



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

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, February 26, 2025
9:00 AM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the February 26, 2025 agenda.

2. Audience Comments -

Comments shall be limited to 3 minutes for general and agenda items. Public comment on agenda items will be allowed when that item is called. Please complete and submit a comment card to the Clerk.

3. Action Items -

a. Approval of Minutes November 13, 2024

4. Items for Discussion -

a. 2025 Beach Stewardship Goals Plan

b. Beach Ordinance

c. Beach Quarterly report, 1 Oct - 31 Dec, 2024

5. Adjournment -

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she

will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

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

DRAFT BEACH STEWARDSHIP COMMITTEE MINUTES

November 13, 2024 - 9:00 A.M.

PRESENT: Dan Rothenberger, Chair
John Stevens, Vice Chair
John Kurzman, Member
Natalie Looney, Member

ABSENT: Brad Panek, Member

STAFF PRESENT: Ayako Ruckdeschel, Beach Manager
Ginny Keeter-Bodkin, Deputy City Clerk
Mandy Edmunds, Acting Parks and Recreation Director

Chair Rothenberger called the meeting to order at 9:00 AM. He thanked Michael Welch for his many years of service to the City and this Committee and welcomed new Member Natalie Looney.

1. Presentations

Ayako Ruckdeschel, Beach Manager, welcomed new member Natalie Looney to the Committee. Ms. Looney is the appointee of Commissioner Rzewnicki. Ms. Looney introduced herself and shared some of her background and her interest in beach matters.

2. Approval of the Agenda –

Chair Rothenberger asked that the two presentations take place first.

Member Kurzman asked to add a discussion items on how the City can assist businesses with dispensing accurate information for the public with regard to beach opening/s and to revisit the agenda building process.

Vice Chair Stevens moved, and Member Kurzman seconded the approval of the November 13, 2024 agenda with the added discussion items; the motion passed 4-0.

3. Audience Comments –

Kathleen Etxegoien of 5th Avenue asked for a progress report and timeline for the reopening of the South end beaches.

4. Action Items

a. Approval of Meeting Minutes August 21, 2024

Member Kurzman asked to add to the minutes that any suggested agenda items must be submitted early and succinctly to the Committee liaison to give staff adequate time to prepare prior to any meetings.

Member Kurzman moved, and Vice Chair Stevens seconded the approval of the August 21, 2024 minutes as amended; the motion passed unanimously.

b. Review and Approval of the 2025 Meeting Dates

Vice Chair Stevens inquired if the other members were amenable to moving the February meeting to February 26, 2025 and there was a positive consensus.

Vice Chair Stevens moved, and Member Looney seconded to accept the 2025 meeting dates presented with the February date moved to the 26th; the motion carried 4-0.

5. Items for Discussion

a. Seasonal Outcomes, Post-Dual Hurricanes and Effects on Beach

1. Damage to St. Pete Beach from Hurricanes Helene and Milton

Ms. Ruckdeschel introduced John Bishop, the Coastal Management Coordinator for Pinellas County to report on damages.

- The County mainly monitors Upham and Pass-A-Grille beaches and both sustained washouts; the County is awaiting for beach surveys and profiles report from their contractor, Aptim, for the entire County.
- Upham Beach lost dunes at the north end and severe washout.
- Their contractor has estimated that Pass-A-Grille beach south end lost 66,000 cubic yards of sand, but the north end is to the fill line. The ‘lost’ sand had moved up higher into parking lots and street and the dunes have been replaced by moving that back. The contractor is expected to finish in a few weeks.
- The location of where the sand from Upham Beach went is unknown.
- The County is working on a permit for the full restoration of Upham Beach.
- Federal beach renourishment project is still being delayed by the need for easements.
- The final report from Aptim may take a few months; Mr. Bishop will share that with the City/Committee when it becomes available.
- While the Federal renourishment is being held up, the County has submitted an emergency application to the Army Corps to get a one-time renourishment done.
- The sea oat giveaway for 2025 is still under discussion.
- There is currently no scope for sea oats at Pass-A-Grille; it should be timed seasonally.
- Ms. Ruckdeschel explained that the orange construction fence at Pass-A-Grille was placed by the City to prevent dunes from falling back into the pathway and prevent people walking over them; walkovers will be added at 3rd and 6th for access.
- Vice Chair Stevens suggested the City put out more information clarifying what is and is not opened via website and/or social media.

2. Recommendations for short & long-term recovery and rebuilding/maintaining sand dunes
Previously discussed under #5.a.1.

Resident Linda Borgia gave public comment on dunes sand that relocated to the back of Envoy Point; there was 5 feet of sand there and in the secret garden, which needed to be removed. The lower dunes and those with established plantings did the best during the hurricanes; she suggested more plantings and lower dunes going forward.

The aging drain at The Starlight was discussed; Code Enforcement has been informed and Ms. Ruckdeschel will follow up.

3. Other cities' storm damage response and best practices

Ms. Ruckdeschel had expected this as part of Mr. Bishop’s report.

4. Status of the renourishment project on PAG

Previously discussed under #5.a.1.

5. Availability of any local, state and or federal funding or beach restoration FEMA funding

Ms. Ruckdeschel had expected Mr. Bishop to cover this. Member Looney suggested FEMA funds might help with sea oats; this is a public and private concern. Ms. Ruckdeschel suggested that the County would have accessed those as part of their clean up and restoration project. Member Kurzman spoke about FS 161, eminent domain, and property rights – other states have programs to give money for property rights.

6. Concerns on water pollution / debris and swimming

Ms. Ruckdeschel reported that the County Environmental Management Director stated that they and FWC monitor for red tide and there is a Healthy Beaches program through the Florida Department of Health; she read a statement from their website how and when they monitor and test for contamination. Those two websites can be checked for water sample reporting every 1 to 2 weeks. Member Kurzman suggested a link on the City's website for the Health Dept. reports; Ms. Ruckdeschel will follow up with the PIO.

Cindy Perry of 1126 Boca Ciega Isle Drive gave public comment on large debris still in the water and coming over seawalls. Ms. Ruckdeschel suggested reaching out to the Sheriff's Marine Unit may be able to identify these items.

7. Beach cleanup activities and official recognition of individuals/groups/organizations

Ms. Ruckdeschel reported that the City had scheduled six community cleanups which were very successful. There were 711 volunteers that picked up 8,032 pounds of trash. She thanked Keep Pinellas Beautiful (including their equipment). Vice Chair Stevens thanked Ms. Ruckdeschel for her work in this regard. More cleanups are encouraged.

8. Status of public beach access points

Ms. Ruckdeschel reported that Upham Beach is wide open, and the County Park has been cleared, Pass-A-Grille is not open to the public, with warning signs of extreme danger still there, but people are disregarding. Walkovers will be placed at 3rd and 6th but there is no timeline currently. Member Kurzman spoke at FS 161.55 regarding public access; Vice Chair Stevens called a point of order to keep the discussion on beach access, not conditional use permits. He suggested staff ensure that each access point is clear and safe for residents.

Mandy Edmunds, Acting Parks and Recreation Director reported that staff is in that process, point by point from Upham heading south, marking those that are safe and open, and those still in need of repair and require caution. Signage is removed and placed accordingly. The orange fencing at Pass-A-Grille will stay in place until dune replanting is completed. The City Engineer is working with staff on plans to replace the wall.

9. Status public beach parking

Ms. Ruckdeschel reported that all beach parking is open.

10. Any public safety issues remaining for the beach / beach access

Ms. Ruckdeschel reported that larger debris has been moved, but there are still buried hazards; signs advising to proceed with caution, safety guidelines for feet, and staying off the sand dunes. Garbage cans have been replaced at Upham and Pass-A-Grille.

11. (Added) Communications for Hotels

Previously discussed under #5.6, with the suggestion to clearly post links to reports on the website and social media and an update summary of which access points are open to use safety. Ms. Ruckdeschel will get with the PIO to post.

