the City Code that regulate what can and cannot happen on beaches. The Code would be better enforced and understood by the public and staff alike if any regulations that pertain to the beaches would be identified in one section of the Code. He stated that there has been one meeting with the City hotelier group and one meeting with the City's Beach Stewardship Committee (BSC). Today's workshop is for the Commission to discuss policies and concepts with staff and Attorney gathering that information to develop into an ordinance. He looks forward to having a meeting with the community as well to gather their desires.

Andrew Dickman, City Attorney, explained the legal considerations for local beach regulations as well as the dynamics of that. A copy of his presentation is made a part of the record.

Jennifer McMahon, Chief Operating Officer, made a presentation to the Commission to include:

- Current beach prohibitions and the section of the Code that speaks to that
 - Fireworks are currently prohibited unless a person is issued a City permit; the Commission requested staff investigate how to prohibit fireworks on the beach regardless of private or public.
- Proposed new regulations:
 - No fishing except done between the hours of 6:00 a.m. and 9:00 a.m. as recommended by the BSC; the Commission agreed with the BSC recommendation
 - No smoking – Commission agreed and requested follow-up by legal on where the prohibition would be (public vs. private)
 - No bicycles
 - This prohibition was discussed with the direction made by the Commission for staff to bring back peak hours versus nonpeak hours. Commissioner Friszolowski suggested bicycles on beach between the hours of 6:00 a.m. and 9:00 a.m.
 - No Styrofoam - discussion was had about the banning of Styrofoam and how that will possibly affect business. Commissioner Grill expressed concern and requested that staff talk to the Tampa Bay Beaches Chamber of Commerce as well as businesses

Mrs. McMahon displayed two pictures of how Walton Beach identifies various sections of the beach by name, location, and property specifics. Commission seemed interested in doing something similar for St. Pete Beaches.

A copy of the two maps is made a part of the record.

Mrs. McMahon discussed cabana rentals and services that use the public beach for personal profit. She opined that a way to regulate this could be effective to include the possible permitting and reserving an area of the beach much like small weddings are currently done. A business tax receipt process was also mentioned requiring private hotels to ask their vendors to register with the City. This topic was heavily discussed with the Commission stating that this area needs more thought.

With the time being almost 6:00 p.m., the Commission requested to table the discussion and continue at another workshop.

The meeting was adjourned at 5:55 p.m.

MINUTES APPROVED: JULY 26, 2022



AMBER LAROWE
CITY CLERK



ALAN JOHNSON
MAYOR

City Commission Workshop
August 9, 2022
4:30 p.m.

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor
Chris Graus, Vice Mayor, Commissioner, District 1
Ward Friszolowski, Commissioner, District 3
Mark Grill, Commissioner, District 2
Melinda Pletcher, Commissioner, District 4 – arrived at 4:35 PM

STAFF PRESENT:

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

Mayor Johnson called the workshop to order at 4:30 p.m. followed by the Pledge of Allegiance.

1. DISCUSSION AND PRESENTATION

a. Beach Ordinance

Jennifer McMahon, Chief Operating Officer, made a presentation to the Commission. This presentation is made a part of the record. She explained that the presentation begins where the Commission last left off at the July 12th Workshop.

The presentation discussed:

- Vehicles on the Beach - Current:
 - Only allowed with an approved permit by City to include Public Works, Public Safety, Permitted Commercial Services, Special Events, Mechanical Beach Cleaning
 - Driving on beach related to concessions – Land Development Code Sec. 6.12(3)
- Vehicles on the Beach – Proposed:
 - No fueling any watercrafts or equipment on the sand beach and no storage of fueling containers
 - Discussion:
 - Electric vehicle time frame
 - Public safety designated drive area – high density areas
 - Possible lane near the dunes or as high on the sand beach as possible
 - Regulate vehicle size discussion
 - ATVs & Gators unless an emergency
 - Should the City have a designated beach patrol so as to have less cars/trucks on the beach
 - Weekend patrol could be designated to just the beach and use an ATV
 - Private businesses using vehicles on their own property and/or crossing over onto public or other private property
- Special Events - Current:
 - Permit only and may allow alcohol and food
 - Beach weddings need beach wedding permit
- Special Events - Discussion:
 - Rental fees on the beach (i.e. class or volleyball tournament)
 - Commission agreed that this should be consistent with those who have an event in a park, the park event must pay the park rental fee so should a beach event

- Businesses on the beach – treat like beach wedding (permit and fee)
 - Commission agreed that businesses using the beach should be treated just like a beach wedding who pays to use the beach
 - Regulation of types of businesses who can “rent” the beach?
 - Additional insurance naming the City of St. Pete Beach as an additional insured
- Sea Turtle Protection - Current:
 - Division 44 Land Development Code
 - No changes
- Sea Bird Protection - Proposed:
 - No harassing, harming, hunting, killing, etc.
 - List of protected birds
- Dune Protection – Current:
 - Section 25.5 & 25.9 Land Development Code
 - Permit from City and the Department of Environmental Protection if requesting to alter any dune or naturally occurring accrued sand
- Commercial Property Cabana Service Areas – Current:
 - Serving alcohol must
 - Permit
 - Active Business Receipt Tax
 - Clear identified boundaries with site plan review
 - Alcohol must remain in cabana
 - Must be 75 ft from an abutting residential property line
 - Guests must wear easily identifiable wrist band
 - Cabana hours 10am-10pm
 - Employees and servers must be easily identified as associated with Transient Lodging Facility
 - Cabana service must be no closer than 50 feet to the wet sand
- Commercial Property Cabana Service Areas – Proposed:
 - Density of cabana
 - Based on survey of property lines
 - Example of Postcard Inn map was displayed in the presentation
 - Limit number of rows each property can have
 - Discussion about:
 - Uniform cabanas
 - Placed in designated use when actually being used
 - 25-foot buffer to property lines
 - Put away each night
 - Renewal each year should be closely monitored with Transient Lodging Facility having a staff meeting to review following guidelines, etc.
 - Renewal of cabana permits on a uniform timeline, i.e. December 31st expiration with a January 1 renewal regardless when receive permit
- Beach Maintenance Regulations – Current:
 - Section 94-101 and 94-102 of Land Development Code
- Recap from July 12th Workshop & today:
 - Cabanas can only be placed out in designated area when in-use or reserved
 - Cabanas must be brought up each night
 - Cabana density regulations
 - Sea bird protection
 - No fueling watercrafts or equipment on sand beaches and no storage of fuel containers on sand beach

- Commission would rather the implementation of safety measures as opposed to prohibition
- No Styrofoam
- No fishing allowed within any marked swim zone
 - Commission would prefer fishing only between 6:00 am-9:00 am
- No smoking (no filtered cigarettes)
 - Commissioner Grill is opposed to this and stated it should be enforced via the littering ordinance
 - City Manager Rey stated that the main reason that the State of Florida signed this into law is for secondhand smoke
 - Attorney McConnell stated that the law only applies to filtered cigarettes, not vaping, unfiltered cigarettes, or cigars
- No micromobility
- No bicycles
 - Commission would prefer bicycles only between 2 hours before sunrise and 2 hours after sunset
 - Commissioner Grill opined that bicycles should be allowed and requested staff review options to allow bicycles that is not necessarily time driven
 - Mrs. McMahon suggested permits for residents only with specific regulations that the resident must sign off on
- Vehicles on the beach
 - Designated lane
 - Mrs. McMahon will do more research on this
 - Electric vehicles only
 - Mrs. McMahon will do more research on this
 - Limit on size
 - Mrs. McMahon will do more research on this
- Business regulations or not allow
 - Will handle this like park rentals
 - Commissioner Pletcher is not a fan of business regulations on the beach like yoga, class, etc.
 - City Manager Rey mentioned various ways to handle some businesses or classes that use the beaches especially during certain designated times and treat businesses that are bringing tangible items (chairs, umbrellas, tents) differently via a permit
 - Mrs. McMahon will outline this
- Enforcement:
 - City staff responsibilities
 - Beach manager position
 - Code Enforcement responsibilities
 - Sheriff's Office responsibilities

Mayor Johnson adjourned the meeting at 6:05 p.m.

MINUTES APPROVED: AUGUST 23, 2022



AMBER LAROWE
CITY CLERK



ALAN JOHNSON
MAYOR

BEACH STEWARDSHIP COMMITTEE MINUTES

August 17, 2022 - 9:00 A.M.

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

EXCUSED: Linda Borgia, Member
Janet Harris, Member

STAFF PRESENT: Mandy Edmunds, Parks Supervisor
Jennifer McMahon, Chief Operating Officer
Ginny Bodkin, Deputy City Clerk

Chair Rothenberger called the meeting to order at 9:10 AM.

1. Changes to the Agenda There were none.
2. Audience Comments

Theresa Schefstad spoke against fishing prohibitions in the beach ordinance.

Betty Rzewnicki commented on tailoring ordinances to our own community, not based on data from others. Enforce what is already in City Codes and be realistic with what the City can handle.

Cindy Perry commented that the Florida Wildlife Commission (FWC) has guidelines published on their website regarding how to care for beach wildlife – including nesting beach birds. It contains scientific data and references.

3. Action Items
 - a. Approval of Minutes 5/18/2022

Member Stamos moved, and Member Welch seconded the approval of the May 18, 2022 minutes as presented; the motion passed unanimously.

4. Items for Discussion

a. Beach Ordinance – Chief Operating Officer Jennifer McMahon reviewed with the Committee some of the updates to the draft ordinance since the two City Commission Workshops. A presentation that included the updates is part of the meeting record.

- Cabanas shall be placed only in designated areas when in use or reserved and brought back each night – and to be enforced. Density limitations shall be 15'x15'.
- The City Commission was in favor of including a list of protected seabirds.
- Adding language to use protective equipment while fueling (i.e. jet skis) on the beach.
- Add language prohibiting Styrofoam on the beach.
- State laws address fishing on the beach; proposed additional language that it would be unlawful to fish in the Gulf after having been warned by a law enforcement official that they are endangering the health and safety of the bathers. Chumming on the beach would be prohibited. Rules and regulations to be followed per permit.

