



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

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, November 19, 2025
9:00 AM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. **Presentations -**

a. Beach Activity Report 2025 Quarter 3

Update on weddings, public meetings, special events, cleanups, and PCSO violations from July 1 to September 30th

2. **Approval of the Agenda -**

Action Request: Motion to approve the November 19, 2025 agenda.

3. **Audience Comments -**

Comments shall be limited to 3 minutes for general or 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.

4. **Action Items -**

a. Approval of Minutes - August 20, 2025, September 16, 2025, and October 23, 2025.

b. Review and Approval 2026 Meeting Dates

c. Recommendation of Ordinance 2025-02 to the City Commission and Local Planning Agency: Creating Code of Ordinances Chapter 95. BEACHES, and creating and consolidating beach-related ordinances pertaining to conduct, behavior, operations, development, permitting, and maintenance of the City's beaches

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF

ADOPTING A BEACH ORDINANCE; CREATING CHAPTER 95. BEACHES, SECTIONS 95-1 THROUGH 95-22; RELOCATING, RENAMING AND AMENDING SECTIONS IN CODE OF ORDINANCES DIVISIONS 6, 14, 58, 62, 74 AND 94; AND RELOCATING AND AMENDING SECTIONS IN LAND DEVELOPMENT CODE DIVISION 25 AND 44; PROVIDING A CONSOLIDATED ORDINANCE PERTAINING TO CONDUCT, BEHAVIOR, OPERATIONS, DEVELOPMENT, PERMITTING, AND MAINTENANCE ON THE CITY'S BEACHES; SPECIFYING PENALTIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

d. Recommendation of Ordinance 2025-16 to the City Commission and Local Planning Agency: Modifying Land Development Code Division 44 to update and clarify standards for new and existing beachfront lighting, enforcement, and reporting, and reorienting the division title and content toward protection standards for all coastal wildlife

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF RENAMING LAND DEVELOPMENT CODE DIVISION 44 – MARINE TURTLE PROTECTION TO DIVISION 44 - MARINE TURTLE AND COASTAL WILDLIFE PROTECTIONS; AMENDING SECTIONS 44.1. THROUGH 44.9., AND ADOPTING SECTIONS 44.10 THROUGH 44.13., TO UPDATE TECHNICAL STANDARDS, CLARIFY REQUIREMENTS FOR NEW AND EXISTING DEVELOPMENT AND SPECIAL EVENTS, MODIFY PENALTIES, COMPLIANCE AND ENFORCEMENT MEASURES, SPECIFY RESPONSIBLE PARTIES, AND UPDATE DEFINITIONS, TO BETTER SERVE THE PURPOSE AND INTENT OF THE DIVISION AND ALIGN WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND FISH AND WILDLIFE COMMISSION BEST PRACTICES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

5. Items for Discussion -
6. 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.

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

Agenda Report

Agenda Title Name: Beach Activity Report 2025 Quarter 3

Action Request: N/A

Strategic Objective:

Date: November 19, 2025

Prepared By: Camden Mills, Public Services Director

Through: Frances Robustelli, City Manager

Summary of Issue: Update on weddings, public meetings, special events, cleanups, and PCSO violations from July 1 to September 30th

Funding: N/A

Attachments: 1. Beach Report 2025 Q3



To: Beach Stewardship Committee
From: Brian Peckins, Public Services Assistant Director
Date: November 19, 2025
Re: Beach Activity Report 2025 Quarter 3

WEDDINGS

- July: 9
- August: 8
- September: 13

PUBLIC MEETINGS

July:

- Finance & Budget Committee Budget Workshop #3 (July 2nd)
- City Commission Budget Workshop #3 (June 8th)
- City Commission Meeting (July 8th)
- Finance & Budget Committee Budget Workshop #4 (July 18th)
- City Commission Budget Workshop #4 (July 22nd)
- City Commission Meeting (July 22nd)

August:

- City Commission Meeting (August 19th)
- Beach Stewardship Committee (August 20th)
- Finance & Budget Committee Workshop #5 (August 20th)
- City Commission Budget Workshop #5 (August 26th)
- City Commission Meeting (August 26th)

September:

- City Commission Meeting (September 8th)
- City Commission Budget Meeting (September 8th)
- Beach Stewardship Committee (September 16th)
- City Commission Meeting (September 22nd)

SPECIAL EVENTS



July:

- Sunshine State Outdoor Volleyball Association (July 12th – 13th)
- MindTravel Silent Concert (July 17th)
- Sunshine State Outdoor Volleyball Association (July 19th – 20th)

August:

- MindTravel Silent Concert (August 8th)
- Sunshine State Outdoor Volleyball Association (August 16th – 17th)

September:

- Sunshine State Outdoor Volleyball Association (September 6th – 7th)
- MindTravel Silent Concert (September 10th)
- Surfers for Autism (September 13th)
- Tradewinds (September 26th)

KEEP PINELAS BEAUTIFUL CLEANUP EVENTS

July-September

- Update pending: Information to be added once received from Keep Pinellas Beautiful.

PINELLAS COUNTY SHERIFF'S OFFICE ORDINANCE VIOLATIONS

July

- Citations: 1
- Verbal Warnings: 96

August

- Citations: 3
- Verbal Warnings: 75

September

- Citations: 0
- Verbal Warnings: 76

DRAFT BEACH STEWARDSHIP COMMITTEE MINUTES

August 20, 2025 - 9:00 A.M.

PRESENT: John Stevens, Chair
John Kurzman, Vice Chair
Dan Rothenberger, Member
Bill Thompson, Member

ABSENT: Natalie Looney, Member

STAFF PRESENT: Camden Mills, Public Services Director
Ralf Brookes, City Attorney
Ginny Bodkin, Deputy City Clerk

Chair Stevens called the meeting to order at 9:00 AM. He welcomed Public Services Director Camden Mills as the new Committee Liaison. They both recognized Ayako Ruckdeschel for her years of contribution to this Committee.

1. Presentations –

a. Beach Activity Report 2025 Quarter 2

Mr. Mills explained that the full report (April 1 - June 30) was included in the meeting packet; the only item not available at time of publishing was the Keep Pinellas Beautiful report on cleanup events. They reported 13 events with 221 volunteers with over 486 volunteer hours; they collected just under 900 lbs. of litter on 12.5 miles of beach.