12. (Added) Items for Future Agendas

Member Kurzman suggested that members should set reminders for ample time to submit potential agenda items to the Board liaison to allow staff time to consider for inclusion or contact experts, if necessary. Chair Rothenberger suggested waiting for the City Commission workshop on Boards and Committees scheduled for December 10, 2024 for direction on how information is exchanged. The Chair also asked for minutes to be distributed earlier than when the agenda is published.

b. Input from John Bishop, Coastal Management Coordinator, Pinellas County Government

Discussed under #5.a.1.

c. Review from Sea Turtle Trackers and nesting season data

Ms. Theresa Arenholz of Sea Turtle Trackers reported on the number of nests, hatchings, disorientations, and deaths during the May 5th through July 17th season. She spoke about disorientations due to hotel lighting and discussion followed; Sea Turtle Trackers take lighting surveys and report results to the County, who contacts the hotels of any violations. Ms. Arenholz reported on nests lost from tropical storms and hurricanes and explained what individuals and businesses can do to help protect the turtles, including keeping the beach clean, dark, and flat. Her presentation is part of the meeting record.

Vice Chair Stevens suggested scheduling a workshop with the City Commission to discuss the beach lighting ordinance. The previous attorneys were looking at that prior to the change; staff will need to communicate with new counsel on their availability to discuss.

d. Review from Audubon Society and wildlife report

Cindy Perry, a volunteer for the Audubon Society, appeared on their behalf, not as a member of the Planning Board. She reported on the local Black Skimmers' nesting areas, colony counts, common disturbances (dogs on beach, crows, garbage, fireworks), State Statute 68A-27 (rules relating to endangered or threatened species), and ways that the public can assist with protection of the Skimmers. Her presentation is part of the meeting record. Ms. Perry encouraged more stewardship and volunteers.

e. Beach Quarterly Report for period Jul 1-Sep 30, 2024

The report was published in the meeting packet. Ms. Ruckdeschel reviewed the highlights.

6. Adjournment – Next meeting will be February 26, 2024.

There being no further business, the meeting was adjourned at 10:48 AM.

These minutes will be considered for approval at the February 26, 2025, Beach Stewardship Committee meeting.

Public Beach Access Closures
North St. Pete Beach
50th Ave to Upham Beach



50th Ave

Public Beach Access Closures
Central St. Pete Beach
31st through 46th Avenues

County Park at 46th Ave is
Closed for Parking, Beach
Access and Restrooms



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Don Vista Building is Closed
The beach access point is closed.

County Park
3 other access

S. Side County.

PUNTA BEACH RESORT

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VICAS
MIRAMAR

Public Beach Access Closures
 Pass-A-Grille
 1st through 30th Avenues

The 22nd Ave Access is a wood plank road accessible by emergency vehicles as needed.

The 1st Ave Access is a sand road accessible by emergency vehicles as needed.



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10th 7th
 Paradise Grill
 Concession
 Stand

The Concession Stand is open.
 Their beach access is closed.

From: [Amber LaRowe](#)
To: [Ariana Wilson-Romo](#)
Subject: FW: Beach Ordinance
Date: Tuesday, January 28, 2025 12:45:14 PM
Attachments: [Ordinance 2025-02 - Exhibit A For First City Commission Reading final - BV REV - 1-27-25.docx](#)

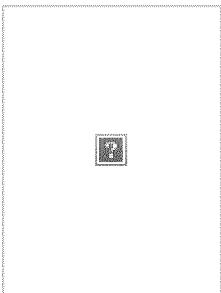
Please print for everyone at the dais and then place in LF

From: Ralf Brookes <ralfbrookes@gmail.com>
Sent: Tuesday, January 28, 2025 11:21 AM
To: Amber LaRowe <cityclerk@stpetebeach.org>; Frances Robustelli <frobustelli@stpetebeach.org>
Subject: Fwd: Beach Ordinance

CAUTION: This message has originated from **Outside of the Organization**. **Do Not Click** on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

here are the last minute legal changes from yesterday

Thank you,
Ralf Brookes
Ralf Brookes Attorney
P.O. Box 100238 Cape Coral Florida 33910
1217 East Cape Coral Parkway #107, Cape Coral Florida 33904
Phone/Text (239) 910-5464
Fax (866) 341-6086
RalfBrookes@gmail.com
Ralf@RalfBrookesAttorney.com



Board Certified in City, County and Local Government Law
by The Florida Bar

Please visit my website at:
www.RalfBrookesAttorney.com

----- Forwarded message -----

From: **Ralf Brookes** <ralfbrookes@gmail.com>

Date: Mon, Jan 27, 2025 at 3:53 PM

Subject: Fwd: Beach Ordinance

To: Becky Vose <bvose@voselaw.com>

Cc: Frances Robustelli <frobustelli@stpetebeach.org>, Brandon Berry <bberry@stpetebeach.org>, Ralf Brookes <ralfbrookes@gmail.com>, Peyt Dewar <pdewar@stpetebeach.org>, Denise Sanderson <dsanderson@stpetebeach.org>

Becky

I am fine with the changes.

Brandon is in PAB for a few hours, but I think he will be fine with them also.

I am adding Amber to the email list.

Thank you,

Ralf Brookes

Ralf Brookes Attorney

P.O. Box 100238 Cape Coral Florida 33910

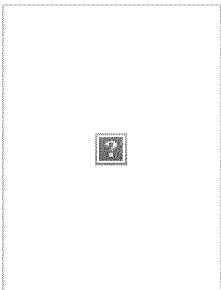
1217 East Cape Coral Parkway #107, Cape Coral Florida 33904

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by The Florida Bar

Please visit my website at:

www.RalfBrookesAttorney.com

----- Forwarded message -----

From: **Becky Vose** <bvose@voselaw.com>

Date: Mon, Jan 27, 2025 at 2:15 PM

Subject: Beach Ordinance

To: Frances Robustelli <frobustelli@stpetebeach.org>, Brandon Berry <bberry@stpetebeach.org>, Ralf Brookes <ralfbrookes@gmail.com>

I made the consistency and "standards" changes that concerned me on the Beach Ordinance. The changes are shown with the final language in yellow. If the changes are ok, then it could be made "final" by just getting rid of the yellow highlighting. Please give me a call if you have any questions or concerns. I will be driving for most of the rest of this afternoon (after 3:00 pm), so I will not be monitoring my email. Thanks! Becky

Gretchen R. H. ("Becky") Vose, Esq.

Vose Law Firm LLP

324 W. Morse Boulevard

Winter Park, Florida 32789

Phone: 407-645-3735 ext. 15

Cell: 407-448-0111 - Preferred contact number

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London, UK: +44 (0)20 3355 1473

COUNSEL TO EXTRAORDINARY GOVERNMENTS & LEADERS SINCE 1973; LOCAL
GOVERNMENT REPRESENTATION

EXHIBIT A

The Land Development Code Division 25 is amended and transferred to new Chapter 95 (See new Chapter 95 Beaches, supra, for replacement language) 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 Section 44.3 is amended and transferred to new Chapter 95 (See new Chapter 95, supra, for replacement language) and Section 44 is renumbered as follows:

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

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

- ~~(a) The operation of all motorized vehicles, except emergency and law enforcement vehicles or operated by those persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission, and Florida Department of Environmental Protection approved for mechanical beach cleaning or beach renourishment activities.~~
- ~~(b) The building of campfires or bonfires.~~
- ~~(c) Any transient lighting which purposely and flagrantly illuminates nesting sea turtles or hatchlings. This prohibition does not apply to those persons who have authorization or a permit to engage in marine turtle conservation or research~~
- ~~(d) If any turtle nests or nesting activities have been reported within a portion of a beach, any temporary structures, including but not limited to beach chairs, umbrellas and cabanas~~

which have the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat shall be:

- (1) ~~Removed from the beach nightly; or~~
- (2) ~~Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or~~
- (3) ~~Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water.~~

Sec. 44.4.3. – Standards for new beachfront lighting.

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

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

Sec. 44.7.6. – Construction during nesting season.

Sec. 44.8. 7. – Enforcement.