- Residents only could apply for a bike on the beach permit and follow whatever rules and regulations are determined.
- The Commission was in favor of a smoking ban on the beach, adopting the recently passed State Bill, and using enforcement to curtail as much as possible. Other communities and the County adopting the same will help education and promote.
- The micromobility ordinance was passed a few months ago.
- Business on the beach such as yoga classes and cabanas will be considered rentals with fees related and fall under the Recreation Department. Cabanas would require Business Tax Receipts and permits; more is being developed for clarity and specifics.
- Due to supply and demand adding language regarding electric vehicles on the beach and deadlines would be premature. There is a meeting later today with the Sheriff's Office regarding vehicles on the beach; some of the safety equipment they carry must be accessible, so that is under development.

City/Staff responsibilities

- A Beach Manager position has been created (on the beach daily)
- Definition will be added to clarify the responsibilities of Code Enforcement (specific to property – i.e. seabirds, vehicles, cabanas, fueling, etc.) vs. Sheriff's Office, which would handle Styrofoam, fishing, biking, events and the like.

Ms. McMahon asked for Committee questions and discussion. Member Stamos asked for clarification on City vs. Sheriff, opined that litter is already addressed in Codes (Styrofoam no different), and asked for clarification on resident bike passes. He expressed concerns with cabanas and dune encroachment. Member Welch suggested signage to 'Leave Only Footprints on the Beach' (remove everything you bring). He agreed with resident only bicycles and providing literature on regulations. Chair Rothenberger thanked the members of the public who shared their comments and referenced keeping a balance.

The Committee allowed extra public comment. Theresa Schefstad discriminating against fishermen; there are more dangerous activities than fishing.

Cindy Perry spoke regarding protection of black skimmers. She has spoken to residents herself and has seen bicycles heading directly toward the birds. She spoke against bikes on the beach and urged the City to please follow the FWC guidelines.

5. Adjournment – Next meeting November 16, 2022

There being no further business, the meeting was adjourned at 11:00 AM.

These minutes were approved at the November 16, 2022, Beach Stewardship Committee meeting.

**City Commission Meeting
February 28, 2023
6:00 p.m.**

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor
Chris Graus, Vice Mayor, Commissioner, District 1
Mark Grill, Commissioner, District 2
Ward Friszolowski, Commissioner, District 3
Melinda Pletcher, Commissioner, District 4 – (entered at 6:03 p.m.)

STAFF PRESENT:

Alex Rey, City Manager
Matthew McConnell, Assistant City Attorney
Amber LaRowe, City Clerk
Jennifer McMahon, Chief Operating Officer
Mike Clarke, Public Works Director
Jim Kilpatrick, Fire Chief

Mayor Johnson called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance.

1. APPROVAL OF THE AGENDA

Mayor Johnson mentioned a recent fire on the pier; Fire Chief Kilpatrick explained that the fire started in the garbage can but escalated. His team was able to put the fire out quickly without damage to the new pier.

Commissioner Grill requested item d. from the Consent Agenda be moved to Action Item c. for discussion and added electric vehicle charging stations as a discussion item.

Motion: Commissioner Friszolowski moved, Vice Mayor Graus seconded, and the motion carried 4-0 to approve the February 28, 2023 City Commission Agenda with the modification to the Consent Agenda and the addition of a Discussion Item. Commissioner Pletcher walked in as vote was taken.

2. AUDIENCE COMMENTS

The following members of the public spoke in favor of keeping the Don CeSar Boat Ramp in the same location:

- Daniel Barsky
- Karen Strykowski
- Richard Lorenzen
- Tenley Noone – submitted voice recording
- Bryan B.
- Brandon Wright

The Commission reiterated the comments from the February 13th City Commission meeting whereby it was discussed and decided that nothing would be done regarding the boat ramp until after the study was completed and that several public meetings will be held to discuss the results of the study.

John Kurzman, a resident, submitted a video presentation on customary use. A copy of the presentation is made a part of the record.

Assistant City Attorney McConnell mentioned the process that legal and staff can go through in relation to

customary use that will involve the use of a consultant to conduct historical research. The Commission agreed to allow legal to gather some quotes and decide the next steps at a future meeting.

Laura Travison, a resident, commented on unsafe roads for bicyclists and pedestrians. She opined that the City is not doing enough to help.

Amy Auerbach, a resident, also commented on the Don CeSar boat ramp but questioned the comprehensive plan amendment comment that was made at the last meeting as well as what research has been done on the ramp.

Lisa Robinson, a resident, commented on the lack of City officials complying with their own codes and policies. She opined that the City Commission should ask legal for an opinion regarding recent conditional use permits that were approved for developments.

3. CONSENT

- a. February 13, 2023 City Commission Meeting Minutes
- b. Request authorization of expenditures in the amount of \$64,740.80 under the continuing engineering services contract with Halff Associates, Inc. for 45th Avenue Drainage Improvements Pumping vs Gravity Evaluation.
- c. Request authorization of expenditures not to exceed the annual reclaimed water lateral replacement program budget, as may be amended, to QRC, Inc., approving the services agreement and authorizing the City Manager to execute the original contract and all renewal options for Annual Water and Reclaimed Water Repair and Extensions. Suntan Memorandum of Understanding Renewal
- d. Request authorization of expenditures in the amount of \$32,629.91 CIAC, and \$10.50 monthly rental increase under the Duke Energy Lighting Proposal WO# 44583090 for streetlight replacements on the west side of Pass-a-grille Way from 1st Ave through 11th Ave. (*moved to Action Items as c.*)
- e. Request authorization of expenditures in the amount of \$34,865.00 with K.B. Industries, Inc. and \$8,269.20 with Gilliam Construction LLC for Perma-Drive installation.

Motion: Commissioner Friszolowski moved, Commissioner Pletcher seconded, and the motion carried 5-0 to approve the February 28, 2023 Consent Agenda as presented by the City Manager.

4. ACTION ITEMS

a. Joint Generator Purchase for use in Secondary EOC

City Manager Alex Rey explained that as part of the equipment sharing interlocal agreement that the City entered into with Treasure Island in November 2021, the cost for this generator will be shared by all three participating municipalities. Staff from all three cities (Treasure Island, South Pasadena, and St. Pete Beach) are working to obtain a formal grant to get a different facility for use during emergencies.

Chief Kilpatrick stated that he has been in contact with Pinellas County to find a secondary EOC location; they have been doing tours of various locations with no real suitable location discovered at this time.

Motion: Commissioner Grill moved, Commissioner Pletcher seconded, and the motion carried 5-0 to authorize the expenditure of \$52,183 for the City's portion (1/3 of project cost) of a joint generator purchase with the cities of Treasure Island and South Pasadena for use in the secondary Emergency Operations Center (EOC).

b. Emergency Valve Replacement

City Manager Rey gave a brief history of the emergency repair for this valve. Design modifications were requested by staff to Kimley-Horn to replace all 93 linear feet of this section. After the redesign, a revised scope of work was provided by Rowland, amounting to \$657,943. Based on the magnitude of the change, the City administration directed staff to evaluate options. In turn, three cost estimates were obtained and are outlined on the agenda memorandum in the packet; Kamminga & Roodvoets, Inc. (K&R) was the lowest bidder of the three. Mr. Rey stated that if the City Commission approves this expenditure tonight, Attorney McConnell will need to modify the motion to waive the formal bid process.

Mike Clarke, Public Works Director, stated that K&R is ready to proceed and can mobilize soon after approval; the estimated start time after receipt of materials would be about four weeks.

Attorney McConnell modified the motion as follows:

Motion to waive the requirements of City Code 2-286 and award Kamminga & Roodvoets, Inc. for emergency valve replacement.

Commissioner Grill expressed his concerns about not going through the formal process due to little known about K&R. He opined that if staff has/had more information on K&R it should have been provided or outlined in tonight's agenda packet.

Commissioner Friszolowski moved to waive the requirements of City Code 2-286 and award Kamminga & Roodvoets, Inc. for emergency valve replacement and direct staff to do reference checks before signing the requirement and for the procurement department to do their due diligence. Vice Mayor Graus seconded the motion. The motion carried 4-1 with Commissioner Grill voting no.

- c. Request authorization of expenditures in the amount of \$32,629.91 CIAC, and \$10.50 monthly rental increase under the Duke Energy Lighting Proposal WO# 44583090 for streetlight replacements on the west side of Pass-a-grille Way from 1st Ave through 11th Ave. (moved from consent agenda)**

Mr. Clarke reminded the Commission of the removal of the lights at this location and the replacement process that the City is in now. It was stated that the Historic Preservation Board reviewed this and agreed.

Commissioner Grill explained that he spoke with the Chair of the Historic Preservation Board, and he stated that the Board did not discuss these lights on the west side, only the east side. Commissioner Grill wants to be sure that the residents in the area are okay with these lights and want them.

Commissioner Pletcher confirmed that she has had conversations with the residents in the area and they are wanting lights there.

Motion: Commissioner Pletcher moved, Vice Mayor Graus seconded, and the motion carried 5-0 to authorize the expenditure in the amount of \$32,629.91 CIAC, and \$10.50 monthly rental increase under the Duke Energy Lighting Proposal WO#44583090 for streetlight replacements on the west side of Pass-A-Grille Way from 1st Ave through 11th Ave.

5. ORDINANCES

a. First Reading Ordinance 2023-02: Beach Ordinance

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 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.

Jennifer McMahon, Chief Operating Officer, discussed the changes in the Ordinance. The Ordinance that is attached to the agenda packet includes language that is stricken to show removal and language that is underlined to show additions.

Assistant City Attorney McConnell clarified that in the Ordinance where it says, “public beach” it will be modified to just read “beach”. He touched on page 16 of the Ordinance “definitions”.

The following were items discussed:

- 95-6 – remove (3)
- 95-7 – modify (a) to read “any commercial operation must get a permit from the City and provide the proper insurance” and modification to (c) to remove “publicly” and “privately”.

- Discussion continued with staff adding some language about occupied or reserved.
- 95-8 – discussion about permits for bicycles
- 95-8 – (d) staff to work on better wording for this section
- 95-8 – exemptions – to be removed
- 95-8 – electric vehicles – remove “unless exempted by the City Manager”
- 95-10 – combine (1) & (2) and add to (a)
- 95-20 – (d) reword “wanting”
- 95-21 – (b) more clarification
- 95-22 – (i) remove “current room”
- Discussion continued about boundary markers mentioned in (j)

Mayor Johnson opened public comment on Ordinance 2023-02:

John Kurzman, a resident, prepared a video presentation. A copy of the presentation is made a part of the record.