2. Approval of the Agenda -

Vice Chair Kurzman asked to move item 5.e., Customary Use, to 5.a.

Motion: Vice Chair Kurzman moved, and Member Rothenberger seconded the approval of the August 20, 2025 agenda as amended; the motion passed unanimously.

3. Audience Comments - There were no comments.

4. Action Items –

a. Approval of Meeting Minutes May 21, 2025

Member Thompson pointed out that ‘planning projects’ in section 4.a. should be ‘planting projects.’ The Clerk will make the change in the final minutes.

Motion: Vice Chair Kurzman moved, and Member Thompson seconded the approval of the May 21, 2025 regular meeting minutes as amended; the motion passed unanimously.

5. Items for Discussion –

a. Ordinance 2025-02: Creating Chapter 95. Beaches

Senior Planner Brandon Berry indicated that his presentation is an introduction, and the committee would be setting up separate workshops potentially prior to the November meeting, when a final draft may be presented. Today is the first of at least four public comment opportunities. There will be two readings before the City Commission, should this move forward.

Mr. Berry went on to review his presentation, which is part of the meeting record. The proposal is to bring what was one consolidated document forward as at least three separate ordinances. The first is the establishing ordinance for the beach (Chapter 95) that has been discussed for a few years. This will be for behavior, conduct and beach permitting. The content has not been significantly modified from the content that was presented in early 2025 but does not address commercial, regulatory and development related standards (those will be in a forthcoming unnamed ordinance subject to SB 180) or most marine turtle lighting standards (Ordinance 2025-16). Ordinance 2025-02 will cover maximum tent sizes; requiring public beach franchise permits for setting up of cabanas, and tents on the public beach; prohibiting smoking on the beach; unsafe fishing activity; prohibitions on unpermitted fireworks; prohibitions on wild bird, turtle, and manatee harassment; prohibiting micromobility devices and unregistered bicycles on the public beach; prohibiting requirements for organized recreational activities on the public beach; removing registration and the wristband requirements for resort cabana service areas and specifying signage and restroom requirements; and specifying penalties for violations.

The four tasks he requested for the committee were to confirm that the committee was in favor of scheduling some type of workshop to discuss content, define the format of the workshop or meeting, address any content that has not been included, and solicit public comment.

Member Thompson asked Mr. Berry if he was comfortable with what was presented, as a Senior Planner who is very familiar with the material, and Mr. Berry reiterated that he felt that it was logically laid out and was seeking input from the members if they saw anything missing. Attorney Brookes suggested adding a section with a general statement to acknowledge and recognize common law customary use in Florida as applicable.

Member Kurzman felt that reference to commercial and private interests should be added; rules should not be placed solely on the residents or public. Mr. Berry explained that the only regulations added on umbrellas/cabanas are regulations related to tent size, which will be covered at the next meeting. A stronger enabling ability for the city to remove equipment left out over night was the other addition. Mr. Berry agreed that language could be used where commercial regulation matches non-commercial regulation. The workshop can address any other pieces.

Chair Stevens suggested the addition of definitions of commercial and non-commercial - what is private and what is public. Commercial businesses anywhere on the sandy beach should be approved by the landowner as well as following regulations, the same hotels, which do so through a BTR. Consistency should exist between the two elements.

Regarding the workshop process, Chair Stevens suggested that staff provide a draft ordinance for the workshop for review. The committee would be reviewing for content (why is this here/what problem are we trying to solve) and react to what has changed. The legal team would oversee the enforcement and whether it would hold up. A final review will follow at a later meeting.

b. Ordinance 2025-16: Amending the Land Development Code Division 44 – Marine Turtle Protection

Mr. Berry's presentation summarized that this is the second of three ordinances discussed at the July 2025 workshop and is intended to update the city's marine turtle lighting ordinance to comply with best practices for 2025. The ordinance reflects input from the Sea Turtle Conservancy and local partners but is still under review with the state. The city discussed its 2007 lighting ordinance with local and state (Sea Turtle Conservancy (STC)) partners in the recent months and feedback was that the city's ordinance has a strong framework but needs updates. Many of the needed updates are technical in nature: Removal of outdated bulb types (e.g. "bug type") in favor of long-wavelength requirements; Specified visible light transmittance standards for windows, optimally $\leq 30\%$ (2025 tint study); Mandating spectrometric tests for newly-installed lighting not on the FWC Certified Wildlife Lighting list; Adding standards for pools; Requiring full cutoff fixtures; and Standardizing what constitutes "existing" and "new" construction for compliance.

As with the previous ordinance, Mr. Berry requested that the committee confirm that they were in favor of scheduling some type of workshop to discuss content, define the format of the workshop or meeting, address any content that has not been included, and solicit public comment. Public comment is not allowed in a workshop, but staff can decide upon a meeting format that would allow it.

Public Comment –

Lisa Reich of St. Petersburg and part of the Coastal Wildlife Advocacy group commented that she has been actively involved in trying to get the lighting ordinance addressed for a long time and expressed her gratitude for the forward momentum.

Member Kurzman appreciated the redlining of the ordinance as it makes clear what is added or subtracted. He suggested adding the consideration of retrofitting for lighting. Mr. Berry stated that interior lighting is the biggest challenge across the state, particularly if window films are not used, however, there are multiple options for whatever is defined as existing construction/use, i.e., sconces or moving light fixtures. New construction will have to comply with tinting requirements.

Chair Stevens suggested that members have one-on-one meetings with FWC or the Sea Turtle Conservancy regarding technical questions or invite them to a workshop for technical guidance for more efficiency. Member Thompson inquired about enforcement. Mr. Berry stated that new building required inspections; existing lighting compliance is more of a challenge, but code enforcement does monitor. Member Thompson suggested that staff check with other municipalities and the Sea Turtle Conservancy prior to the workshop.

c. Update on dune walkover replacements at 2nd, 3rd, 4th, 6th, 7th, 51st, and 52nd Aves.