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

The Code of Ordinances Chapter 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 and Code of Ordinances Chapter 95, 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.~~
- ~~(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~~

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.~~

~~1. 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 and renumbered 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 appears above the horizon as a result of the diurnal rotation of the earth even if obscured by clouds or the reported time of sunset by time and date for the City of St Pete Beach.

Sunset means the time when the upper limb of the sun disappears below the sensible horizon as a result of the diurnal rotation of the earth even if obscured by clouds or the reported time of sunset by time and date for the City of St Pete Beach.

The Code of Ordinances Chapter 58, Article II is amended and renumbered 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 and beaches.

Except for activities of the city, or a governmental agency within the scope of its governmental authority, it shall be unlawful for any person to do any one or more of the following in a public park or beach owned or controlled by the city:

- (1) Sleep at any time during the hours from sunset to sunrise of the following day;
- (2) Construct any hut, shanty, or other shelter, except by special permit issued by the department in association with a special event;
- (3) Discharge or deposit human wastes, except in toilet facilities provided by the city;
- (4) Drive, putt or otherwise hit golf balls;
- (5) Sleep or otherwise be, or remain in any bushes, shrubs, or other foliage at any time; or
- (6) Use public restrooms to shave and or shower or bathe unless showers are provided for purposes of showering before going into a public pool, or showers are provided to wash off sand or salt water at the beach.
- (7) 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) The 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 public access and use of the area 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 sunset and sunrise of the following day, referred to in this section as the nighttime hours on any public park, public beach 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 and renumbered 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. 62-65-62-90. – Reserved.~~

The Code of Ordinances Chapter 62, Article II, Division 3 is amended and renumbered 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 and transferred to new Chapter 95 (See new Chapter 95, supra, for replacement language) 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 [new] Chapter 95 is created as follows:

Chapter 95. Beaches.

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 Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

Consumption on premises means the drinking of beer, wine, and/or liquor on the property of a business which is licensed through the Florida Department of Business and Professional Regulation or its successor with a COP-class, SFS-class, or other license class that provides at least the minimum approval to allow for an on-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.

Dune means a mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and deposited by any natural or artificial mechanism.

Frontal dune means the first natural or manmade 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.

Micromobility device means any motorized transportation device which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters, electric bicycles, and electric personal assistive mobility devices as defined by F.S. 316.003, as amended. Devices when required and when used by handicapped persons are exempt as set forth in City Code Section 74-91.

Animals means any domesticated or non-domesticated animal, but specifically does not include service 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 access beach means at a minimum under the Florida Constitution, the wet sand beach between the mean high water line based on the average high water line over a nineteen-year period (MHWL) and low water lines that are held in trust for the public under the public trust doctrine, and where an erosion control line (ECL) is established any area seaward of the ECL.

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, or vaping any lighted product, including cigarettes, cigars, pipe tobacco, hemp, other smokeable substances, with the exception of unfiltered cigars. As used in this section, "unfiltered cigar" means a cigar consisting of a roll of tobacco wrapped in leaf tobacco without a filter and containing only tobacco and no other substance. Vaping means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

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, including tents and inflatable 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 and is a permanent 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 Chapter shall constitute an offense against the city, and where no specific penalty is provided therefore shall subject the offender, upon conviction, to a fine or penalties applicable to misdemeanor violation of a municipal ordinance.
- (b) The City may issue citations for violations of the City Code of Ordinances and assess a penalty for such violations. Citations may be appealed to the City Code Enforcement Special Magistrate under the procedures set forth in Code Section 22-277 and 22-278, or a court of competent jurisdiction.
- (c) The judgment of a court of proper jurisdiction imposing any fine or fine and cost of prosecution may 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.
- (d) In addition to the penalties provided in subsections (a), (b) and (c) 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 that alone or in combination with a group of chairs, tables, umbrellas, is in a location or is of a size which would interfere with the use of a public access 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, and each chair, bench, table or umbrella shall constitute a separate violation.
- (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, alcoholic or nonalcoholic beverages shall be prohibited.

(c) Notwithstanding subsection (b)(2) of this section, either the city commission or city manager shall be entitled to authorize the building of a temporary beach fire pit with conditions and requirements deemed appropriate by the city manager or city manager's designee, based upon a determination by the city commission or city manager, or city manager's designee, that considering the advice of the fire department, and the consideration of the rights of nearby property owners and the best interests of the city and its residents and visitors, such a temporary beach fire pit is appropriate. Any person receiving authorization to build a beach fire pit shall agree in writing to comply fully with all requirements imposed by the city commission and/or city manager.

(d) Signs may be posted notifying the public of the prohibitions and penalties for violating this section at beach ends, city parks or other appropriate locations.

Sec. 95-6. Tiki (or Chickee) huts.

Tiki (or Chickee) huts are prohibited on any beach unless a permit has been issued by the city manager and the building and development is in compliance with the following:

(1) The tiki (or chickee) hut does not violate the terms of F.S. § 161.053.

(2) The person applying for the tiki (or chickee) hut permit has the written approval of the upland property owner.

(3) The applicant is licensed as a commercial watersport business and the tiki (or chickee) hut size, location and placement meet all requirements contained in the City Code and Florida Statutes.

(4) The tiki (or chickee) hut meets all requirements of the Florida Statutes, Florida Building Code and the City's zoning code, except that pursuant to Sec. 553.73 (10)(i), Fla. Stat., Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida are exempt from the Florida Building Code.

Sec. 95-7. Temporary Structures.

No temporary structure of any kind shall be erected on any beach unless otherwise authorized by this Chapter or other section of this Code or otherwise approved by the City(a) Any commercial operation to sell or rent chairs, tables, umbrellas or cabanas must obtain a

Commercial Cabana Rental Area Permit from the city and provide insurance satisfactory to the City commensurate with the type, size and use.

(b) Applications to establish commercial cabana rental area shall be accompanied by a survey completed by a licensed Florida surveyor within the last ten (10) years, depicting location of the mean high water line, Florida Coastal Construction Control Line, the location of the dunes and primary frontal dune when a dune is present or dune restoration is required, and property lines for the property or properties on which the operation is proposed to be permitted.

(c) Additionally, the applicant shall supply a site plan, drawn to scale, showing the extent of the proposed cabana rental area. Cabana rental areas shall be subject to the following setbacks:

Waterline setback: Cabanas shall be placed no closer than seventy-five (75) feet to the mean high water line.

Side setbacks: Cabanas shall be placed no closer than fifteen (15) feet to the side property lines unless a dimensional variance is approved.

Dune setback: Cabanas shall not be placed on dunes or in the established dune system. When a dune is partially or fully landward of the beach on the property under review, cabanas shall not be placed closer than 15 feet to the waterward toe of the primary frontal dune. Properties which have been subject of approved permits for upland development in which dune restoration is a condition or requirement of approval shall depict the approved extent of the dune to be established on their site plan and follow the all required dune setbacks.

(d) Cabanas shall not be stored on the beach overnight between sunset and sunrise and can only be placed on the beach in designated approved areas while being used.

(e) All temporary structures placed on the public access beaches and privately-owned beaches, including but not limited to chairs, tables, umbrellas, cabanas, and tents, shall be removed from the beach nightly. When such temporary structures are authorized to be stored overnight on the property, they shall be stored landward of the beach in a location not visible from the right of way, and outside of any required parking or landscaping area and outside of all dune, side and waterline setbacks.

(f) Penalty. A permitted commercial operation in violation of this section will result in:

a. First violation of the terms and conditions of a Commercial Cabana Rental Area Permit shall result in a written warning shall be issued to the commercial operator and property owner.

b. Second violation within one (1) year after the first violation of the terms and conditions of a Commercial Cabana Rental Area Permit shall result in a written notice of violation shall be issued to the commercial operator and property owner, along with a temporary suspension of the right to operate a Commercial Cabana Rental Area for a period of six (6) months and warning that the permit will be revoked if an additional violation occurs within six months.

c. Third violation within two (2) years after the second violation of the terms and conditions of a Commercial Cabana Rental Area Permit shall result in revocation of the right to operate a Commercial Cabana Rental Area for twelve (12) months. Thereafter, the commercial operator or property owner must re-apply for a new Commercial Cabana Rental Area Permit but will not be eligible or able to obtain a

permit for one year (365 days) after the date of the third violation. For every violation thereafter, the right to operate a Commercial Cabana Rental Area shall be suspended for twelve (12) months.