Resident Deborah Schechner commented on the beach ordinance in relation to sleeping on the beach and encouraged staff to give warnings before the fine is imposed. She also suggested large signage to educate visitors on the rules of the beach.

Resident Amy Auerbach commented on the timeline of presenting the beach ordinance over the last year questioning why it was first discussed at a hotelier’s meeting before being discussed with the public.

Jeremy DaSilva, General Manager of Postcard Inn, encourages residents to come to the hotel and use its services. He shared his opinions on cabana and chair zones.

Due to the discussion, no action was taken. Staff and legal will work on making the changes to this Ordinance and plan to bring it to the second meeting in March.

b. First Reading Ordinance 2023-03: Schedule A Beach Fees

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENTS TO APPENDIX A OF THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

This is a companion to Ordinance 2023-02 and will be brought forward to the same meeting as Ordinance 2023-02. There was no public comment.

6. ITEMS FOR DISCUSSION

a. Electric Vehicle Charging (added to the agenda)

Commissioner Grill expressed his opinions about staff using the electric vehicle charging stations for personal use. He stated that this is a taxable benefit and should cease until, at a minimum, the Commission discusses a policy. The policy is planned to be discussed at the next meeting, on March 7th.

7. CITY CLERK, CITY MANAGER, CITY ATTORNEY, AND CITY COMMISSION REPORTS

Amber LaRowe, City Clerk—reminded the Commission and public that the next meeting is next week, March

7th, not the second Tuesday as usual. [This is due to the March 14th election].

Alex Rey, City Manager—mentioned the quote the City received for Duke Energy to do undergrounding along with the hardening. They stated that 73rd Avenue between Gulf Boulevard and Blind Pass cannot be underground due to the existing transforming configuration. The cost estimate for undergrounding along 73rd Avenue between Blind Pass and Boca Ciega is \$900,000. The cost estimate for undergrounding along 64th Avenue between 1st and 2nd Palm Point is \$450,000. The City Manager recommends that the City does not move forward on the undergrounding between Blind Pass and Boca Ciega but move forward along 64th Avenue.

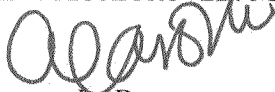
The Commission discussed the City Manager's recommendation. The Commission is not in favor of proceeding with the undergrounding, just the hardening. A budget amendment will be brought forward to the Commission on the budgeted funds for undergrounding that are not being utilized.

City Manager Rey discussed the report that he distributed today on the reclaimed water lateral repairs. The City is now down to three potholes in the entire City from some sort of reclaimed water repair.

He discussed a code enforcement case on 191 East 73rd Avenue that is a property maintenance case. The resident is handicapped and expressed that to code enforcement today; the City is seeking volunteers to help this resident bring their property into compliance.

Mayor Johnson adjourned the meeting at 9:59 p.m.

MINUTES APPROVED: MARCH 28, 2023



AMBER LAROWE
CITY CLERK



ADRIAN PETRILA
MAYOR

City Commission Meeting

March 28, 2023

6:00 p.m.

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor

Chris Graus, Vice Mayor, Commissioner, District 1

Mark Grill, Commissioner, District 2

Ward Friszolowski, Commissioner, District 3

ELECTED OFFICIALS ABSENT:

Melinda Pletcher, Commissioner, District 4

STAFF PRESENT:

Alex Rey, City Manager

Andrew Dickman, City Attorney

Amber LaRowe, City Clerk

Mayor Johnson called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance.

I. PRESENTATIONS

Outgoing Mayor Alan Johnson gave remarks about his service. The City presented Mr. Johnson with a plaque recognizing and thanking him for his service. Mayor Johnson left the meeting at 6:04 p.m.

Oath of Office:

City Clerk LaRowe gave the oath of office to:

- Commissioner, District 2, Mark Grill
- Commissioner, District 4, Chris Marone
- Mayor Adrian Petrila

After the elected officials were given their oath of office, each gave remarks thanking the community for their support and that they each look forward to working together to further accomplish the goals of the City.

2. ADJOURN – SINE DIE

Motion: **Commissioner Grill moved, Vice Mayor Graus seconded, and the motion carried 5-0 to adjourn the meeting sine die.**

ELECTED OFFICIALS PRESENT:

Adrian Petrila, Mayor

Chris Graus, Vice Mayor, Commissioner, District 1

Mark Grill, Commissioner, District 2

Ward Friszolowski, Commissioner, District 3

Chris Marone, Commissioner, District 4

STAFF PRESENT:

Alex Rey, City Manager

Andrew Dickman, City Attorney

Amber LaRowe, City Clerk

Mike Clarke, Public Works Director

3. OPEN THE MEETING WITH NEWLY ELECTED OFFICIALS

Mayor Petrilu called the meeting to order at 6:12 p.m.

4. APPROVAL OF THE AGENDA

City Manager Rey removed item 7. e. Don CeSar Neighborhood Water Threats and Sea Level Rise Adaptation Concept Study.

Commissioner Grill requested that Beach Ordinance 2023-02 be removed from the Agenda and considerations be made to have a workshop to further discuss this item.

Mr. Grill also discussed Resolution 2023-02, opining that adopting the Supervisor of Elections certified results is moot because the City directs the Supervisor to canvass and certify the results.

He also requested that item 6. c. Operations Yard Wall Expansion be placed under Action Items as 7. f. for discussion. He also requested that a Duke Energy discussion be added as 10. a.

City Manager Rey asked that companion Ordinance 2023-03 be removed as well if the Commission desires to remove Ordinance 2023-02.

Commissioner Friszolowski requested that items 7. c. and 7. a. be swapped.

The Commission discussed Beach Ordinance 2023-02 with requests that this be placed onto a workshop for further discussion and consideration; there may need to be a joint meeting between the Beach Stewardship Committee and the City Commission, as well as a meeting with the business community.

City Clerk LaRowe stated that adding the resolution has been the practice in the City; however, agreed that there really is not a need. She explained that the certified results can be read into the record at future Commission meetings instead of the adoption of a resolution. This way, the results are in the record and announced to the public. The consensus of the Commission was to proceed with the City Clerk reading the certified results into the record at the first regular meeting after the election prior to the oaths of office.

Motion: Commissioner Grill moved, Vice Mayor Graus seconded, and the motion carried 5-0 to approve the March 28, 2023, City Commission Agenda as amended.

5. AUDIENCE COMMENTS

Jamey Levis, resident, and business owner, commented about some issues with signage for her business and her conversation with Code Enforcement. The City Manager requested that she leave her information with the City Clerk, and he will reach out to her tomorrow.

Matt Card, representing the Three Palms Point neighborhood, discussed the work that is going on in the neighborhood by Duke Energy including hardening, undergrounding, and the utility poles. He displayed a map and a photo to support his comments and concerns.

Ken Folsom, resident, commented on the recent election. He is a Poll Worker Supervisor for the Supervisor of

Elections and has been stationed at Warren Webster for several years. He complimented the City staff for their support during the elections. He also thanked City staff for the recent cleanup and replacement of a waste receptacle in Pass-A-Grille.

Bob Rogers, resident, asked that the City consider a task force or committee that can do studies on traffic and Gulf Winds Drive.

Col. Greiger, resident, congratulated the elected officials. He requested that the elected officials consider the residents' freedoms and rights as they make legislation.

6. CONSENT

- a. City Commission Meeting Minutes: February 28th and March 7th
- b. Request authorization of expenditures in the amount of \$113,056.80 to USSI, LLC for Sanitary Sewer Smoke Testing, approving the services agreement and authorizing the City Manager to execute the original contract for smoke and dye testing
- c. ~~Operations Yard Wall Expansion~~ *moved to action items as 7.f.*

Motion: Commissioner Friszolowski moved, Commissioner Marone seconded, and the motion carried 5-0 to approve the March 28, 2023 Consent Agenda as presented by the City Manager.

7. ACTION ITEMS

c. Election of Vice Mayor

Motion: Commissioner Friszolowski moved, Vice Mayor Graus seconded, and the motion carried 5-0 to elect Commissioner Mark Grill as Vice Mayor

a. Appointments to Outside Agencies

Discussion and appointment designations are as follows:

Barrier Islands Government Council (BIG-C): Mayor Petrila as the primary and Vice Mayor Grill as secondary.

Florida League of Cities (FLC): Vice Mayor Grill as primary and Commissioner Graus as secondary.

Mayors Council of Pinellas County (MCPC): Mayor Petrila as the primary and Vice Mayor Grill as secondary.

Pinellas County Flood Insurance Committee (PCFIC): Commissioner Marone as primary and Commissioner Graus as secondary.

Suncoast League of Cities (SLC): Commissioner Graus as primary and Commissioner Marone as secondary.

Tampa Bay Regional Planning Council (TBRPC): Commissioner Friszolowski as primary and Commissioner Graus as secondary.

Motion: Commissioner Friszolowski moved, Commissioner Marone seconded, and the motion carried 5-0 to approve the board appointment(s) as discussed.

b. Appointments/Re-Appointments to the City of St. Pete Beach Advisory Board and Committees

Discussion took place regarding appointments. Vice Mayor Grill indicated his current advisory board and committee appointments will stay the same. Mayor Petrila and Commissioner Marone will provide City Clerk LaRowe with their appointees as soon as possible.

Once appointments have been made, Mrs. LaRowe will provide that information to all the elected officials and the Commissioners will announce new appointments as they are made.

d. 1st Avenue Fishing Pier Rehabilitation Construction Award

The City obtained two bids on this project with only one bid being from a qualified contractor. Construction is anticipated to take 180 calendar days to complete with an expected start date of April 2023.

Discussion about the property rights of this pier was had with the consensus of the Commission to obtain something from Pinellas County that signifies the responsibility for the 1st Avenue Fishing Pier is the City of St. Pete Beach and will continue to be the City's responsibility. It was mentioned that the Sovereign Submerged Land Lease is in the City's name.

Motion: Commissioner Marone moved, Commissioner Friszolowski seconded, and the motion carried 5-0 to authorize the expenditure of \$314,800.00 with Southern Road & Bridge, LLC. for the 1st Avenue Fishing Pier Rehabilitation.

e. Don CeSar Neighborhood Water Threats and Sea Level Rise Adaptation Concept Study removed

~~**Motion:** to authorize the expenditure of \$74,184.34 under the continuing engineering services contract with Halff Associates, Inc. for a Don CeSar Neighborhood Water Threats and Sea Level Rise Adaptation Concept Study.~~

f. Operations Yard Wall Expansion moved from the Consent Agenda

Vice Mayor Grill commented on the map for this project as provided in the Agenda.