Mr. Mills reported that the city has awarded a contract for design, permitting and construction services for dune walkover placements at 2nd, 3rd, 4th, 6th, 7th, 51st and 52nd Avenues. Gulfcoast Construction was the selected vendor in the amount of \$439,000. This was funded through the city's CIP program, and some reimbursements are also expected through FEMA. The 2nd Avenue boardwalk was damaged by Helene and there is a FEMA project associated with that. A purchase order has been issued, and the vendor is in the design phase; the goal is to begin as soon as turtle season ends.

Kathleen Etxegoien of 106 5th Ave. inquired on the progress of the beach wall and the marking of pedestrian walkways at 8th Avenue and Pass-A-Grille Way. The crosswalks in PAG in general faded after storm flooding and those are safety concerns.

Mr. Mills responded that the Gulf Way wall plan is in place to install a temporary concrete barrier wall for the storm season in the next few weeks. The permanent wall is proposed as part of a capital improvement project for FY26 as part of the rehabilitation of Gulf Way from 1st Avenue to 22nd Avenue. Damaged sidewalks, curbs, roadway base, new asphalt, striping and signage will be part of that. He will report the pedestrian walkway at 8th Avenue to staff. The other crosswalks can be painted until the thermoplastic is installed as part of the CIP project. Staff are addressing the 21st Avenue intersection; lighting may be added for visibility.

Member Thompson commented on the steep slope of walkovers in PAG and the associated drainage. Mr. Mills explained that the walkovers in the agenda report are priorities for full replacement; in FY26 the walkovers at 12th and 16th will be changed due to the steep slope. The plan is to have scheduled walkover reviews for repair and replacement.

d. Update on Pinellas County Emergency Beach Nourishment Project (item heard first)

Mr. Mills introduced this item by reporting that there have been three separate public meetings on renourishment sponsored by the County; he had included that presentation in the meeting packet. There will be approximately 66,000 cubic yards at Upham Beach in a 2,000 ft. stretch of beach with an estimated cost of \$1.3 million and Gator Dredging will be the contractor; the estimated start date may be early September to October with the sand coming from Blind Pass.

Dr. John Bishop of Pinellas County was present via Zoom. He added that the beach at Upham will become wider with more surface area. The sand will go from Silver Sands northward to the jetty. He explained that this is a one-time project by the County; they do not intend to come back without the Army Corps of Engineers involved. All the property issues at Upham will need to be resolved eventually. The County is ensuring that the project is core compliant. Weeks Marine is the prime contractor (with subcontractors) working simultaneously with Treasure Island.

Dr. Bishop added that the County is finalizing a scope for securing a contractor for dune plantings from Pass-A-Grille to Clearwater; Upham does not have dunes and will not be planted.

e. Customary Use Conversation (heard second)

City Attorney Ralf Brookes began by providing a detailed background on the customary use doctrine. The customary use doctrine deals with the dry sand area of the beach. The area below the Mean High-water line, which is considered by lay people to be the wet sand area, is subject to the Florida Constitution's public trust doctrine, which allows people to walk and fish in that area.

Mr. Brookes referred first to the Daytona Beach vs. Tona-Rama case (1974), in which they expanded where you can show recreational use of the sandy area above the mean high tide has been ancient, reasonable, without interruption and free from dispute, such as a matter of custom should not be interfered with by the owner of the property. For example, if someone is charged with trespass, a defense to trespass can be the customary use doctrine which arises from the Tona-Rama case. The court in Tona-Rama also said that the owner may make any use of the private property which is consistent with such public customary use and not calculated to interfere with the exercise of the right of the public to enjoy the dry sand area as a recreational area adjacent to the wet sand or shore area – for example, things like a lifeguard stand or a beach pavilion that wouldn't interfere generally with the public's customary use if they could show it was ancient and free from dispute.

Jumping to 2007, came the Trepanier v. County of Volusia case which qualified the Tona-Rama customary use doctrine. The 5th District Court of Appeal in that case stated “while some may find it preferable that proof of the elements of custom be established for the entire state by judicial fiat in order to protect the right of public access to Florida's beaches, it appears that the acquisition of a right to use private property by custom is intensely local and anything but theoretical”. In other words, it is sight specific to each property. The court went on, “Custom is inherently a source of law that emanates from long-term open, obvious, widely accepted, and widely exercised practice. It is accordingly impossible to precisely define the geographic area of the beach for which evidence of a specific customary use must be shown because it will depend on the geography and the particular custom use at issue” whether it is walking or something else. The court said that “the determination of customary use on a property requires the courts to ascertain in each case the degree of customary use and ancient use the beach has been subject to.”

After that case, Walton County adopted a customary use ordinance in 2016; it stated that there would be “a 15 ft. buffer zone located seaward from the toe of the dune from any permanent habitable structure owned by a private entity that is located on or adjacent to dry sand area of the beach, whichever is more seaward, except as necessary to exercise an existing or future public beach access point for ingress and egress”. They created a buffer zone that limited the private and customary use that said you cannot have customary use on this 15 ft. buffer zone, but from 15 feet across the dry sand that is privately owned down to the beach. The ordinance prohibited anyone from impeding or interfering with the public at large on the dry sand area of the beach that is owned by private entities for certain specific uses. They included traversing the beach, sitting on the sand in a beach chair or on a beach towel or blanket, using a beach umbrella of 7 feet or less in diameter, sunbathing, picnicking, fishing, swimming or surfing off the beach, staging surfing or fishing equipment, and building sandcastles. The Walton County ordinance authorized the public across Walton County to do those things on private land on dry sand areas. That case was challenged.

Subsequently, *Alford v. Walton County* went to the Federal District Court of Appeals for trial. The district ruled that the ordinance could be upheld. While that case was pending in court, the legislature met and adopted a new statute. House Bill 631 was in the 2018 regular session.