- d. If a commercial operator or a property owner shall violate any penalties set forth herein as to suspension of right to operate a Commercial Cabana Rental Area, both the commercial operator and the property owner shall be liable for a daily running fine of up to \$500 per day as set by the Special Magistrate, and the city shall have the right, but not the obligation, to request that the circuit court grant injunctive relief to enforce the city's code provisions.
- (g) For the purpose of this regulation, beach concession huts meeting Land Development Code section 6.12(h) and tiki (or chickee) 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 (including electric and 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, or designee, based on the scope of the activity, and the determination that the issuance serves a public purpose. 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 additional 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 as part of a "vehicle on the beach" permit.
- (e) Compliance. In reviewing the application for a permit, the city manager or designee 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 Chapter 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 Chapter 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, with such exemptions based upon the public purpose to be served by such electric vehicles.

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 Chapter.
- (2) Cleaning equipment shall meet the requirements of state laws and regulations 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 seaward of the toe of the frontal 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 is prohibited during sea turtle nesting season between the dates of May 1st – October 31st except in areas seaward of the prior day's high tide mark, debris line, or where authorized by Florida Department of Environmental Protection (DEP).

(b) Exemptions. The city shall be exempt from obtaining city permits, but shall otherwise comply with all federal, state and local laws.

Sec. 95-10. Prohibitions on the beach.

(a) Consumption or possession of alcoholic beverages. 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 the owner of the particular private beach 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 the alcohol prohibited areas described in this section.

(c) Pursuant to Florida Statutes, Sec. 386.209, smoking (except for unfiltered cigars) is prohibited and unlawful within the boundaries of any public park or public beach within the city and further restrict smoking within the boundaries of public beaches and public parks that are within its jurisdiction but are owned by the county, unless such restriction conflicts with a county ordinance. A violation of this provision may be enforced by citation by any law enforcement officer or by any code enforcement officer.) The starting or maintaining of fires and open flames on the public beach is prohibited except where specifically allowed in this Chapter or in conjunction with an annual special event as approved by the fire marshal.

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 by ensuring that their dogs do not impede the use of such sidewalks by persons or other dogs.

f. Dogs showing aggression towards people or other 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 and any other consumable are 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 from the prohibition of animals on the beach.

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

It shall be unlawful for any person to throw, cast, affix, or discard any handbill, circular, card, booklet, placard or other paper or plastic or other material whatsoever in or upon any public access beach.

Sec. 95-13. – Fishing on the beach

It shall be unlawful for any person to fish on the public access beach after having been warned by any law enforcement officer that the health and safety of bathers is being endangered by fishing in that location in that manner at that time among and endangering beach swimmers. 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 waters of the Gulf of Mexico.

Sec. 95-14. – Feeding or Harassing Wild Birds, Sea Turtles and Manatees is Prohibited.

- (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), Sea Turtles or Manatees.

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 city commission shall have power to adopt reasonable

rules and regulations for the granting of permits for supervised public display of fireworks within the boundaries of the city, pursuant to Section 791.02, Florida Statutes, as amended.

Sec. 95-16. – Micro-mobility.

The riding of any micromobility device as defined in Section 74-91¹ 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 74-91 through 74-95

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 City Manager or designee 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.

¹ Editor’s Note: “*Micromobility device* means any motorized transportation device which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters, electric bicycles, and electric personal assistive mobility devices as defined by F.S. 316.003, as amended. Devices required by handicapped are exempt” as set forth in City Code Section 74-91.

- (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 public access 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 Chapter by solicitors employed by or representing him, in addition to the citation to be issued to the solicitor.

Sec. 95-19. – Prohibition of beach activities disruptive to marine turtles during nesting season.

- (a) Marine turtles nesting season is from May 1 – October 31 (“nesting season”).
- (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 flashlights, cellphone flash or light, or other transient lighting. This prohibition does not apply to those persons who have authorization or a permit to engage in marine turtle conservation or research.
 - (4) During sea turtle nesting season, any temporary structures, including but not limited to beach chairs, umbrellas, cabanas and others that are identified as having the potential for entrapment of marine turtles and may interfere with the use of the natural beach environment for nesting habitat, must be removed from the beach nightly.
 - (5) When preparing to leave the beach, beachgoers shall fill in any holes, remove beach chairs, umbrellas, towels, beach toys, and any other objects created or placed by the beachgoer that could interfere with transit of nesting turtles or turtle hatchlings.
 - (6) If staying at a beach resort or hotel and the room is located on the beach side, occupants and the hotel owner are required to close the blinds each night to limit the amount of light reflected onto the beach if the beach resort or hotel room is not otherwise adequately addressing sea turtle lighting in accordance with the provisions of the City’s Land Development Code.
 - (7) Any property owner, resident or tenant of property on the beach shall close the blinds each night to limit the amount of light reflected onto the beach if the owner, resident

or tenant of the property on the beach is not otherwise adequately addressing sea turtle lighting in accordance with the provisions of the City's Land Development Code.

(8) No person shall disturb a sea turtle or sea turtle nest.

(9) All persons and property shall comply with any applicable sea turtle lighting provisions contained in the City's Land Development Code.

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, including but not limited to beach volleyball tournaments, skimboarding or surfing contests, conducted on the beach shall be required to obtain the necessary permits through the city manager.

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

(a) No special event on a public or private beach 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 Chapter and Chapter 26 of this code of ordinances. Special Event shall be as defined in Sec. 26-31 of this code of ordinances.

(b) 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 either the city manager or city commission, provided, however, that if an event is open to the entire community, the city commission shall be responsible to either grant or deny such approval. City sponsored or co-sponsored events may take place on public property or private property with the consent of the property owner.

(c) Permits. Permits allowing for the consumption of alcohol for special events, outdoor dining or outdoor drinking areas, or special occasions, including beach wedding ceremonies and receptions, 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. 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), including an area on a private beach.

(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 previously-approved by the City Council through the site plan review and approval process, as outlined in Division 5 of the Land Development Code and section 95-22 below.

Sec. 95-22. – Transient lodging facilities.

- (a) Each transient lodging facility that desires to serve alcohol on the beach shall obtain a “Transient Lodging Alcohol Service Area” (formerly “Cabana Service Area”) permit and must complete the permitting process and have an active BTR (business tax receipt) for a cabana rental associated with the lodging facility.
- (b) The transient lodging alcohol 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 transient lodging alcohol 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 transient lodging alcohol service area drinking alcohol 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 alcohol service area at all times.
- (e) The transient lodging alcohol service area shall be no closer than 75 feet to the Mean High Water Line.

- (g) Setbacks for transient lodging alcohol service areas shall be set forth in the transient lodging alcohol service area permit and shall be within the setbacks established for the cabana rental area in which the service area is designated, as regulated in Section 95-7.
- (h) The transient lodging alcohol service area's hours of operation shall be Sunrise to Sunset.
- (i) The transient lodging alcohol 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.
- (j), Plastic straws, glass and extruded polystyrene foam (e.g... “Styrofoam”) products are prohibited at all times on all beaches in the city, both public and private.
- (k) Only patrons or registered guests of the transient lodging facility that have current room rental and a cabana rental in the transient lodging alcohol service area may be served alcohol in the transient lodging alcohol service area.
- (l) Service of alcohol shall only be provided on the beach within a transient lodging alcohol service area, as delineated by boundary markers consistent with the on-site site plan map.
- (m) *Penalty.* Violation of the above criteria will result in revocation of the “Transient Lodging Alcohol Service Area” permit and penalties as follows:
- (1) First violation – a written warning will be issued to the commercial operator and property owner.
 - (2) Second violation within one (1) year – shall result in written notice of violation to the commercial operator and property owner, temporary suspension of the Transient Lodging Alcohol Service Area Permit for six (6) months and warning that the permit will be revoked if an additional violation occurs within six (6) months.
 - (3) Third violation within two (2) years shall result in revocation of the Transient Lodging Alcohol Service Area Permits for 12 months. The operator must re-apply but will not be eligible and able to obtain a permit for one year from the date of the third violation. Additional violations beyond the third violation will result in revocation for consecutive additional one (1) year periods beginning at the end of the previous revocation period.
- (n) Transient Lodging Alcohol Service Area Permits shall be reviewed for compliance by the city manager or designee and applications for permits or renewals shall be subject to all ordinance and code requirements as may be amended from time to time.