The City Manager stated that there are no renderings of this project at this time, the idea is to create a berm with a wall and cage around the Public Works yard.

Mayor Petrila inquired about the proper procurement process because this is done differently than other projects and vice versa. Mr. Rey explained the piggyback process in procurement and acknowledged that this project is small and is not too specialized in nature. Mike Clarke, Public Works Director, also commented that doing a piggyback agreement for a project eliminates the design process, meaning that the City does not have to send this to a consultant for the design and then take the next steps for development. Further discussion on procurement was had.

A resident commented on light pollution and requested that staff consider that in the design.

Motion: Commissioner Graus moved, Vice Mayor Grill seconded, and the motion carried 5-0 to approve the price proposal under the Pinellas County Job Order Contracting Contract with Caladesi Construction Company in the amount of \$270,042.06 for the operations yard wall expansion.

8. ORDINANCES

a. Second Reading Ordinance 2023-02: Beach Ordinance removed

~~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 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.~~

Motion: ——— to approve the second reading of Ordinance 2023-02.

b. First Reading Ordinance 2023-03: Schedule A Beach Fees removed

~~AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENTS TO APPENDIX A OF THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.~~

Motion: ——— to approve the first reading of Ordinance 2023-03.

9. RESOLUTIONS

a. ~~Resolution 2023-02: 2023 Election Results removed~~

~~A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, PROVIDING FOR THE ACCEPTANCE OF THE VOTES CAST IN THE MUNICIPAL ELECTION HELD MARCH 14, 2023; AND PROVIDING AN EFFECTIVE DATE.~~

Motion: ~~to adopt Resolution 2023-02.~~

10. ITEMS FOR DISCUSSION

a. Duke Energy Discussion added

Vice Mayor Grill explained that he added this to the agenda due to a plethora of phone calls from residents in his District regarding Duke coming to the neighborhood unannounced to perform work. He was under the impression that there was an agreement with Duke to wait to start work until after the neighborhood association had the opportunity to meet with staff and the Commission to discuss hardening and undergrounding as well as Duke's performance. Duke is removing utilities from the poles; however, the poles are remaining and are unsightly, some are half poles, some have two poles side by side, etc. Also, power was shut off to these residents' homes, unannounced, and Mr. Grill expressed disdain for this for various reasons including residents' who may work from home, have sick children, need oxygen, etc. What arrangements could they make for a power supply with no notice?

Vice Mayor Grill stated that the above comments are not new issues, it seems to be a recurring theme between Duke and the City. He inquired about franchise service providers' (Duke, Frontier, etc.) communications and with whom the City needs to address these concerns.

City Manager Rey agreed with the Vice Mayor's comments and echoed his concerns as this is an uncomfortable situation to be in as an elected official and staff. He stated some of the lack of communication is the disorganization of Duke; these subcontractors that were performing work in the City today were informed this morning that they were coming to the City today, and that is a failure on Duke's part.

Mr. Rey went on to explain that there are some municipalities that adopt ordinances that regulate when businesses are going to be doing work on/in City streets; these ordinances require a permit from the City. He reminded the Commission that the City has been making many efforts to improve communication with Duke including inviting them to Commission meetings to hear the concerns.

City Manager Rey addressed the earlier public comment regarding undergrounding of utilities in the Three Palms Point neighborhood. He did ask staff to provide him with the cost for that so that the City can decide how to budget and fund it. There is a budget meeting on April 24th whereby this topic will be further discussed.

11. CITY CLERK, CITY MANAGER, CITY ATTORNEY, AND CITY COMMISSION REPORTS

Amber LaRowe, City Clerk—congratulated and welcomed the newly elected officials to the team. Mrs. LaRowe also welcomed Attorney Dickman back and expressed gratitude for Assistant City Attorney McConnell's support to the Clerk's Office and City.

Alex Rey, City Manager—agreed with the City Clerk and that he looks forward to working with everyone.

He stated that the City is starting the strategic planning process and announced the Vision 2030 Community Meeting that will be held on Wednesday, April 5th at 5:30 p.m. in these Chambers. He plans to hold a meeting in

May with the business community and then bring forth recommendations, comments, and suggestions to the Commission after both of these meetings.

Andrew Dickman, City Attorney—welcomed and congratulated the newly elected officials, he looks forward to working with everyone. He is also very happy to be back.

Vice Mayor Grill—sent an email to his constituents about the continued undergrounding work along Gulf Boulevard. The City's website has been updated with the schedule; these next two weeks the work will be done between 55th and 64th Avenues.

He reminded everyone of the City's adopt-a-drain program. Information about this volunteer program can be found on the City's website.

Mr. Grill commented on the recent vandalism of personal property in the Lido area, stating that this is not the behavior he expects to hear or see from the residents. He does not condone this behavior; instead, he encourages all residents to work together for the betterment of the City.

He discussed speeding in District 2, with a higher concentration around 70th Avenue, which seems to be a continuing issue. He let residents know that staff has been contacted and a traffic survey will be conducted.

Vice Mayor Grill welcomed the two newly elected officials to the team.

Commissioner Friszolowski—welcomed Mayor Petrila and Commissioner Marone, he looks forward to working with each of them.

He looks forward to scheduling the joint workshop with the Planning Board to discuss the Comprehensive Plan.

Commissioner Marone—looks forward to working on behalf of District 4 with the other elected officials. He mentioned that he is always talking to his constituents and wants to hear from them.

One of the most prevalent issues in his District appears to be illegal parking. He is talking with the City Manager and directors about how to tackle this issue. Another issue of concern is people who are making their own pathways to the beach by crossing over the sea oats and trampling them.

Mayor Petrila—commented on the service he has received from the Charter Officers as they have welcomed him to the City and been instrumental in helping him understand meetings, processes, etc.

He echoed Commissioner Marone's comments about illegal parking and inquired if the Commission could obtain a report from staff to help them better understand how parking is enforced, when, what happens, etc.

Mayor Petrila stated that during his campaign, he was fortunate enough to have conversations with many of the residents. A consistent theme in most of these discussions was the topics of congestion, safe streets, the overall volume of traffic, and the possible diminished quality of life for those that live here. Because of these conversations and concerns, it is apparent that the City owes these residents a full evaluation and review of the current Comprehensive Plan.

Mayor Petrila moved to conduct an Evaluation and Appraisal Report of the St. Pete Beach Comprehensive Plan, including the future land use categories, density and intensity of land use and critical development standards, to complete a full evaluation and update to the Comprehensive Plan, and; that the City

Commission appoints a Comprehensive Plan Review Committee to facilitate the process at the next regularly scheduled Commission meeting, and; authorize the City Attorney to draft the appropriate resolution establishing a moratorium on all large-scale redevelopment requests, including zoning changes and conditional use applications during the pendency of the Comprehensive Plan review by the next regularly scheduled Commission meeting.

Commissioner Friszolowski expressed concerns about moving forward with the motion because it was not noticed to the public. He is more apt to support the motion once it has been noticed properly. Furthermore, Commissioner Friszolowski expressed trepidation about enacting a moratorium without further review and information provided by the City Attorney.

Commissioner Marone agreed with Commissioner Friszolowski, stating that he would feel more comfortable if this was added as an agenda item to a noticed meeting.

Vice Mayor Grill needs additional information and an explanation of the ramifications before he can move forward with this motion. He opined that this needs to be added as a discussion item so that staff has time to review the item and provide opinions and responses. Mr. Grill reminded everyone that the Commission has been asking for a joint workshop with the Planning Board to discuss and review the Comprehensive Plan since October, understanding that it was scheduled for today but was canceled due to appropriate reasons with newly elected officials coming on board.

Commissioner Graus needs more information before he can support the motion. He echoed the same concerns expressed and would prefer the discussion to take place at a duly noticed meeting as well as during the joint workshop.

Mayor Petrila appreciated the comments from the Commissioners and informed them that he and the City Attorney did talk about this and he assisted in the crafting of the motion as stated tonight. He wanted to assure the Commissioners that he did put a lot of thought and time into this topic and discussion tonight.

Commissioner Marone appreciated the Mayor speaking with the City Attorney and working on the appropriate way to word it. He would like it to be written verbatim in the record so that staff knows exactly what to research and look into so that accurate information can be prepared and presented at the next meeting.

Vice Mayor Grill wants to be sure that staff has appropriate time to research before the Commission delegates this as a discussion item at the next meeting.

Attorney Dickman reminded the Mayor and Commission that part of his duties is to speak with each person and provide information as much as he is able. He does not share any of that with anyone as it remains between the two of them. Mr. Dickman takes pride in being a resource and confidant to anyone who sits in that seat, and that is what he did when speaking with the Mayor. He will never dissuade or advise someone from bringing something up to the Commission, he will remain a confidant and resource, and if any elected officials choose to share that conversation with others, that is their prerogative. On this topic, Attorney Dickman is happy to assist the Mayor and Commission in unpacking this large topic so that everyone has accurate information to help make a sound decision.

Vice Mayor Grill inquired if this would be the topic to be discussed at the joint Planning Board workshop.

Discussion continued on the topic of the joint workshop with the City Manager confirming that all three items as mentioned in the Mayor's motion would be points of discussion during the workshop and subsequent meetings

thereafter.

Discussion ensued on the topic of creating a new committee. The Commissioners expressed their concerns about the creation of a new board when the role of Comprehensive Plan review is that of the Planning Board. It was mentioned that if the Planning Board members are not fulfilling their duties, then it is the responsibility of the Commission and staff to remind them of what their roles are and to provide them with the information to do so. Mayor Petrila stated that having a separate committee that is solely focused on this one topic will allow the Planning Board to continue with the other matters that come before them. His thought is to have this committee do the “leg work” because the responsibility of approving these changes or accepting the changes and moving them to the Commission lies in the purview of the Planning Board.

Mayor Petrila expressed his concerns on how long it has been since the last Comprehensive Plan review, stating that the only reason it was looked at the last time was due to a lawsuit. This time, it is because of the community and residents’ involvement and desire for change.