The district court ruling that the customary use ordinance was valid was on appeal to the 11th Circuit. The 11th Circuit, after the legislature adopted HB 631, directed the district court to remove their opinion because it was moot by the legislation. They vacated the district court's order which put things back in limbo. Meanwhile, the statute required that if the county wanted to adopt an ordinance, it had to seek judicial determinations on each of the properties. The Walton Board of County Commissioners made a motion to proceed under the statute. They filed lawsuits against 1,197 beachfront property owners, who all obtained different lawyers. After five years, the cases were set for a 7-week bench trial on May 22nd, 2023. But the case settled on the courthouse steps before going to that trial. The property owners obtained a dismissal with prejudice and a finding that customary use does not exist on their beach. For some property owners, that was through motions for summary judgement where they could not establish ancient use and were able to show it was in dispute. If a case is in court, it is not free from dispute. That is a difficult hurdle to get past, and it is hard to define in the statute. The other property owners negotiated a settlement agreement allowing the public a 20- foot transitory area for walking and sitting and a finding that customary use does not exist on their beach. Some property owners obtained rulings that their beaches were not subject to customary use. The others settled and agreed that customary use was not on their beach, but they would allow in it exchange for that 20-foot area where the public could walk.

This past legislative session, a statute requiring the process to go through the judicial system for determinations on a case-by-case basis and requires local governments to sue their own property owners was repealed in Senate Bill 1622. That had the effect of repealing Florida Statute 163.035 that had an arduous process and required counties to sue their own property owners. That basically puts things back to the common law of customary use, *Tony-Rama, Trepanier v. County of Volusia*, and back to where the court would have to ascertain in each case the degree of customary and ancient use for the beach and whether it has been free from dispute.

It is back in the courts - the customary use doctrine can be used as a shield or a sword. Typically, as a shield if someone is charged with trespass on a private beach - a defense to that trespass charge is the customary use doctrine, but it has to be shown in court and proven that whatever they were doing has been done free from dispute for many years in that exact location of that particular property that they were walking on.

The case that was in the federal district court where they found an ordinance to be valid was vacated because the 11th Circuit found it to be mooted by the legislation. Therefore, the 11th Circuit never reviewed that Federal District Court case, but it is still out there. The city needs to be mindful of private property rights, especially when discussing an ordinance that would apply across the many miles of beach and many property owners that we have. Staff have been mindful in drafting the ordinance so that it doesn't interfere with private property rights. At one point St. Pete Beach had a customary use ordinance, not as drastic as Walton County. One of the other things to consider is that the beaches and ownership are complex with easements and plats – and there are a few cases still in court. St. Pete Beach was dismissed out of one of the cases. It is difficult to adopt a customary use ordinance that would apply across

the entire beach. The better alternative from a legal perspective is to allow the common law of customary use to exist, and if the city was going to adopt an ordinance, to

keep it general - for example the city of St. Pete Beach hereby acknowledges the existence of the common law right to customary use of dry sand areas of the beach where the criteria for customary use doctrine can be established in the judicial system, where it would occur.

Attorney Brookes summarized that he believed this background would assist the boards, committees, and the city to go forward with analyzing the beach turtle lighting and beach behavior ordinances.

Resident Dave Winkler of Suncoast Water Sports, 9540 Blind Pass Road thanked the city attorney for the voluminous analysis. Has been a St. Pete Beach business owner for 47 years and has contracts with many businesses on the beach; he asked the committee and City Commission to carefully consider what was outlined today when considering ordinances that might be overly restrictive.

Committee discussion and questions followed. Vice Chair Kurzman commented that the sandy beach is not taxed to the private property owners; they are taxed as beachfront. He mentioned FS 161.021 which says “access or public access as used in these sections means the public's right to laterally traverse the sandy beaches of the state where such access exists on or after July 1, 1987, or where the public has established an access way through private lands to land seaward of the high tide or water line by prescription, prescriptive easement or any other legal means, development or construction shall not interfere with such rights of public access unless a comparable alternative access way is provided.” Mr. Kurzman contended that even though the whole customary use discussion was going on, that statute seemed to survive. The words public and private beach are so important. It is important to maintain the ability to do decide what to do about customary use. Attorney Brookes accessed FS 161.021 online regarding the definition of access or public access. He read that it also speaks in the context of beach renourishment projects, construction on the beach, development beyond the coastal construction control line and maintaining access perpendicular to the beach – for example from Gulf Blvd. to the water - and states that there are certain beach access points that arise either through a recorded easement or by prescriptive easement which may not be on paper but has been open and notorious and continued on for many years, which sometimes arise as a shield. Attorney Brookes also mentioned owners closing a beach one day of the year to circumvent continuous use, i.e., Daytona Beach. Other variances of laws were mentioned.

6. Adjournment – Next regular meeting is scheduled for November 19, 2025.

There being no further business, the meeting was adjourned at 10:45 AM.

These minutes will be considered for approval at the November 19, 2025, Beach Stewardship Committee meeting.

BEACH STEWARDSHIP COMMITTEE SPECIAL MEETING MINUTES

September 16, 2025 - 9:00 A.M.

PRESENT: Jon Stevens, Chair
Dan Rothenberger, Member
Bill Thompson, Member
Natalie Looney, Member

ABSENT: John Kurzman, Vice Chair

STAFF PRESENT: Camden Mills, Public Services Director
Ralf Brookes, City Attorney
Renee Rose, City Clerk
Brandon Berry, Senior Planner

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

1. Audience Comments -

No members of the public came forward.

2. Items for Discussion –

a. Ordinance 2025-02: Creating Code of Ordinances Chapter 95. Beaches

Discussing the proposed content of Ordinance 2025-02, the first of three proposed ordinances intended to address the City's beach regulations, which pertains primarily to conduct and behavior on the sand beaches, and permitting and registration requirements on the public beach.

Senior Planner Brandon Berry summarized how the discussion will be handled. They will review each section, one by one. He started at the top of the ordinance. Section 58-1 includes definitions of sunrise and sunset.