EXHIBIT A

The Land Development Code Division 25 is amended and transferred to new Chapter 95 (See new Chapter 95 Beaches, supra, for replacement language) 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 Section 44.3 is amended and transferred to new Chapter 95 (See new Chapter 95, supra, for replacement language) and Section 44 is renumbered as follows:

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

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

- ~~(a) The operation of all motorized vehicles, except emergency and law enforcement vehicles or operated by those persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission, and Florida Department of Environmental Protection approved for mechanical beach cleaning or beach renourishment activities.~~
- ~~(b) The building of campfires or bonfires.~~
- ~~(c) Any transient lighting which purposely and flagrantly illuminates nesting sea turtles or hatchlings. This prohibition does not apply to those persons who have authorization or a permit to engage in marine turtle conservation or research~~
- ~~(d) If any turtle nests or nesting activities have been reported within a portion of a beach, any temporary structures, including but not limited to beach chairs, umbrellas and cabanas~~

which have the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat shall be:

- ~~(1) Removed from the beach nightly; or~~
- ~~(2) Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or~~
- ~~(3) Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water.~~

Sec. 44.4.~~3.~~ – Standards for new beachfront lighting.

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

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

Sec. 44.7.~~6.~~ – Construction during nesting season.

Sec. 44.8.~~7.~~ – Enforcement.

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

The Code of Ordinances Chapter 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 and Code of Ordinances Chapter 95, 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.~~
- ~~(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~~

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.~~

~~1. 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 and renumbered 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 appears above the horizon as a result of the diurnal rotation of the earth even if obscured by clouds or the reported time of sunset by time and date for the City of St Pete Beach..

Sunset means the time when the upper limb of the sun disappears below the sensible horizon as a result of the diurnal rotation of the earth even if obscured by clouds or the reported time of sunset by time and date for the City of St Pete Beach.

The Code of Ordinances Chapter 58, Article II is amended and renumbered 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 and beaches.

Except for activities of the city, or a governmental agency within the scope of its governmental authority, it shall be unlawful for any person to do any one or more of the following in a park owned or controlled by the city:

- (1) Sleep at any time during the hours from sunset to sunrise of the following day;
- (2) Construct any hut, shanty, or other shelter, except by special permit issued by the department in association with a special event;
- (3) Discharge or deposit human wastes, except in toilet facilities provided by the city;
- (4) Drive, putt or otherwise hit golf balls;
- (5) Sleep or otherwise be, or remain in any bushes, shrubs, or other foliage at any time; or
- (6) Use public restrooms to shave and or shower or bathe.
- (7) 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) The 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 public access and use of the area 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 sunset and sunrise of the following day, referred to in this section as the nighttime hours on any public park, public beach 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 and renumbered 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.~~

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~~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 and renumbered 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 and transferred to new Chapter 95 (See new Chapter 95, supra, for replacement language) 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 [new] Chapter 95 is created as follows:

Chapter 95. Beaches.

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:

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

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

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

Consumption on premises means the drinking of beer, wine, and/or liquor on the property of a business which is licensed through the Florida Department of Business and Professional Regulation or its successor with a COP-class, SFS-class, or other license class that provides at least the minimum approval to allow for an on-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.

Dune means a mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and deposited by any natural or artificial mechanism.

Frontal dune means the first natural or manmade 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.

Micromobility device means any motorized transportation device which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters, electric bicycles, and electric personal assistive mobility devices as defined by F.S. 316.003, as amended. Devices when required and when used by handicapped persons are exempt as set forth in City Code Section 74-91.

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 access beach means at a minimum under the Florida Constitution, the wet sand beach between the mean high water line based on the average high water line over a nineteen-year period (MHWL) and low water lines that are held in trust for the public under the public trust doctrine, and where an erosion control line (ECL) is established any area seaward of the ECL.

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, or vaping any lighted product, including cigarettes, cigars, pipe tobacco, hemp, other smokeable substances, with the exception of unfiltered cigars. As used in this section, "unfiltered cigar" means a cigar consisting of a roll of tobacco wrapped in leaf tobacco without a filter and containing only tobacco and no other substance. Vaping means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

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, including tents and inflatable 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 and is a permanent 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 or penalties applicable to misdemeanor violation of a municipal ordinance.
- (b) The City may issue citations for violations of the City Code of Ordinances and assess a penalty for such violations. Citations may be appealed to the City Code Enforcement Special Magistrate under the procedures set forth in Code Section 22-277 and 22-278, or a court of competent jurisdiction.
- (c) 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.
- (d) In addition to the penalties provided in subsections (a), (b) and (c) 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 that alone or in combination with a group of chairs, tables, umbrellas, is in a location or is of a size which would interfere with the use of a public access 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, and each chair, bench, table or umbrella shall constitute a separate violation.
- (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, alcoholic 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 temporary beach fire pit with conditions and requirements deemed appropriate by the City Manager or City Manager's designee. Any person receiving authorization to build a beach fire pit shall agree in writing to comply fully with all requirements imposed by the city commission and/or city manager.

(d) Signs may be posted notifying the public of the prohibitions and penalties for violating this section at beach ends, city parks or other appropriate locations.

Sec. 95-6. Tiki (or Chickee) huts.

Tiki (or Chickee) huts are prohibited on any beach unless a permit has been issued by the city manager and the building and development is in compliance with the following:

(1) The tiki (or chickee) hut does not violate the terms of F.S. § 161.053.

(2) The person applying for the tiki (or chickee) hut permit has the written approval of the upland property owner.

(3) The applicant is licensed as a commercial watersport business and the tiki (or chickee) hut size, location and placement meet all requirements contained in the City Code and Florida Statutes.

(4) The tiki (or chickee) hut meets all requirements of the Florida Statutes, 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 or otherwise approved by the City.

(a) Any commercial operation to sell or rent chairs, tables, umbrellas or cabanas must obtain a Commercial Cabana Rental Area Permit from the city and provide insurance satisfactory to the City commensurate with the type, size and use.

(b) Applications to establish a commercial cabana rental area shall be accompanied by a survey completed by a licensed Florida surveyor within the preceding ten (10) years, depicting location of the mean high water line over the current tidal epoch, Florida Coastal Construction Control Line, the location of the dunes and primary frontal dune

when a dune is present or dune restoration is required, and property lines for the property or properties on which the operation is proposed to be permitted.

- (c) Additionally, the applicant shall supply a site plan, drawn to scale, showing the extent of the proposed cabana rental area. Cabana rental areas shall be subject to the following setbacks:

Waterline setback: Cabanas shall be placed no closer than seventy-five (75) feet to the mean high water line.

Side setbacks: Cabanas shall be placed no closer than fifteen (15) feet to the side property lines unless a dimensional variance is approved.

Dune setback: Cabanas shall not be placed on dunes or in the established dune system. When a dune is partially or fully landward of the beach on the property under review, cabanas shall not be placed closer than 15 feet to the waterward toe of the primary frontal dune. Properties which have been subject of approved permits for upland development in which dune restoration is a condition or requirement of approval shall depict the approved extent of the dune to be established on their site plan and follow the required dune setbacks.