The City Clerk asked the Mayor and Commission to look at their calendars now and confirm a date that everyone can appear; the Planning Board will be notified of the Commission’s decision. The Commission agreed to schedule the workshop for April 25, 2023, at 3:00 p.m. in these Chambers, the City Clerk will send the meeting invite to the Commission, staff, and Planning Board.

The Commission and City Attorney discussed the topic of the moratorium as presented in the motion. There was some trepidation expressed regarding the issuance of a moratorium due to the legal ramifications that may evolve.

Vice Mayor Grill also would like staff to provide the financial aspects of the Comprehensive Plan so that the Commission can see the entire picture of this.

The motion on the floor died for lack of a second.

Mayor Petrila expressed his desire for the creation of a committee that will be only devoted to the review of the Comprehensive Plan so that an adequate timeline is established and maintained. He further explained his process for the development of the motion as he presented it tonight. Mr. Petrila further stated that he hopes that the intent is not to have a three-hour discussion on each component of his motion; but rather, a meeting that encompasses all aspects.

The Commission further discussed the formation of a new committee with Vice Mayor Grill in opposition of that without more understanding at this time. He opined that the Planning Board needs to be utilized for the purpose of its creation, one of which is the review of the Comprehensive Plan.

There being no further discussion, Mayor Petrila adjourned the meeting at 8:55 p.m.

MINUTES APPROVED: APRIL 25, 2023



AMBER LAROWE
CITY CLERK



ADRIAN PETRILA
MAYOR

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) adding 'only if nest is found' at the end

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 Czystczon, 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 Click 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 were approved at the August 16, 2023, Beach Stewardship Committee meeting.

City Commission and Beach Stewardship Committee Joint Workshop

June 13, 2023

4:00 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrilă, 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 Petrilă 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

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.

I. 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: JULY 25, 2023



AMBER LAROWE
CITY CLERK



ADRIAN PETRILA
MAYOR

City Commission and Beach Stewardship Committee Joint Workshop

July 28, 2023

10:00 a.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrilă, Mayor

Mark Grill, Vice Mayor, Commissioner, District 2

Chris Graus, Commissioner, District 1

Ward Friszolowski, Commissioner, District 3

ELECTED OFFICIALS ABSENT:

Chris Marone, Commissioner, District 4

BEACH STEWARDSHIP COMMITTEE MEMBERS PRESENT:

Dan Rothenberger, Chair

John Kurzman, Vice Chair

Betty Rzewnicki

Michael Welch

STAFF PRESENT:

Matthew McConnell, Assistant City Attorney – present via ZOOM

Amber LaRowe, City Clerk

Jennifer McMahon, Chief Operating Officer

Mayor Petrilă called the workshop to order at 10:00 a.m. followed by the Pledge of Allegiance.

1. DISCUSSION:

a. Minutes

b. Beach Regulation and Management Draft Ordinance

Regarding the presence of a court reporter, Attorney McConnell stated that the court reporter was asked to attend by a private attorney who is representing some hoteliers within the City.

Today's discussion began with Section 95-21 of the Ordinance. The discussion was had on the following:

- 95-21 (b) requiring permits to be approved by the City Commission as opposed to administratively.
 - Complications with bringing forward wedding permits to the City Commission for approval.
 - Current process: if alcohol consumption is requested on public property, then a permit always comes to the City Commission – if on private property then three permits a month with Mrs. McMahon's approval. The Sheriff's Office is copied on the permits when approved for enforcement purposes.
 - Possible removal of 95-21(b)(3).
 - 95-21(b)(4):
 - Attorney McConnell opined that this is redundant and can be shifted to Section 95-22. He stated that non-resort private properties who request alcohol consumption on their property are required to have a permit – this is current practice with no intent to change in the proposed Ordinance.
- 95-22:
 - Current operations – hotels receive cabana permits annually if desired. When the City receives the permit application, it is brought to the Technical Review Committee and then approved administratively by the Planning Department, who issues the permits within the guidelines of the Ordinance. The City receives 7-8 cabana permit applications a year.
 - The current permit designates area, hours, and that alcohol must stay within the defined zone. No changes are being proposed in Section 95-22 compared to current operations.

- Some issues mentioned by Mrs. McMahon involved the designated area size and proper signage. Signage will be addressed via the Sign Ordinance.
- Discussion:
 - Wristbands – no longer appropriate. Staff to discuss with the Sheriff's Office and Code Enforcement what would assist them with proper enforcement to ensure alcohol stays within the permitted zone.
 - Commissioner Friszolowski suggested that 95-22 (d) be modified to say, "Alcohol must remain in the cabana service area at all times."
 - Mayor Petrila discussed the removal of the consumption of alcohol on the beach except for special events, i.e., weddings.
 - Mayor Petrila suggested that cabana service permit applications with site plans come before the City Commission for approval.
 - The Commission and Board agreed to a modified approach to this suggestion by having the first year of permits and site plans come before the City Commission for approval, subsequent years can be approved administratively if no changes and no prior year violations.
 - Commissioner Friszolowski opined if the permit holder has a second violation, then it comes before the City Commission.
 - Attorney McConnell suggested adding Special Magistrate language and accrual of fines under (k) penalties. The Commission and Board agreed.
 - Comments were made regarding Paradise Grille and alcohol sale/consumption. Attorney McConnell stated that the City will be reviewing the lease agreement as it is up for renewal.
 - Member Kurzman suggested changing the term "cabanas" to something else because of the confusion it creates; it was suggested that for this section it is changed to mean alcohol service area.
 - Attorney McConnell was asked to mirror the designated areas for alcohol service as outlined in the cabana section of this Ordinance – 75 feet from water and 75 feet from the side if residential.
 - Boundary markers were discussed as mentioned in (j). Staff prefers to have some type of marker to allow for clear enforcement boundaries.

Mrs. McMahon confirmed that staff will be reviewing the associated fee schedule as it relates to this Ordinance.

Attorney McConnell laid out realistic expectations for preparing the changes to the Ordinance as mentioned at the meetings. There will be ample time for the public to comment and the Board and City Commission can have another workshop to discuss the final version once he has compiled it.

Mayor Petrila adjourned the meeting at 11:59 a.m.

MINUTES APPROVED: AUGUST 8, 2023



AMBER LAROWE
CITY CLERK



ADRIAN PETRILA
MAYOR

Ordinance 2024-XX

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE, DIVISION 25 – COASTAL PROTECTION AND CONSERVATION, SECTION 25.9 – PERMIT REQUIRED; RENUMBERING SECTION 25.10 – PERMITTING PROCEDURES; RENUMBERING SECTION 25.11 – VARIANCES; AMENDING DIVISION 44 – MARINE TURTLE PROTECTION, SECTION 44.3 – PROHIBITION OF ACTIVITIES DISRUPTIVE TO MARINE TURTLES; RENUMBERING SECTION 44.4 THROUGH SECTION 44.9; 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 AREAS; ARTICLE II – DOGS, SECTION 14-35 – PROHIBITED ON SAND BEACHES; RENUMBERING SECTION 14-36 – REGULATIONS FOR DOGS IN APPROVED OUTDOOR SEATING AREAS; AMENDING CHAPTER 58 – PARKS AND RECREATION, ARTICLE I – RECREATION; SECTION 58-1 – DEFINITIONS; ARTICLE II – CITY PARKS AND FACILITIES; SECTION 58-23 – VENDING IN CITY PARKS; RENUMBERING SECTION 58-24 – CAMPING; RENUMBERING SECTION 58-25 – DOMESTIC ANIMALS; AMENDING SECTION 58-26 – PROHIBITED ACTIVITIES IN CITY PARKS; RENUMBERING SECTIONS 58-27 THROUGH 58-31; ADOPTING SECTION 58-31 – SLEEPING DURING NIGHTTIME PROHIBITED; AMENDING CHAPTER 62 – PEDDLERS AND SOLICITATORS, ARTICLE II – COMMERCIAL SOLICITATIONS; DIVISION 2 – PERMIT; SECTION 62-59 – APPLICATION; QUALIFICATIONS; CONTENTS; RENUMBERING SECTIONS 62-60 THROUGH 62-65; AMENDING DIVISION 3 – REGULATIONS; SECTION 62-93 – SPECIFIC RESTRICTIONS ON SOLICITATION ON SAND BEACH AREAS; RENUMBERING SECTION 62-94 – PERMITTED HOURS FOR SOLICITATION; RENUMBERING 62-95 – 62-120 – RESERVED; AMENDING CHAPTER 94 – WATERWAYS, ARTICLE III – BEACHES, DIVISION 1 – GENERALLY; SECTION 94-66 – DEFINITIONS; SECTION 94-67 – PENALTIES; SECTION 94-68 – CHAIRS, TABLES, UMBRELLAS; SECTION 94-69 – PICNICS AND FOOD CONSUMPTION; SECTION 94-70 – SLEEPING DURING NIGHTTIME PROHIBITED; SECTION 94-71 – TIKI HUTS; SECTION 94-72 – TEMPORARY STRUCTURES; SECTION 94-73 – VEHICLE PERMITS; SECTIONS 94-74 - 94-79 – RESERVED; DIVISION 2 – BEACH MAINTENANCE REGULATIONS; SECTION 94-101 – REQUIREMENTS; SECTION 94-102 – PROHIBITIONS; SECTION 94-

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.

103 – EXEMPTIONS; SECTIONS 94-104 – 94-130 – RESERVED; ADOPTING 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 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 ON PUBLIC BEACHES; 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; SECTION 95-22 – TRANSIENT LODGING FACILITIES; 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 a 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 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.

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.

SECTION 2.

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~~

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.

~~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 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. For 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.~~
 - ~~l. 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 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.

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 city's beaches 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:

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-premises 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.

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.

Public 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. When an erosion control line is established, it shall replace the mean low-water line and any land seaward shall be deemed public beach.

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.

Unattended fishing and/or line means a fishing line to which no person is actively directing their attention.

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.

- (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 or access 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 and privately owned 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) Any items left on the beach may be disposed of by the City in its sole and absolute discretion.

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 public 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.
- (3) The applicant is licensed as a commercial watersport business as provided by the **land development code**.
- (4) 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 to sell or rent chairs, tables, umbrellas or cabanas must get 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.
- (c) All temporary structures on the publicly- and privately-owned beaches, including but not limited to chairs, tables, umbrellas, cabanas, and tents, shall be removed from the beach nightly. 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.

Sec. 95-8. – Vehicle permits.