The committee reviewed Section 58-26 on prohibited activities in city parks and beaches. The section carries forward existing prohibitions and adds clarifying language, including new rules on the use of city-provided showers and an additional item in subsection seven. There was discussion regarding the distinction between public and private beaches, noting that some prohibitions, such as the discharge of human waste, should apply to the entire beach regardless of ownership. Other activities, like sleeping in Section 58-32, may warrant different treatment on private property, such as a homeowner using a hammock. The discussion noted enforcement challenges, particularly with trespassing on private beachfront property. Trespass enforcement typically falls to the Sheriff's Office, while the City's code enforcement handles civil offenses. There are difficulties when property owners are absent or when deputies classify incidents as civil matters. City Attorney Brookes acknowledged the need to balance new regulations with Senate Bill 180 restrictions on private property and he will evaluate each prohibition individually. The committee discussed provisions relating to huts, shanties, and other shelters. Even on private property, a permit is required for constructing such structures. It was asked whether portable sunshade tents should fall under this prohibition. Mr. Berry clarified that on the public beach, a size limitation for tents had already been carried forward from earlier discussions, and the City Commission had directed the committee to also examine large or obtrusive structures. The committee agreed that an exemption should be added for small sunshades that meet established size requirements, with a cross-reference to the appropriate section. This would prevent them from being classified as huts or shanties.

The discussion noted that while some prohibitions in this section currently apply only to public parks or beaches, many items should be placed in a section that makes them applicable more broadly.

Discussion continued with Section 58-32, which is being relocated from Section 94-70. Mr. Berry explained that although this section appears in the parks division of the Code of Ordinances, it also addresses beach regulations, and a cross-reference in Chapter 95 may be appropriate. The intent is to either reference this section within the beach ordinance or mirror it with a separate regulation to ensure consistency. The discussion turned to the references of Blocks M and N, which had been struck from the draft. These references were originally included for a reason, but past explanations were conflicting. There was consensus to unstrike and reinstate the language referencing Blocks M and N. It was noted that the sleeping prohibition had been modified from the hours of 9:00 p.m. to 6:00 a.m. to instead apply from sunset to sunrise as defined in the code. The penalty language provides for a fine of up to \$500 or imprisonment not exceeding 60 days. Mr. Brookes confirmed this aligns with the standard for a misdemeanor of the second degree and recommended revising the language to state it explicitly. The discussion also clarified that violations could be enforced either through the City's civil code enforcement process or, if pursued criminally, through the Sheriff's Office and State Attorney's Office.

The committee began review of Chapter 95, the newly created beach chapter of the code. The intent and purpose statement was carried forward from an earlier draft, and members had no objections. The discussion turned to the definitions section. Several terms were consolidated from other areas of the code, while terms such as "cabanas" were removed because their definitions contained regulatory language that is more appropriate for later sections. It was clarified that references to "city beaches" mean both public and private beaches unless otherwise specified. The committee compared the definitions of sunrise and sunset in Chapter 95 with those in Section 58, noting a slight difference. Mr. Berry will bring forward the more expansive version from Section 58 for consistency. A significant discussion focused on the definition of micromobility. The committee agreed that the City should maintain a definition broader than the state statute, which only addresses rental devices, so that both privately owned and rental e-bikes, scooters, hoverboards, and similar devices are included. Committee members shared personal experiences with safety hazards, collisions, and impacts to wildlife as reasons to prohibit motorized micromobility devices on the beach. There was discussion about responsible use allowances or a permit system, but there was consensus that enforcement would be difficult and that a prohibition would be clearer and more effective. Mr. Brookes reviewed the statutory definitions for self-balancing devices to ensure one-wheels, hoverboards, and other technologies are included. They agreed that enforcement would be easier if the ordinance includes this language, rather than referencing statute. There was further distinction between temporary and permanent structures. Under the Florida Building Code, structures intended to remain more than 180 days are considered permanent, while temporary structures such as stages or event setups are not. The ordinance carries forward penalties from prior drafts, maintaining consistency with existing provisions.

Discussion turned to Section 95-4, which relocates and expands upon earlier provisions regarding chairs, tables, benches, and umbrellas. It was noted that the section prohibits temporary beach furniture from being placed in a way that would significantly obstruct public use of the beach. The regulation applies only to the public beach and not to private property. Leaving furniture overnight is prohibited, and each individual item constitutes a separate violation. The section also authorizes the City to remove furniture left overnight on the public

beach. Mr. Berry explained that businesses are already required to obtain a business tax receipt to set up furniture on the public beach, and this requirement remains in place. Any commercial setup, whether through a business tax receipt or a special event permit, must be approved by the City. A new regulation establishes a maximum tent size of 10 by 10 feet for public beach use, reflecting the size commonly approved for temporary commercial setups. There were questions about private proposals or small gatherings. Mr. Berry clarified that small, non-commercial activities such as a marriage proposal would not require a permit, but larger assemblies or temporary structures would. Discussion also addressed third-party vendors who sometimes set up furniture or picnics on private property without the owner's permission. There is a need for consistency in regulation, noting that both hotels and independent vendors should be required to hold a permit and secure permission from the property owner. There was consensus that the ordinance should make it a violation to operate such services on private land without the owner's consent, both to ensure fairness and to limit liability risks for property owners.

The committee reviewed what will become Section 95-5 on picnics, food consumption, and fire pits. Mr. Berry said this section carries forward existing provisions while retaining authority for the City Manager or designee to authorize temporary beach fire pits under specified conditions. The section also modifies violation language to align with the new chapter. There were concerns about safety hazards, recalling past incidents where large sand holes caused injuries or fatalities, and highlighted the importance of addressing excavation hazards elsewhere in the ordinance. Discussion turned to the regulation of picnics. The committee agreed that language should be clarified so that picnics are expressly permitted on both public and private beaches, provided all trash is removed. A reference to Florida's litter law should be added to reinforce the requirement, ensuring a "leave no trace" approach. There was discussion about glass containers, fire pits, and open flames. There was consensus that bans on glass and unapproved fires should apply the same way on both public and private beaches. Fire pits or open flames would only be permitted through City authorization, with consideration for dune and vegetation protection. The committee recommended that open-flame activities be addressed broadly, with exceptions only through the special event permitting process. Questions were raised about possible restrictions on styrofoam, plastic straws, and smoking on beaches. Mr. Berry will review current state preemption laws to determine whether such restrictions could be included.