- (d) Cabanas shall not be stored on the beach overnight between sunset and sunrise and can only be placed on the beach in designated approved areas while being used.
- (e) All temporary structures placed on the public access beaches and privately-owned beaches, including but not limited to chairs, tables, umbrellas, cabanas, and tents, shall be removed from the beach nightly. When such temporary structures are authorized to be stored overnight on the property, they shall be stored landward of the beach and dune in a location not visible from the right of way, and outside of any required parking or landscaping area and outside of all dune, side and waterline setbacks.
- (f) Penalty. A permitted commercial operation in violation of this section will result in:
- (1) First violation of the terms and conditions of a Commercial Cabana Rental Area Permit – a written warning shall be issued to the commercial operator and property owner.
 - (2) Second violation within one (1) year of the terms and conditions of a Commercial Cabana Rental Area Permit – a written notice of violation shall be issued to the commercial operator and property owner, temporary suspension of the terms and conditions of a Commercial Cabana Rental Area Permit for six (6) months and warning that the permit will be revoked if an additional violation occurs within six months.
 - (3) Third violation within one (1) year of the terms and conditions of a Commercial Cabana Rental Area Permit – shall result in revocation of the terms and conditions of a Commercial Cabana Rental Area Permit for 12 months. The commercial operator or property owner must re-apply for a new Commercial Cabana Rental Area Permit but will not be eligible or able to obtain a permit for one year (365 days) from the date of the third violation. For every continual violation an additional six months will be added to this requirement.
- (g) For the purpose of this regulation, beach concession huts meeting Land Development Code section 6.12(h) and tiki (or chickee) 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 the 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 as part of a "vehicle on the beach" permit.
- (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 laws and regulations 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 seaward of the toe of the frontal 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 is prohibited during sea turtle nesting season between the dates of May 1st – October 31st except in areas seaward of the prior day's high tide mark, debris line, or where authorized by Florida Department of Environmental Protection (DEP).

(b) Exemptions. The city shall be exempt from obtaining city permits, but shall otherwise comply with all federal, state and local laws.

Sec. 95-10. Prohibitions on the beach.

(a) Consumption or possession of alcoholic beverages. 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 the alcohol prohibited areas described in this section.
- (c) Pursuant to Florida Statutes, Sec. 386.209, smoking (except for unfiltered cigars) is prohibited and unlawful within the boundaries of any public park or public access beach within the city and further restrict smoking within the boundaries of public beaches and public parks that are within its jurisdiction but are owned by the county, unless such restriction conflicts with a county ordinance. A violation of this provision may be enforced by citation by any law enforcement officer or by any code enforcement officer.

(d) The starting or maintaining of fires and open flames on the public beach is prohibited except in conjunction with an annual special event as approved by the fire marshal.

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 discard any handbill, circular, card, booklet, placard or other paper or plastic or other material whatsoever in or upon any public access beach.

Sec. 95-13. – Fishing on the beach

It shall be unlawful for any person to fish on the public access beach after having been warned by any law enforcement officer that the health and safety of bathers is being endangered by fishing in that location in that manner at that time among and endangering beach swimmers. 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 waters of the Gulf of Mexico.

Sec. 95-14. – Feeding or Harassing Wild Birds, Sea Turtles and Manatees is Prohibited.

- (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), Sea Turtles or Manatees.

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 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 any micromobility device as defined in Section 74-91¹ 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 74-91 through 74-95.

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

¹ Editor's Note: "*Micromobility device* means any motorized transportation device which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters, electric bicycles, and electric personal assistive mobility devices as defined by F.S. 316.003, as amended. Devices required by handicapped are exempt" as set forth in City Code Section 74-91.

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 City Manager or designee 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 public access 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 beach activities disruptive to marine turtles during nesting season.

- (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 flashlights, cellphone flash or light, or other transient lighting used to illuminate 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) During sea turtle nesting season, any temporary structures, including but not limited to beach chairs, umbrellas, cabanas and others that are identified as having the potential for entrapment of marine turtles and may interfere with the use of the natural beach environment for nesting habitat, must be removed from the beach nightly.
- (5) When preparing to leave the beach, beachgoers shall fill in any holes, remove beach chairs, umbrellas, towels, beach toys, and any other objects created or placed by the beachgoer that could interfere with transit of turtle hatchlings.
- (6) If staying at a beach resort or hotel and the room is located on the beach side, occupants and the hotel owner are required to close the blinds each night to limit the amount of light reflected onto the beach.
- (7) Any property owner, resident or tenant of property on the beach shall close the blinds each night to limit the amount of light reflected onto the beach.
- (8) No person shall disturb a sea turtle or sea turtle nest.
- (9) All persons and property shall comply with any applicable sea turtle lighting provisions contained in the City's Land Development Code.

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, including but not limited to beach volleyball tournaments, skimboarding or surfing contests, conducted on the beach shall be required to obtain the necessary permits through the city manager.

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.
- (b) 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.
- (c) Permits. Permits allowing for the consumption of alcohol for special events, outdoor dining or outdoor drinking areas, or special occasions, including beach wedding ceremonies and receptions, 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. 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 previously-approved by the City Council through the site plan review and approval process, as outlined in Division 5 of the Land Development Code and section 95-22 below.

Sec. 95-22. – Transient lodging facilities.

- (a) Each transient lodging facility that desires to serve alcohol on the beach shall obtain a “Transient Lodging Alcohol Service Area” (formerly “Cabana Service Area”) permit and must complete the permitting process and have an active BTR (business tax receipt) for a cabana rental associated with the lodging facility.
- (b) The transient lodging alcohol 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 transient lodging alcohol 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 transient lodging alcohol service area drinking alcohol 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 alcohol service area at all times.
- (e) The transient lodging alcohol service area shall be no closer than 75 feet to the Mean High Water Line.
- (g) Setbacks for transient lodging alcohol service areas shall be set forth in the transient lodging alcohol service area permit and shall be within the setbacks established for the cabana rental area in which the service area is designated, as regulated in Section 95-7.
- (h) The transient lodging alcohol service area's hours of operation shall be Sunrise to Sunset.
- (i) The transient lodging alcohol 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.
- (j), Plastic straws, glass and extruded polystyrene foam (e.g., “Styrofoam”) products are prohibited at all times on the sand beach.
- (k) Only patrons or registered guests of the transient lodging facility that have current room rental and a cabana rental in the transient lodging alcohol service area may be served alcohol in the transient lodging alcohol service area.
- (l) Service of alcohol shall only be provided on the beach within a transient lodging alcohol service area, as delineated by boundary markers consistent with the on-site site plan map.
- (m) *Penalty.* Violation of the above criteria will result in revocation of the “Transient Lodging Alcohol Service Area” permit and penalties as follows:
 - (1) First violation – a written warning will be issued to the commercial operator and property owner.

- (2) Second violation within one (1) year – shall result in written notice of violation to the commercial operator and property owner, temporary suspension of the Transient Lodging Alcohol Service Area Permit for six (6) months and warning that the permit will be revoked if an additional violation occurs within six months.
 - (3) Third violation within one (1) year – shall result in revocation of the Transient Lodging Alcohol Service Area Permit for 12 months. The operator must re-apply but will not be eligible and able to obtain a permit for one year from the date of the third violation. Additional violations beyond the third violation will result in revocation for an additional six months added to this requirement.
- (n) Transient Lodging Alcohol Service Area Permits shall be reviewed for compliance by the city manager or designee and applications for permits or renewals shall be subject to all ordinance and code requirements as may be amended from time to time.

City of St. Pete Beach
Ordinances 2025-04 & 2025-02

**Code Enforcement
Citations &
Beach Restrictions and
Regulations**



Background

- These Ordinances reflect a three-year process to clean up, consolidate, and introduce new regulations to protect the City's beaches.
- Three separate Ordinances are proposed to fulfill this purpose:
 - Ordinance 2025-04: Code Enforcement Citation Ordinance
 - Ordinance 2025-02: Beach Ordinance
 - Ordinance 2025-xx: Marine Turtle Lighting Ordinance (Forthcoming)



Ordinance Highlights

Ordinance 2025-04

Code Enforcement Citations

- **Primary purpose:** Permitting citation with fine after warning as an alternative to issuing notices of violation and hearing for behavioral and conduct violations:
 - Beaches (e.g. dune disturbance, fishing causing endangerment, etc.)
 - Noise
 - Animals
 - Open containers
 - Etc.
- **Fines.** Up to \$100 for first violation and \$200 for second violation.
- **Appeals.** Appeals of citations are to Special Magistrate.