- (a) *Required.* No person, 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) 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.
- (d) Insurance. Based on the scope of activity, the city manager may require a liability insurance policy protecting against damage to property or persons.
- (e) 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.
- (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. Safe operation shall be deemed as 10mph per Land Development Code Section 6.12(h) (3).
- (e) Exemptions. A one-time exemption may be obtained per approval of the city manager.
- (g) Electric Vehicles. Permits for vehicles on the beach will only be issued to electric vehicles beginning January 1, 2026, unless exempted by the city manager.

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 the 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 beach lands.
 - (2) All commercial private beaches without first obtaining a permit from the city.
- (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 this section.
- (c) It shall be unlawful for any person to smoke on public beaches. Smoking is defined above.

Sec. 95-11. – Animals prohibited on 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 public 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 employee or representative 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 public 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 public 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 public 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 ; and
 - (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 public 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) Any person or persons wanting a beach wedding.

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 sand beach areas 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 rendering on Department of Business and Professional Regulation liquor license application, as well as a component of the site plan review. The rendering 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 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 that have current room rental as well as a cabana rental in the cabana service area 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.
- (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 or designee 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 Petrila, 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 _____, 2024.

 Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

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.

Ordinance 2024-XX

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE, DIVISION 25 – COASTAL PROTECTION AND CONSERVATION, SECTION 25.9 – PERMIT REQUIRED; RENUMBERING SECTION 25.10 – PERMITTING PROCEDURES; RENUMBERING SECTION 25.11 – VARIANCES; AMENDING DIVISION 44 – MARINE TURTLE PROTECTION, SECTION 44.3 – PROHIBITION OF ACTIVITIES DISRUPTIVE TO MARINE TURTLES; RENUMBERING SECTION 44.4 THROUGH SECTION 44.9; 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 AREAS; ARTICLE II – DOGS, SECTION 14-35 – PROHIBITED ON SAND BEACHES; RENUMBERING SECTION 14-36 – REGULATIONS FOR DOGS IN APPROVED OUTDOOR SEATING AREAS; AMENDING CHAPTER 58 – PARKS AND RECREATION, ARTICLE I – RECREATION; SECTION 58-1 – DEFINITIONS; ARTICLE II – CITY PARKS AND FACILITIES; SECTION 58-23 – VENDING IN CITY PARKS; RENUMBERING SECTION 58-24 – CAMPING; RENUMBERING SECTION 58-25 – DOMESTIC ANIMALS; AMENDING SECTION 58-26 – PROHIBITED ACTIVITIES IN CITY PARKS; RENUMBERING SECTIONS 58-27 THROUGH 58-31; ADOPTING SECTION 58-31 – SLEEPING DURING NIGHTTIME PROHIBITED; AMENDING CHAPTER 62 – PEDDLERS AND SOLICITATORS, ARTICLE II – COMMERCIAL SOLICITATIONS; DIVISION 2 – PERMIT; SECTION 62-59 – APPLICATION; QUALIFICATIONS; CONTENTS; RENUMBERING SECTIONS 62-60 THROUGH 62-65; AMENDING DIVISION 3 – REGULATIONS; SECTION 62-93 – SPECIFIC RESTRICTIONS ON SOLICITATION ON SAND BEACH AREAS; RENUMBERING SECTION 62-94 – PERMITTED HOURS FOR SOLICITATION; RENUMBERING 62-95 – 62-120 – RESERVED; AMENDING CHAPTER 94 – WATERWAYS, ARTICLE III – BEACHES, DIVISION 1 – GENERALLY; SECTION 94-66 – DEFINITIONS; SECTION 94-67 – PENALTIES; SECTION 94-68 – CHAIRS, TABLES, UMBRELLAS; SECTION 94-69 – PICNICS AND FOOD CONSUMPTION; SECTION 94-70 – SLEEPING DURING NIGHTTIME PROHIBITED; SECTION 94-71 – TIKI HUTS; SECTION 94-72 – TEMPORARY STRUCTURES; SECTION 94-73 – VEHICLE PERMITS; SECTIONS 94-74 - 94-79 – RESERVED; DIVISION 2 – BEACH MAINTENANCE REGULATIONS; SECTION 94-101 – REQUIREMENTS; SECTION 94-102 – PROHIBITIONS; SECTION 94-103 – EXEMPTIONS; SECTIONS 94-104 – 94-130 – RESERVED; ADOPTING 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 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 ON PUBLIC BEACHES; 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; SECTION 95-22 – TRANSIENT LODGING FACILITIES; 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 a 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 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 Land Development Code Division 25 is amended as follows:

Sec. 25.9. – Permitting procedures.

Sec. 25.10. – Variances

The Land Development Code Division 44 is amended as follows:

Sec. 44.3. – Standards for new beachfront lighting.

Sec. 44.4. – Standards for existing beachfront lighting.

Sec. 44.5. – Standards for publicly owned lighting.

Sec. 44.6. – Construction during nesting season.

Sec. 44.7. – Enforcement.

Sec. 44.8. – Monitoring and reporting guidance.

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) Any public sidewalk.
 - (3) Any city park.
- (b) Notices. Notice of this section shall be posted by the city. For 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) 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.

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 birds on public streets, sidewalks, rights-of-way, or parks 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. – Regulations for dogs in approved outdoor seating areas.

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. – Camping.

Sec. 58-24. – Domestic Animals

Sec. 58-25. – 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. 58-26. – Picnic areas and use.

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

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

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

Sec. 58-30. – 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. – Issuance.

Sec. 62-60. – Display required.

Sec. 62-61. – Termination for violation.

Sec. 62-62. – Hour sales permitted.

Sec. 62-63. – Expiration.

Secs. 62-64–62-90. – Reserved.

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

Sec. 62-93. – Permitted hours for solicitation.

Secs. 62-94 – 62-120. Reserved.

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

Secs. 94-66 – 94-79. – Reserved.

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

Secs. 94-101 – 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 city's beaches 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:

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-premises 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.

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 180 days or longer shall be considered permanent.

Public 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. When an erosion control line is established, it shall replace the mean low-water line and any land seaward shall be deemed public beach.

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.

Unattended fishing and/or line means a fishing line to which no person is actively directing their attention.

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.

- (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 or access 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 and privately owned 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) Any items left on the beach may be disposed of by the City in its sole and absolute discretion.

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 public 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.
- (3) The applicant is licensed as a commercial watersport business as provided by the land development code.
- (4) 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 to sell or rent chairs, tables, umbrellas or cabanas must get 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.
- (c) All temporary structures on the publicly- and privately-owned beaches, including but not limited to chairs, tables, umbrellas, cabanas, and tents, shall be removed from the beach nightly. 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.

Sec. 95-8. – Vehicle permits.

- (a) *Required.* No person, 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) *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.
- (d) *Insurance.* Based on the scope of activity, the city manager may require a liability insurance policy protecting against damage to property or persons.

- (e) *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.
- (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. Safe operation shall be deemed as 10mph per Land Development Code Section 6.12(h) (3).
- (e) *Exemptions.* A one-time exemption may be obtained per approval of the city manager.
- (g) *Electric Vehicles.* Permits for vehicles on the beach will only be issued to electric vehicles beginning January 1, 2026, unless exempted by the city manager.

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 the 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 beach lands.
 - (2) All commercial private beaches without first obtaining a permit from the city.
- (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 this section.

- (c) It shall be unlawful for any person to smoke on public beaches. Smoking is defined above.

Sec. 95-11. – Animals prohibited on 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 public 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 employee or representative 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 public 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 public 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 public 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; and
 - (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 public 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) Any person or persons wanting a beach wedding.

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 sand beach areas 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 rendering on Department of Business and Professional Regulation liquor license application, as well as a component of the site plan review. The rendering 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 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 that have current room rental as well as a cabana rental in the cabana service area 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.
- (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 or designee 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 Petrila, 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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

City/County of _____, Florida

Chapter ____.

MODEL LIGHTING ORDINANCE FOR SEA TURTLE PROTECTION

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ORDINANCE NUMBER 20__-__

LAND DEVELOPMENT CODE

AN ORDINANCE OF THE CITY/COUNTY OF _____ AMENDING CITY/COUNTY CODE CHAPTER _____ PROVIDING FOR AMENDMENTS TO ADOPT MODEL LIGHTING REQUIREMENTS; PROVIDING FOR REPEAL OF ORDINANCES; PROVIDING FOR TERRITORY EMBRACED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE OF ORDINANCES; PROVIDING FOR EFFECTIVE DATE.

SECTION ____-1. – BASIS OF ORDINANCE

Sec. ____-1.1. - Findings of Fact

***Whereas, the City/County of _____** recognizes that light pollution of beaches is a serious threat to sea turtles and other species inhabiting its beaches; and

***Whereas, the City/County of _____** recognizes that nesting adult and hatchling sea turtles are negatively affected by light pollution created by artificial light visible from any portion of the beach; and

***Whereas, the City/County of _____** recognizes that sea turtles are protected by federal and state law; and

***Whereas, the City/County of _____** recognizes that both its economy and the quality of life of its residents are enriched by a healthy sea turtle population; and

***Whereas, the City/County of _____** desires to minimize the detrimental effect on nesting sea turtle populations, and other listed sensitive wildlife by implementing a system of rules and regulations that reduces the amount of artificial light intentionally or unintentionally visible from beaches;

**Guidance: These generic Findings of Fact are illustrative only. Findings of Fact should relate to the specific context of the County or City adopting a sea turtle lighting ordinance and may include data on sea turtle nesting, and disorientation/misorientation if available. It may also include information on the qualitative and quantitative value of sea turtles to the specific beachfront economies.*

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL/BOARD OF COUNTY COMMISSIONERS OF THE CITY/COUNTY OF _____ ON THIS ____ DAY OF _____, 20__.

Sec. ____-1.2. - Title of Ordinance

This ordinance shall be referred to as the **City/County of _____** Lighting Ordinance for Sea Turtle Protection.

Sec. ____-1.3. - Ordinance Purpose and Objectives

The purpose of this Ordinance is to protect nesting and hatchling sea turtles on the beaches in the **City/County of _____** by ensuring that their nesting habitat is not degraded by artificial light. The objective of the ordinance is for the appropriate design and implementation of coastal lighting systems to

ensure that light pollution does not interfere with sea turtle nesting and hatching events while at the same time protecting public safety. In order to further the objective of full implementation, this Ordinance also includes provisions designed to educate residents and beach users in the **City/County of _____** on the benefits of appropriate coastal lighting and provides for regular inspections to ensure compliance with the acceptable lighting standards.