Discussion continued with 95-6, Tiki (or Chickee) huts. This section consolidates two existing sets of regulations, one from the Code of Ordinances and one from the Land Development Code, into a single section for clarity. Mr. Berry explained that the intent is not to add new restrictions or create new allowances, but to merge the rules so they are easier to understand and enforce. Chickee huts, built by the Miccosukee Tribe and exempt from the Florida Building Code, would still be subject to the City's zoning rules and regulated in the same way as tiki huts. It was clarified that huts are only allowed on the beach in connection with licensed commercial water sports businesses and must comply with existing standards. One part of the draft struck out language prohibiting utility hookups, food or drink service, and other uses beyond water sports. It was suggested to keep that language in place for consistency since the Land Development Code section will be eliminated. It's important to retain the requirement for written approval from the upland property owner, which is already part of the existing code.

Mr. Berry said no substantive changes are being made to the coastal conservation requirements, noting that these sections were renumbered but not altered. There was a concern

about dune preservation and permitting. Specifically, the City requires a permit for maintenance activities such as trimming or removing invasive species, even though the Florida Department of Environmental Protection does not require a permit for maintenance west of the Coastal Construction Control Line. This difference in requirements can cause confusion for property owners, as the current ordinance language refers to “improvements” rather than explicitly mentioning “maintenance.” Clarifying this language would help avoid misunderstandings and ensure compliance. The committee recommended that the actual text of these provisions be included in the ordinance draft, even without strikeouts or edits, so the Commission clearly understands what the requirements are. It was noted that the updated definition of “dune” is helpful; it makes clear that the term covers the whole natural area between the ocean and built features like seawalls, which helps avoid past confusion about how it should be interpreted.

The discussion continued with 95-7, Temporary structures, adding language to acknowledge that there may be circumstances where the City could authorize a temporary structure on the beach outside of what is specifically covered in the ordinance. This is intended to recognize the City’s emergency powers, which could allow temporary structures in unforeseen situations.

The committee discussed 95-8 relating to vehicles and micromobility devices on the beach. The draft currently prohibits bicycles, both electric and non-electric, unless a vehicle-on-the-beach permit is issued. The intent was not to allow bicycles on the beach at all, and the language should be revised so that vehicle permits apply only to motor vehicles, while bicycles and micromobility devices remain prohibited outright. It was suggested that bicycles be addressed in a separate sentence to avoid confusion. It was also recommended to cross-reference the micromobility section so that enforcement officers have one clear provision to cite. Mobility aids such as electric wheelchairs are exempt from the prohibition and should remain allowed under the ordinance. Discussion followed about how other beach communities regulate bicycles and vehicles. Some remote beaches on the east coast and in other states allow vehicles or bikes due to low population density, most urban beaches, including St. Pete Beach, prohibit them because of safety hazards, congestion, and turtle nesting concerns. The section also carries forward requirements for insurance rather than bonds for vehicle permits and restates the 10 mile-per-hour maximum speed limit for vehicles on the beach. Members acknowledged that vehicle permits are typically issued to essential users such as turtle monitoring groups, city departments, emergency services, hotels, and licensed beach vendors.

Mr. Berry continued with 95-9 regarding beach maintenance regulations, which carries forward existing rules on mechanical beach cleaning and related activities. It was suggested to add a cross-reference to dune maintenance requirements, so anyone reviewing beach cleaning rules would also see the link to trimming and vegetation management regulations. The section also reiterates current rules about required distances from the dune line and other maintenance standards. During discussion, a question was raised about raking practices during turtle nesting season. There are restrictions on raking until after turtle monitors have inspected and are addressed elsewhere in the ordinance. It’s important to make sure those protections are clear and suggested also recognizing bird nesting season alongside turtle nesting.

The discussion moved to Section 6-5 alcohol regulations. The intent remains the same: alcohol is prohibited on both public and private beaches unless specifically authorized through a permit. On the public beach, alcohol may only be allowed under a special event permit. On private beaches, it may be allowed through either a cabana alcohol service area permit, tied to

a licensed establishment, or a special event permit. Resorts are not included in the special event provision. The draft changes were described as primarily organizational, intended to clearly separate the different references and direct readers to the proper code sections. General alcohol regulations remain in Chapter 6 of the Code, but Chapter 95 will now contain all beach-related provisions. The draft also continues to prohibit consumption of alcohol on submerged land, which was carried forward without change. Clarification was needed on B-2., which refers to “private sand beach areas upland of the Gulf and adjacent to private property.” This was carried over from earlier language and likely accounts for rare situations where public uplands may abut private beach ownership. The committee agreed it was best to leave the reference in place as written. The rules continue to define an open container violation as one where a seal has been broken or a pop top has been opened, with no substantive changes apart from updated cross-references to the new beach chapter. Alcohol service at non-beach public lands, such as block parties, would continue to be regulated through the special event permitting process, while sidewalk dining and similar uses would still require conditional use permit approval by the City Commission under the Land Development Code. These provisions were carried forward to keep consistency while shifting all beach-specific alcohol language into Chapter 95.

The committee reviewed Section 95-10, which consolidates rules on alcohol, smoking, and fires on the beach. Alcohol remains prohibited on all public beach areas except when authorized through a special event permit, and on private beach areas except through a cabana alcohol service permit or a special event permit. Open containers are also prohibited unless covered by those exceptions. The draft adds a requirement that signage be placed at beach access points, such as walkovers and parking lots, to clearly notify the public of these regulations. The section includes updated smoking provisions, reflecting state law that allows cities to prohibit smoking in public parks and on public beaches, but exempts unfiltered cigars. There was frustration with this exemption, noting that cigars can also create litter and fire hazards, but it is a limitation imposed by state law. There was a discussion about vaping and confirmed that it is included in the ordinance’s definition of smoking, allowing it to be prohibited alongside cigarettes. This also carries forward restrictions on open flames, clarifying that starting or maintaining fires is prohibited not only on public beaches but also on private beaches unless specifically authorized. There was consensus to remove the distinction between public and private beaches for these rules to ensure consistent enforcement. Discussion continued with cabana service area regulations, noting that they had been discussed at previous City Commission meetings. This draft doesn’t add any new restrictions; it cleans up and reorganizes the section. Two rules were proposed to be dropped based on earlier Commission direction: the wristband requirement, which was seen as too restrictive and a source of trash, and the rule that limited access only to registered hotel guests. Taking those out would let cabana operators handle access on their own and allow residents or other visitors to use the service areas. The section also clarifies requirements for alcohol service boundaries. Current rules require cabana service areas to mark their corners to show they meet setback rules. Discussion determined that posts with signs are enough and that ropes shouldn’t be required since those would need extra permits from the Florida Department of Environmental Protection. The ordinance will also swap out the term “water closets” for “restrooms,” with staff double-checking that the wording still matches Florida Building Code. Penalties remain unchanged, and staff noted that while more substantive changes have been proposed in the past, this draft only carries forward the agreed-upon updates. The discussion then moved to special event approvals, which have been consolidated from Chapter 8 into Chapter 95. Private beach owners can get special event permits that allow alcohol up to three