CITY OF ST. PETE BEACH, FLORIDA CODE VIOLATION CITATION		
Violator's Name (Please Print)		C.E. Citation # _____
First	Middle	Last
Address/Street _____		
City	State	Zip Code
Telephone#	D.O.B.	
DL#	Positive Photo ID: Yes / No	
On the ____ day of _____, 20__ at _____ AM / PM, the above named did unlawfully commit the following infraction:		
The Violator specifically did commit the following act(s) as evidenced by:		
in violation of City of St. Pete Beach Code of Ordinances. The violator was _____ informed of the violation or _____ given a warning on _____ and did not comply with the compliance instructions within the time instructed either _____ (immediately) or _____ (time). This citation is for a Civil Infraction does not require a court appearance. An uncontested reduced Civil Penalty (below) shall be paid within 15 days from the date of this citation either in person or by mail to the Office of the City Clerk, St. Pete Beach City Hall, 155 Corey Avenue St. Pete Beach, FL 33706 phone 727-363-9220.		
CIVIL PENALTY		
Uncontested Reduced Amount	Penalty if hearing required	
____ 1 st Offense \$ 100.00	\$ 250.00*	
____ 2 nd Offense \$ 200.00	\$ 250.00*	
(* *costs + \$50 admin fee)		
If you contest the violation and are found in violation, or if you fail to pay the uncontested reduced civil penalty, or if you fail to appear before the Code Enforcement Board on the date set to contest the citation, you shall be deemed to have waived your right to contest the citation and a judgment may be entered against you for an amount up to the maximum civil penalty, and Code Enforcement Board costs, prosecution costs, and a \$50 administrative fee. To contest the violation, you must file a written		

Ordinance 2025-02

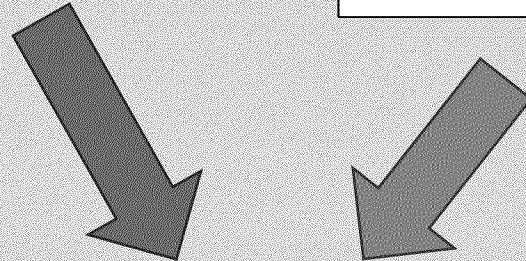
Beach Ordinance

Primary purposes:

- 1) Consolidates existing provisions and restrictions from Land Development Code and Code of Ordinances for readability.
- 2) Introduces new provisions and restrictions related to use, function, and development of the City’s beaches.

Land Development Code
Section 25.9
Section 44.3

Code of Ordinances
Sec. 6-5
Secs. 14-2 & 14-35
Sec. 58-23
Sec. 62-59 & 62-93
Etc.



Code of Ordinances
Chapter 95 - Beaches

Ordinance 2025-02

Post-June 2024 Workshop Changes

Based on guidance provided at the June 2024 workshop, Staff has modified the following:

- Differentiated between Commercial Cabana Rental Areas and Transient Lodging Alcohol Service Areas.
- Suggested side and dune setbacks (15 feet) for commercial cabana placement, with alcohol service areas setbacks tied to setbacks of the cabanas.
- Limited open flames on the public beach except for annual permits or when specifically approved through temporary permitting.

Ordinance 2025-02

Post-June 2024 Workshop Changes

To support aforementioned changes, Staff has also modified the following:

- Suggested nightly storage locations for cabanas:
 - Outside required landscaping and parking areas, and landward of dunes
 - Not visible from right-of-way
- Specify application requirements for Commercial Cabana Rental Area permitting.
- Implement and modify penalties for commercial cabana rental and alcohol service areas:

	Current (Alcohol Service Areas Only)	Proposed (Alcohol Service and Commercial Cabanas Areas)
First Violation	Written warning	Written warning
Second Violation	Written warning with stipulation to revoke (active six months)	Six month suspension if issued within one year of first written warning
Third Violation	Revocation of permit for one year plus six months for subsequent violations.	Revocation of permit for one year if issued within two years of first written warning, plus one year for subsequent violations

Ordinance 2025-02

Walk-on Changes

Additional changes have been made by the City Attorney's office following agenda publication:

- Clarification of intent pertaining to beach shower use, commercial cabana and alcohol areas, service animal exceptions, and animal prohibitions.
- Additional permission for fire pit associated with non-annual events.
- Requiring upland properties close blinds only when noncompliant with the marine turtle lighting standards.
- Prohibiting extruded polystyrene ("Styrofoam") on the public and private beach.

Ordinance 2025-02

New Regulations – Temporary Structure Placement and Removal

Temporary Structure: Chairs, umbrellas, tables, cabanas, tents, and other structures intended to be temporary.

Current Requirement: Must be removed or relocated from reported turtle nesting areas at direction of the City.

Proposed Requirement: Temporary structures must be removed nightly year-round and may only be placed while in use. When cited, each piece of equipment is considered a separate violation.

Ordinance 2025-02

New Regulations – Beach Vehicles and Micromobility

- **Micromobility.** Prohibits micromobility devices on the beach (existing regulation), except those required for individuals with a disability.
- **Bikes.** Non-electric bikes may be approved for use on the beach with issuance of a vehicle on the beach permit.
- **Electric vehicles.** All vehicles covered under a vehicle on the beach ordinance approved for operation on the beach must be electric by January 1, 2026.



Ordinance 2025-02

New Regulations – Behavior and Conduct

- **Fishing.** Fishing on public beaches is prohibited when it endangers bathers and swimmers.
- **Harassment of Birds.** Taking, harassing, trapping, etc. of endangered or threatened shorebirds and seabirds (e.g. Black Skimmer and Snowy Plover) is prohibited.
- **Smoking.** Smoking is prohibited except for unfiltered cigars (state preemption).
- **Fireworks.** Display of fireworks is prohibited unless approved by the City through a permit.



Ordinance 2025-02

New Regulations – Transient Lodging Alcohol Service Areas (TLASAs)

- **Naming.** Formerly “Cabana service areas” – name changed to avoid confusion.
- **Products.** Prohibits Styrofoam products beach-wide.
- **Serving.** Registered guests and patrons only may be served within the TLASA.

Ordinance 2025-02

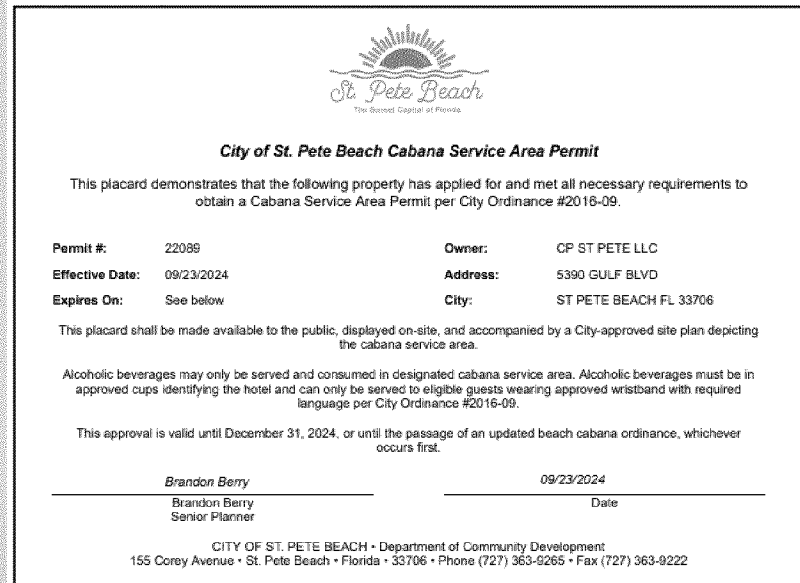
New Regulations – Transient Lodging Alcohol Service Areas (TLASAs)

- **Setbacks (Direction Needed):** Per the June 2024 City Commission workshop, Staff is seeking direction on setbacks for Commercial Cabana Rental Areas:
 - Based on fixed distances (see prepared maps).
 - Based upon a percentage of the property width.
 - Existing setbacks:

Wet sand setback: 50 feet

Side setback: No side setback for most resorts, 75 feet for those abutting residential outside CRD (Don CeSar and Postcard Inn)

Dune/CCCL setback: None specified



The image shows a permit placard for the City of St. Pete Beach. At the top is the city logo with the text "St. Pete Beach" and "The Sun-drenched Capital of Florida". Below the logo is the title "City of St. Pete Beach Cabana Service Area Permit". The placard states: "This placard demonstrates that the following property has applied for and met all necessary requirements to obtain a Cabana Service Area Permit per City Ordinance #2016-09." It contains the following information:

Permit #:	22089	Owner:	CP ST PETE LLC
Effective Date:	09/23/2024	Address:	5390 GULF BLVD
Expires On:	See below	City:	ST PETE BEACH FL 33706

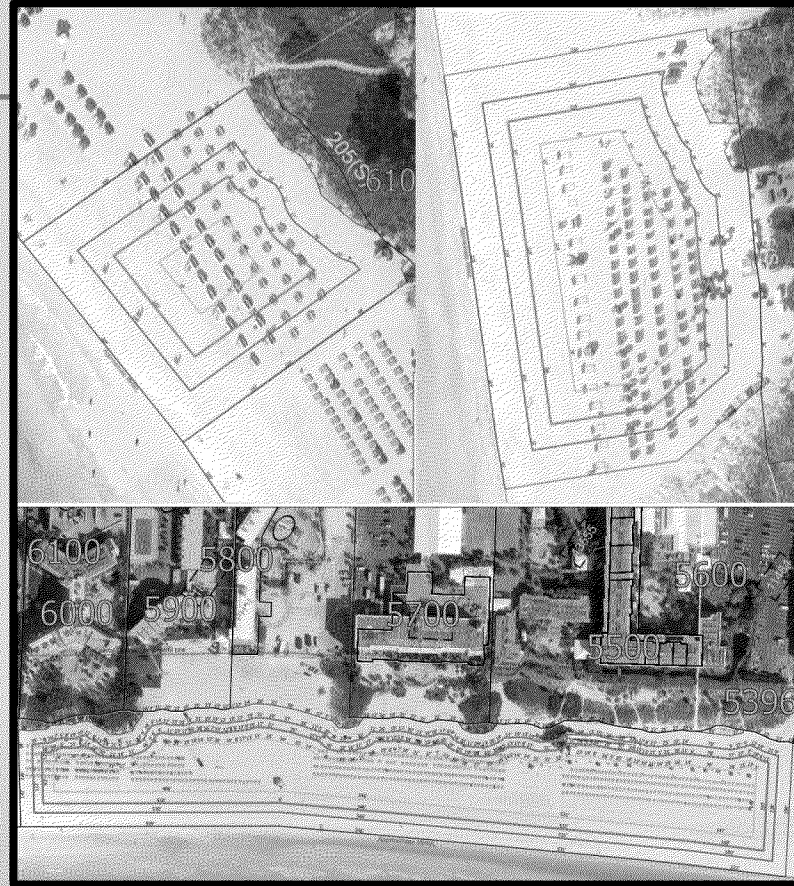
Below the table, it states: "This placard shall be made available to the public, displayed on-site, and accompanied by a City-approved site plan depicting the cabana service area." It also includes a note: "Alcoholic beverages may only be served and consumed in designated cabana service area. Alcoholic beverages must be in approved cups identifying the hotel and can only be served to eligible guests wearing approved wristband with required language per City Ordinance #2016-09." At the bottom, it says: "This approval is valid until December 31, 2024, or until the passage of an updated beach cabana ordinance, whichever occurs first." There are two signature lines: one for Brandon Berry, Senior Planner, and one for the date 09/23/2024. At the very bottom, it provides contact information for the City of St. Pete Beach: "CITY OF ST. PETE BEACH • Department of Community Development; 155 Corey Avenue • St. Pete Beach • Florida • 33706 • Phone (727) 363-9265 • Fax (727) 363-9222".

Ordinance 2025-02

Input Requested – Commercial Cabana Placement - Setbacks

- Staff prepared setbacks based on fixed numbers of 30, 50, and 75 feet from side lot lines, dunes, and MHWL.
- Impacts are generally greater with smaller/narrower developments than larger/wider ones.
- **All numbers below are aerial estimates.**

	<u>30' Setback</u>	<u>75' Setback</u>	<u>Difference</u>
Tradewinds	314.5k sf	157.5k sf	49.9%
Don CeSar Hotel	55.2k sf	20.4k sf	63.0%
Hilton Garden Inn	21.9k sf	3.2k sf	85.4%



Ordinance 2025-02

Relocation/Preservation of Existing Requirements

This ordinance consolidates and preserves existing code regulations:

- Activities disruptive to marine turtles
- Tiki/chickee hut placement
- Vehicle on the beach registration and requirements
- Beach maintenance regulations
- Prohibitions on non-service animals and soliciting
- Special events
- Etc.

Resolution 2025-xx

Fees for Existing and Introduced Beach Permits

- To support staff time in reviewing, processing, staffing events, and enforcing permits, Staff will be bringing back an accompanying Resolution to Ordinance 2025-02 to enable and update fees for beach-related applications.
- **Applications:**
 - Vehicle on the beach (existing)
 - Commercial cabana rental areas
 - Temporary lodging alcohol service area permits (existing – no fees)
 - Fireworks
 - Bicycles
 - Open flames
 - Etc.

Requested Action

Separate action is requested pertaining to:

Motion to [approve/approve with modifications/deny] the first reading of Ordinance 2025-02.

Motion to [approve/approve with modifications/deny] the first reading of Ordinance 2025-04.

Motion to direct City Manager to draft an accompanying fee Resolution pertaining to review, processing, staffing, and enforcement of beach permit related fees on second reading of Ordinance 2025-02.



Questions?



BEACH REPORT

1 Oct – 31 Dec, 2024

Activity

- H/C Milton (9 Oct)
- Management meeting (21 Oct)
- Volunteer cleanup at UPH (22 Oct)
- Beach cleanups (5-22 Oct)
- Volunteer Cleanup at 52nd Ave (24 Oct)
- Volunteer Cleanup at County Park (27 Oct)
- Planning meeting (28 Oct)
- Volunteer Cleanup at 22nd Ave (28 Oct)
- Volunteer Cleanup at 9th Ave (30 Oct)
- Volunteer Cleanup at 22nd Ave (2 Nov)
- Parks & Recreation meeting (4 Nov)
- All Hands meeting (6 Nov)
- Audubon meeting (7 Nov)
- NeoGov training (7 Nov)
- Beach stewardship meeting (13 Nov)
- Management meeting (18 Nov)
- Beach cleanups (2-10-16-26 Nov)
- Special Event meeting (2 Dec)
- Advisory Boards workshop (10 Dec)
- Beach cleanups (7-11-12 Dec)

Weddings & Special Events

- October 2024 weddings 8
- Mastry's Night Market (5 Oct)
- Mind Travel Silent Concert, PAG (18 Oct)
- November 2024 weddings 20
- SSOVA (9-10 Nov)
- Festival of Needs (23 Nov)
- December 2024 weddings 15
- SJVCC Tree Lighting (5 Dec)
- 5000 Gulf party (7 Dec)
- SSOVA (14-15 Dec)
- PAG Asso. Bonfire (18 Dec)
- Mind Travel Silent Concert, UPH (21 Dec)

PCSO Violations

October 2024

Citations: 0

Warnings: 5

- Dog on Beach – 1
- Dog Off Leash – 1
- Sleeping on Beach – 3

November 2024

Citations: 0

Warnings: 29

- Glass on Beach – 2
- Dog on Beach – 11
- Dog Off Leash – 11
- Sleeping on Beach – 5

December 2024

Citations: 1

- Driving On Beach – 1

Warnings: 33

- Alcohol on Beach – 2
- Dog off Beach – 5
- Dog on Beach – 22
- Dog on Beach off Leash – 2
- E-Bike on Beach – 1
- Sleeping on Beach – 1