Sec. ____-1.4. - Definitions

1. **Artificial Light**: the light emanating from any human-made device.
2. **Beach**: 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 physiographic form, or to the line of permanent vegetation.
3. **Certified Wildlife Lighting**: lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at <https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>.
4. **Cumulatively Visible**: light from numerous artificial light sources that as a group can be seen by an observer standing anywhere on the beach.
5. **Directly Visible**: occurs when glowing elements, lamps, globes, or reflectors of an artificial light source can be seen by an observer standing anywhere on the beach.
6. **Foot-Candle**: the English unit for measuring illuminance; the uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot; equal to 10.76 lux.
7. **Frontal Dune**: the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.
8. **Full Cutoff**: a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the luminaire, is projected at or above 90° as determined by photometric test or certified by the fixture manufacturer.
9. **Fully Shielded**: a lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by an opaque material to prevent them from being directly visible from the beach. Any structural part of the light fixture providing this shielding must be permanently affixed.
10. **Indirectly Visible**: light reflected from glowing elements, lamps, globes, or reflectors of an artificial light source that can be seen by an observer standing anywhere on the beach without the light source being directly visible.
11. **Long Wavelength**: a lamp or light source emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers.

12. **Nesting Season:** For the **City/County of _____**, the sea turtle nesting period is from _____ of each year.

Guidance: For Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward Counties, the sea turtle nesting period is from March 1 through October 31 of each year. For Bay, Charlotte, Collier, Dade, Duval, Escambia, Flagler, Franklin, Gulf, Lee, Manatee, Monroe, Nassau, Okaloosa, Pinellas, St. Johns, St. Lucie, Santa Rosa, Sarasota, Volusia, and Walton Counties, the sea turtle nesting period is from May 1 through October 31.

13. **Nighttime:** the locally effective time period between sunset and sunrise.
14. **Non-egress Lighting:** exterior lighting that is not being used to light a distinct route or meet minimum requirements for emergency access to or from a building, including but not limited to decorative lights (e.g. strobe lights, string lights, etc.), balcony lights, landscape lights, and uplights.
15. **Outdoor Area:** any portion of a property that could have an artificial light source not attached to a permanent structure, including but not limited to pathway lighting, landscape lighting, pool lighting, etc.
16. **Sea Turtle:** any turtle, including all life stages from egg to adult, of these species: Green (*Chelonia mydas*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*). For the purposes of this ordinance, the term sea turtle is synonymous with marine turtle.
17. **Sea Turtle Nesting Habitat:** all sandy beaches adjoining the waters of the Atlantic Ocean, the Gulf of Mexico, and the Straits of Florida in all coastal counties and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.
18. **Temporary Lighting:** any non-permanent light source that may be hand-held or portable including but not limited to tiki torches, lanterns, flashlights (including cell phone flashlights), candles, flash photography, etc.
19. **Tinted glass:** glass modified via tinting, film or other material to reduce the inside to outside light transmittance value.

SECTION ____-2. - SEA TURTLE LIGHTING DISTRICT

Sec. ____-2.1. - Applicability

1. An overlay district, known as the *Sea Turtle Lighting District*, is hereby established within the **City/County of _____**.
2. The *Sea Turtle Lighting District* shall include all properties within the **City/County of _____**, that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, regardless of whether those properties are beachfront properties.

3. The provisions of this Ordinance apply to new and existing artificial lighting visible from the beach from all buildings and related infrastructure, including streetscapes, parking lots, outdoor areas, landscaping, as well as public parks and recreational areas and all other activities within the *Sea Turtle Lighting District*.
4. The provisions of this Ordinance are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved. The **City/County of _____** may approve any such proposed alternate provided it:
 - a. Provides at least approximate equivalence to the applicable specific requirements of this Ordinance, and;
 - b. Is otherwise satisfactory or complies with the intent of this Ordinance, and;
 - c. Has been designed or approved by a registered lighting or electrical engineer and is supported by calculations showing that the design submitted meets that intent of the Ordinance. This sub-section shall not have the effect of waiving the lumen caps specified in this Ordinance.
 - d. Has been determined to meet requirements for Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, including long wavelength light sources (without the use of filters), full cut-off, and fully shielded fixtures.
5. Any person substantially aggrieved by any decision of the *Beach Lighting Inspector* or the *Building Official* made in administration of this Ordinance has the right and responsibilities of appeal to the *Advisory/Appeals Board* of this jurisdiction.

*Guidance: This Model establishes an Overlay District for the purpose of implementing the ordinance. This ordinance could be applied by simply consolidating (2) and (3) above and making it applicable to "all properties within the **City/County of _____** that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, regardless of whether those properties are beachfront properties." However, creating a District may have other benefits which include incorporating other Sea Turtle best management practices not related to lighting, as well as raising awareness through signage, etc.*

Sec. ____-2.2. - Annual Public Notice

At least thirty days prior to the commencement of every sea turtle nesting season, the **City/County of _____** shall provide notice to affected persons within the *Sea Turtle Lighting District* of the provisions contained in this Ordinance.

Declaring an official annual "lights out for sea turtles" day either the first Monday in February or April depending on the county, could also be useful. Another alternative would be designating the responsible department or official for implementing the ordinance and noticing the public.

SECTION ____-3. - LIGHTING PROVISIONS

Sec. ____-3.1. – General

Guidance: In order to provide the highest level of protection for nesting marine turtles and their hatchlings, local governments are encouraged to adopt all of the following standards for artificial beachfront lighting sources.

1. The following standards for artificial light sources are intended to help minimize harmful effects of light pollution in sea turtle nesting areas. The use of Certified Wildlife Lighting will provide the highest level of protection for nesting sea turtles and their hatchlings. Certified Wildlife Lighting refers to lighting fixtures and bulbs reviewed and approved through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at <https://myfwc.com/conservation/you-choose/lighting/criteria/certified/>. Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, must be installed and maintained according to the approved conditions of use to achieve the light pollution reduction objectives of this Ordinance.

Guidance: The FWC Certified Wildlife Lighting website references the required options and bulleted caveats for each certified fixture. These conditions of approved use are also included in the certification letter issued to the manufacturer for the fixture. FWC Sea Turtle Lighting Guidelines can be accessed at the Sea Turtles and Lights webpage at <https://myfwc.com/wildlifehabitats/wildlife/sea-turtle/lighting/>.

2. New construction refers to all new construction of or additions and alterations to buildings, pools, pavement, other structures, landscape areas or lighting systems, including the change or resumption of land use. The most protective lighting standards apply to new construction visible from the beach.
3. Existing artificial lighting refers to lighting fixtures, sources and systems operating prior to the effective date of this ordinance. Existing lights and light sources that are visible from the beach shall be replaced or modified to conform to standards given in Section -3.7. In order to bring existing lighting systems into future compliance with this Ordinance, standards for new coastal construction shall be applied when permits are sought for new structures or the alteration, movement, enlargement, replacement or installation of new lighting systems.

Sec. ____-3.2. Exterior and Interior Lighting Affixed to New Structures, New Construction and Improvements to Existing Structures

1. All lighting affixed to the exterior of new permanent structures, construction or additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles.
2. As an exception to -3.2.1. above, non-egress lighting may be affixed to the landward exterior of permanent structures provided that the fixtures are fitted with a long wavelength source and are not directly, indirectly, or cumulatively visible from any portion of the beach.

3. Lighting at egress points shall be limited to the minimum number of fixtures and foot-candles necessary to meet federal, state, and local safety requirements.
4. Locations including but not limited to stairwells, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach. Light screens, shades or curtains shall be used to block visibility of interior lights from the beach. Light screens shall be used on open or enclosed staircases on the seaward or shore-perpendicular side of a building or for parking garages to limit visibility of lights from the nesting beach.
5. All glass windows, walls, railings and doors on the seaward and shore-perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45 percent or less.

Guidance: Local governments may apply special considerations to control interior lighting from being directly visible from the beach.

6. Emergency lights are not subject to the above standards if on a separate circuit and activated only during power outtages or other situations in which emergency lighting is necessary for public safety.

Sec. ____-3.3. - Outdoor Areas

1. All lighting of outdoor areas shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles.
2. Lighting of paths, walks and routes of building access shall use low level fixtures such as step, paver, path, recessed wall or bollard lights. Bollard lights are not to exceed 42 inches in height and other low level fixtures are to meet the height requirements of FWC's Wildlife Lighting Guidelines. Fixtures shall be downward directed and utilize long wavelength lamps and beachside shields.
3. As an exception to -3.3.1. above, non-egress outdoor lighting may be installed landward of buildings or other opaque structures provided that they are fitted with long wavelength light sources and are not directly, indirectly, or cumulatively visible from any portion of the beach.
4. Internally or externally lighted signs shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
5. Ponds and fountains on the seaward and shore-perpendicular sides of any structures shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
6. Fire pits located on the seaward and shore-perpendicular sides of any structure shall be shielded with an opaque structure or partition, and positioned such that the flame is not directly, indirectly, or cumulatively visible from any portion of the beach. Bonfires and bonfire pits are prohibited within sea turtle nesting habitat during sea turtle nesting season.
7. Televisions or other illuminated screens shall be located landward of the dune and shall be shielded or positioned such that they are not directly, indirectly, or cumulatively visible from the beach.

Sec. ____-3.4. - Parking Areas and Roadways

1. All lighting of parking areas and roadways shall be long wavelength, downward directed, full cutoff, fully shielded, and mounted to the minimum level required to maintain compliance with federal, state and local law.
2. Parking area and roadway lighting shall be shielded from the beach via vegetation, natural features, or artificial structures rising from the ground. These shall prevent artificial light sources, including but not limited to vehicular headlights, from producing light that is directly, indirectly, or cumulatively visible from any portion of the beach.
3. Lighting of roadways and parking areas shall produce no more lighting than the minimum requirement as outlined by federal, state and local law.
4. Lighting of parking areas and roadways shall consist of either:
 - a. Ground-level downward-directed fixtures, equipped with interior dark-colored, non-reflective baffles or louvers, mounted either with a wall mount, on walls or piles, facing away from the beach, or
 - b. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach, or
 - c. Pole-Mounted Lights, if required, shall adhere to the restrictions located in subsection -3.4.5.
5. Pole-mounted lights shall only be used in parking areas and roadways when mounting the lights at lower elevations cannot practicably comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety. If required, pole-mounted lights shall be:
 - a. Located on the landward sides of buildings and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach,
 - b. Mounted at the minimum height required to meet the minimum light level requirement-, and
 - c. Downward-directed onto non-reflective surfaces.