times a month, but only in the approved area shown on a site map. Events can't start before 8 a.m. and have to end by 10 p.m., which is the same as the current rules. Questions were raised if the term "upland owner" should be clarified as "private property owner" for consistency. They also discussed the 10 p.m. cutoff, noting that most hotels already end beach service around sunset due to turtle nesting regulations. It was suggested aligning the end time with sunset may be appropriate. Mr. Berry noted that permitting conditions could address things like lighting and seasonal factors.

Discussion continued with 95-11, dogs prohibited on beach. No major changes are being introduced. The section carries forward existing rules that were already part of earlier drafts, though the strike-through and underline edits may have made it look like new restrictions. The only clarification is the continued exemption for service animals. The section still exempts service animals. Mr. Brookes suggested adding a reference to the state statute on service animals to keep things clear and consistent.

The committee moved on to Section 95-12, covering distribution of handbills or other advertising. This section is carried forward from the existing commercial solicitation rules and continues to prohibit leaving or dumping advertising materials on the beach.

Discussion continued with Section 95-13 on fishing from the beach. Fishing is generally regulated by the Florida Fish and Wildlife Conservation Commission (FWC), and the City may only prohibit it in limited cases, such as from certain bridges when posted or when fishing activities pose a danger to the public. The section is carried forward from earlier drafts. There were concerns about shark fishing, chumming, and disposing fish carcasses on the beach. While most of that is under FWC jurisdiction, it was discussed whether language could be added to address problems like discarded carcasses and charter-style shark fishing operations occurring from the beach. Mr. Brookes will research FWC rules further and look into how other cities have handled similar issues.

The committee reviewed Section 95-14, which prohibits feeding or harassing wild birds, sea turtles, and manatees. The section gives City code enforcement staff clear authority to address harassment, capture, or harm of these protected species.

The committee discussed Section 95-15 on fireworks. Current rules prohibit fireworks on the beach unless authorized by a special event permit approved by the Commission. It was questioned whether fireworks should ever be allowed on the beach because of fire hazards to dunes, pollution, and past incidents. Several members strongly supported an outright ban, saying that fireworks are not compatible with beach stewardship and that the City has already moved its displays to Horan Park to avoid impacts on wildlife and dunes. Hotels receive permits for fireworks displays, but there was consensus to recommend a complete prohibition on fireworks on the beach, knowing the Commission can change it.

Discussion moved to Section 95-16 on micromobility devices and clarified that the language should match earlier consensus. The intent is to prohibit micromobility devices, such as e-bikes, scooters, and hoverboards, on all beaches within the city, not just public beaches. The vice chair has previously expressed dissent, there was majority consensus for a full prohibition.

The committee reviewed Section 95-17 on vending at the beach. This section is carried forward from the existing commercial solicitation ordinance with no substantive changes. Commercial solicitation remains prohibited on the public beach except when allowed under a

special event permit. The only adjustment is in subsection C, which adds a cross-reference to regulations governing solicitation on private beaches. Discussion continued with amendments to Section 62-59, which are intended to align with Section 95-18 and provide a cross-reference. It's important to require explicit permission from the property owner when third-party vendors operate on private property. Concern was raised that holding the property owner responsible would be unfair if activities occurred without their knowledge or consent. There was consensus that the ordinance should be worded so that property owners are not liable unless they have granted permission.

Discussion continued with Section 95-19, which transfers language from Section 44.3 of the Land Development Code to prohibit activities disruptive to marine turtles. There was discussion about whether to keep this language in the Land Development Code, with a cross-reference in Chapter 95, to avoid issues with Senate Bill 180. The consensus was to maintain the current Land Development Code language for now, while still creating Section 95-19 with a reference back to it. Clarifications were made to ensure the section covers filling in holes, removing objects such as sandcastles before leaving the beach, and protecting against hazards to turtles and children. "Sandcastle" should be specifically mentioned as an object that must be taken down. Discussion turned to vegetation treatment limits. Current guidance recommends 30% occlusion, but the ordinance will keep the 45% standard for now to remain consistent with what has already been enforced, until the marine turtle lighting amendments are updated. Language prohibiting dogs from disturbing sea turtles and nesting birds should be placed in Section 95-11 (dogs on the beach) to keep related regulations together. There were concerns about chairs, umbrellas, inflatables, or other structures left on the beach overnight. Mr. Berry noted that current rules allow the City to remove items left overnight on the public beach if they pose a hazard, but that regulations for private beaches and larger structures may need to be addressed in a future ordinance. Senate Bill 180 limits how far the City can regulate these matters, so broader changes may need to wait. This is an issue to revisit later, but turtle protections apply across the entire beach, not just public property.