Guidance: Roadway and parking area lighting designed pursuant to Section 231.2.1 Wildlife-Sensitive Conventional Lighting of the Florida Department of Transportation (FDOT) Design Manual (January 1, 2020) available at <https://www.fdot.gov/roadway/fdm/default.shtm>, and meeting the requirements of Section 992-2.4.2, Luminaires for Wildlife-Sensitive Conventional Lighting, of the FDOT "Standard Specifications for Road and Bridge Construction (January 2020)," and available at <https://www.fdot.gov/programmanagement/implemented/specbooks/default.shtm>, are expected to meet the minimum standards of this section.

6. Equipment yards, storage yards, and temporary security lights shall also adhere to the lighting restrictions contained in this Section.

Sec. ____-3.5. - Pool Areas

1. Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength and fully shielded.
2. Lighting of the pool water surfaces and the pool wet deck surfaces shall comply with the minimum light levels set forth in applicable federal and state laws designed to protect public safety.
3. Above-water lighting of pool decks, pool facilities, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures contained in Section 1 and Section 2 of this Section.
4. Underwater lighting of pools or spa light shall:
 - a. Be mounted horizontally in the wall,
 - b. Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach, and
 - c. Shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

Sec. ____-3.6. - Beach Access Points and Dune Walkovers

1. Lighting of beach access points shall be located and configured to only illuminate areas landward of the beach and frontal dune. All lighting of beach access points shall be long wavelength, downward directed, full cutoff and fully shielded and shall not be directly, indirectly, or cumulatively visible from the beach.
2. Lights are allowable on dune walkovers or elevated boardwalks only as required for building code purposes and may only be installed landward of the frontal dune. Walkover lighting shall not be directly, indirectly or cumulatively visible from the beach.

Sec. ____-3.7. – Existing Exterior and Interior Lighting

1. Reduce or eliminate the negative effects of existing exterior artificial lighting through the following measures:
 - a. Reposition, modify or remove existing lighting fixtures so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly or cumulatively visible from the beach;
 - b. Replace fixtures having an exposed light source with fully shielded fixtures;
 - c. Replace any light source, light bulb or lamp that is not long wavelength (e.g. incandescent, fluorescent, or high intensity lighting) with the lowest wattage long wavelength (e.g. LED or low pressure sodium) light source or lamp available for the specific application;

- d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - e. Provide shields for fixtures visible from the beach and not practical to immediately be replaced. Beachside shields are to cover 270 degrees and extend below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - f. Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - g. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
 - h. Construct a ground level barrier landward of the beach and frontal dune to shield light sources from the beach. Ground-level barriers are to be considered a last resort when no other remediation of the light source is feasible. Ground level barriers may be subject to state coastal construction control line regulations under section 161.053, Florida Statutes, and must not interfere with sea turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach and dune system;
 - i. Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards.
2. Take one or more of the following measures to minimize interior light emanating from doors and windows within line-of-sight of the beach:
- a. Apply window tint or film that meets the light transmittance standards for tinted glass;
 - b. Rearrange lamps and other moveable fixtures away from windows;
 - c. Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights from the beach.

Guidance: In order to provide the highest level of protection for nesting marine turtles and their hatchlings, local governments are directed to adopt all of the above standards for existing artificial beachfront lighting sources.

Sec. ____-3.8. – Pier Structures

- 1. Lighting of pier structures projecting over the beach or over water shall be long wavelength, downward-directed, and fully shielded.
- 2. Lighting of pier structures projecting over the beach, or over water, shall be mounted no higher than 42 inches above the deck surface. These shall be directed onto the deck surface only, preventing light pollution or light spillage beyond the walking surface.
- 3. Lighting of pier structures projecting over the beach or over water shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

Guidance: Note that the pier light standards do not address light sources from illuminated screens or signage associated with restrooms or bait shops on piers.

Sec. ____-3.9. - Special Events, Motor Vehicles, and Temporary Lighting

1. Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach shall not be authorized at nighttime during sea turtle nesting season.
2. The operation of all motorized vehicles, except emergency and law enforcement vehicles or those permitted on the beach for sea turtle conservation in accordance with Florida Statute 379.2431 (1), or other research and conservation, shall be prohibited on the beach at nighttime during sea turtle nesting season.
3. Within sea turtle nesting season, temporary work zone lighting for roadway construction and during declared emergencies shall be directed away from the beach to avoid illumination of or direct visibility from the beach. Work zone luminaires shall be shielded to avoid lighting areas outside of the immediate construction area.
4. All other temporary construction lighting shall be:
 - a. Inclusive of all the standards of this Section, including using fixtures that are long wavelength, downward directed, full cutoff, and fully shielded so light is not directly or indirectly visible from the beach, and
 - b. Turned off during nighttime in sea turtle nesting season, or if authorized by the *Beach Lighting Inspector* during sea turtle nesting season, shall only be allowed from 6:00am to 9:00pm, must be restricted to the minimal amount necessary, and shall incorporate all the standards of this Section, and
 - c. Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture, and
 - d. Restricted to the minimal number of foot-candles necessary to conform to the applicable construction safety regulations.
5. Handheld and other portable temporary lighting shall not be directed toward or used in a manner that disturbs sea turtles or other coastal wildlife.

SECTION ____-4. - COMPLIANCE AND ENFORCEMENT PROCEDURES

Sec. ____-4.1. - Beach Lighting Inspector

1. A position, known as the **City/County of _____** *Beach Lighting Inspector*, is hereby established.

Guidance: While the model creates a beach lighting inspector, local governments may choose to identify someone already on staff, such as a code enforcement officer, for the position. It is

most important that the designated individual receive appropriate training.

2. It shall be the duty of the City/County Manager to appoint the *Beach Lighting Inspector*. The *Beach Lighting Inspector* shall have the necessary training, technical knowledge, and resources to enable them to effectively carry out the duties of this office. The *Beach Lighting Inspector* may access resources provided by other local, state or federal agencies such as the *Sample Beach Lighting Survey Worksheet*, training, and other information available from the Florida Fish and Wildlife Conservation Commission.
3. The *Beach Lighting Inspector* shall be responsible for:
 - a. Inspecting the entire beach within the jurisdictional boundaries of the **City/County of _____** regularly during sea turtle nesting season to determine the extent of compliance with this Ordinance.
 - b. In the event of the finding of a violation at a particular public or private property, conducting further inspections at the property at any time beginning on the night after the deadline date given on the written notice of violation. These follow-up inspections shall continue until the lighting has been brought into compliance with this Ordinance.
 - c. *Beach Lighting Inspector* responsibilities may also include preparation of reports, issuance of non-compliance notices, outreach and education, supporting administrative actions before a review board or special magistrate, or attending building permit pre-application and pre-construction conferences.

Guidance: At minimum, night time lighting surveys and compliance inspections are recommended before and during sea turtle nesting season. Compliance inspections that are conducted frequently throughout the nesting season may be beneficial to local governments in identifying and addressing noncompliant lighting.

4. It shall be unlawful for any person to interfere with, or in any manner hinder the *Beach Lighting Inspector*, or any of their assistants, while in the discharge of their duties under the terms of this Ordinance.
5. It shall be unlawful for any person to knowingly conceal or disable any lighting on a property before it has been inspected by the *Beach Lighting Inspector*.

Sec. ____-4.2. - Notice of Violation

1. Upon finding any violation of this Ordinance, the *Beach Lighting Inspector* shall deliver a written notice of the violation of this Ordinance to the property owner and direct said owner to promptly remove or remediate lighting not in compliance with this Ordinance.
2. The time allowed for making the repairs shall be stated in the notice and should the responsible party neglect or refuse to remove or remediate non-compliance within the specified time stated in the notice, the party so offending shall commit a violation of this Ordinance and be penalized as provided in Subsection ____-4.3 of this Ordinance.

Sec. ____-4.3. - Penalties

1. Any person who takes any action or omission in violation of any provision of this Ordinance and fails to resolve such violation after proper notice is provided, shall be subject to a fine of up to \$ ____ per day per violation for initial violations, and \$ ____ per day per violation for repeat violations. All penalties incurred as a result of violation of this Ordinance shall continue to accrue until such violations are cured.
2. The **City/County of** _____ shall have the right to encumber such property in violation of this Ordinance with a lien for an amount equal to the total amount of fines owed at the time such lien is recorded.

Sec. ____-4.4. - Sea Turtle Fund

1. A *Sea Turtle Fund* is hereby established within the **City/County of** _____.
2. All funds collected as a result of the issuance of fines under Section 3 of this Part shall be deposited in the *Sea Turtle Fund*. The funds in this account shall be used for:
 - a. Assistance to property owners for the procurement of light systems equipment and materials that comply with this Ordinance and reduce the amount of artificial beach lighting,
 - b. Educational materials to inform the general public on the threats of artificial lighting to sea turtles, including but not limited to signs, door knockers, pamphlets, stickers, public service announcements, and other awareness campaigns, and
 - c. Equipment, materials and other resources supporting compliance assistance and enforcement by the *Beach Lighting Inspector*.
 - d. Other reasonable efforts to protect the sea turtle population within the **City/County of** _____, including but not limited to research and conservation projects.
3. The **City/County of** _____ may contribute funding from other sources into the *Sea Turtle Fund* for uses consistent with the purposes set forth above.

SECTION ____-5. - OTHER CLAUSES

Sec. ____-5.1. - Conflict with Other Ordinances

If this Ordinance conflicts with any other Ordinance or requirement of the **City/County of** _____, then this Ordinance shall control during sea turtle nesting season. Deviations from this Ordinance shall be subject to the variance procedures as established by this City/County.

Sec. ____-5.2. - Severability

If any Section or Subsection of this Ordinance is invalidated for any reason, the effected portion may be eliminated or modified to correct the reason of invalidation, if feasible without materially altering or negating the Ordinance Goals and the principles of sea turtle lighting.

Sec. ____-5.3. - Effective Date

The **City/County of** _____ Lighting Ordinance for Sea Turtle Protection shall become effective upon recommendation by _____ and approval by the _____.