The committee reviewed Section 95-20, which transfers language from Section 25.9 of the Land Development Code into the beach ordinance. The section requires permits for certain activities, including dune maintenance and organized recreational events. Additional language will be added to clearly state that a City maintenance permit is required for dune work, separate from the Florida Department of Environmental Protection process. There were concerns about signage and enforcement around dune protection. Signs are faded or damaged and people ignore them, with children damaging vegetation. Rope-and-post fencing is more effective than signs in keeping people out of protected dune areas. The City is responsible for providing and maintaining dune protection signage. The section also carries forward requirements for organized recreational activities such as volleyball tournaments, surfing contests, and skimboarding events. These activities require permits from the City, typically through the special event process. It was recommended to add concerts to the list of examples. The committee also suggested clarifying that applicants must obtain a special event permit and any other required permits, such as vehicle-on-the-beach permits, to make the process clear. There was a discussion to address businesses operating on the beach that are not covered under solicitation rules but still engage in commercial activity, such as yoga classes, large photography setups, or catered gatherings. These activities are not currently regulated if there is no active solicitation, and the Commission tasked the committee to work through it. There were questions regarding the usefulness of limiting regulation to large gatherings (50+ people) and agreed that any commercial activity on the beach, whether for payment, donation, or offered as an amenity, should require registration with the City. This would close loopholes

and provide a point of accountability. It's important to require written authorization from property owners if the activity takes place on private beaches, so that third parties cannot operate without permission. Concerns were raised about balancing regulation with staff workload, since a new registration process could increase administrative demands. It was suggested to offer online registration. The committee separated commercial activity and non-commercial gatherings, noting that events like potluck dinners or informal drum circles raise different issues. Large non-commercial gatherings may need to be addressed separately, possibly through a threshold-based special event permit requirement. Staff will research how other cities, such as Treasure Island, have handled similar challenges and First Amendment considerations. There was consensus that commercial uses of the beach, regardless of size, should require registration with the City, and that the process should include property owner authorization for private land use. It was recommended that the City provide registrants with rules of conduct to help prevent littering, dune damage, and other enforcement issues.

Discussion continued with Section 95-21, which carries forward the City's existing special event regulations and now cross-references Section 95-10(F) regarding alcohol on the beach when tied to a special event permit. Section 95-22 was noted as a reserved section intended to reference marine turtle lighting standards, depending on whether those provisions remain in the Land Development Code or are moved into Chapter 95.

There was discussion about clarifying how regulations might apply to areas such as the "Secret Garden", and whether it would fall under dune protections or state park oversight. The secret sidewalk issue at Pass-a-Grille was also mentioned, with agreement to check if any overlap exists with the beach ordinance. Questions about beach access and walkovers were raised, but staff confirmed these are covered by separate state and building code regulations. Concerns were also noted about loud amplified music on the beach, with suggestions to explore whether this should be addressed directly under beach rules or left under the noise ordinance. Other discussion points included ensuring dune vegetation protection is reinforced through signage and barriers, clarifying that nothing in the ordinance prevents future boardwalk projects, and confirming consensus that bicycles should not be permitted on the beach. There is a need to balance regulation of commercial activities with allowing community use, making clear that local families and neighborhood groups should not feel restricted from gathering on the beach.

Mr. Berry will bring a revised ordinance to the November meeting.

6. Adjournment – Next special meeting is scheduled for October 23, 2025.

There being no further business, Member Rothenberger moved, Member Thompson seconded, and the motion carried 4-0 to adjourn the meeting at 11:37am.

These minutes will be considered for approval at the November 19, 2025, Beach Stewardship Committee meeting.

Notice of Meetings
Beach Stewardship Committee
2026

The Beach Stewardship Committee meets on a quarterly basis on the third Wednesday of the month in the Commission Chambers of City Hall, 155 Corey Avenue, St. Pete Beach, Florida.

<u>Meeting Date</u>	<u>Time</u>
February 18, 2026	9:00 am
May 20, 2026	9:00 am
August 19, 2026	9:00 am
November 18, 2026	9:00 am

Meeting to elect the Chair and Vice Chair will be on May 20, 2026, or the soonest meeting thereafter.

The Code of Ordinances pertaining to this board can be found at:
https://www.municode.com/library/fl/st._pete_beach/codes/code_of_ordinances?nodeId=PTIICOOR_CH22BOCOCO_ARTXIBESTCO

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

Agenda Report

Agenda Title Name: Recommendation of Ordinance 2025-02 to the City Commission and Local Planning Agency: Creating Code of Ordinances Chapter 95. BEACHES, and creating and consolidating beach-related ordinances pertaining to conduct, behavior, operations, development, permitting, and maintenance of the City's beaches

Action Request: Motion to recommend [approval/approval with modification/denial] of Ordinance 2025-02 to the Local Planning Agency and City Commission.

Strategic Objective:

Date: November 19, 2025

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: This ordinance is a modification of the draft submitted for Beach Stewardship Committee review at the September workshop, and has been modified to address comments provided at that meeting. Staff finds the most significant changes to the published workshop version of this ordinance to be the following:

- Amendment of the "micromobility device" definition to introduce the current statutory definition, and retain the definition currently adopted in the City's code, to include nonmotorized and motorized bicycles, and prohibit the use of such devices on the beach when they are not required for and used by handicapped persons.
- Codify permitting requirements for dune planting and trimming, even in absence of a requirement to obtain a Florida Department of Environmental Protection permit.
- Require franchise registration, which can be undertaken through the business tax receipt

process for those site-based businesses, when the franchise is proposing to set up chairs, tables, umbrellas or cabanas on the beach.

- Prohibit use of polystyrene products on the public beach, and straws on the beach, to comply with statutory limitations.
- Amending back in prohibitions on chumming as a reference to prohibitions instituted by the Florida Fish and Wildlife Commission.
- Prohibiting fireworks on or over the beach at all times.
- Require registration for events that take place on the public beach and are not already regulated through a special event permit, such as exercise classes and photography setups.

Staff has added prohibitions on straws on the beach, and the use of polystyrene products on public beach areas, per the workshop discussion. The City Attorney has recommended that medical exemptions and "degradable straws on request" options be provided as well. Staff will review this request with the Committee for consent to amend at the meeting.

Funding:

N/A

Attachments:

1. Ordinance 2025-02 - Markup
2. Ord 2025-02 Clean

Ordinance 2025-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF ADOPTING A BEACH ORDINANCE; CREATING CHAPTER 95. BEACHES, SECTIONS 95-1 THROUGH 95-22; RELOCATING, RENAMING AND AMENDING SECTIONS IN CODE OF ORDINANCES DIVISIONS 6, 14, 58, 62, 74 AND 94; AND RELOCATING AND AMENDING SECTIONS IN LAND DEVELOPMENT CODE DIVISION 25 AND 44; PROVIDING A CONSOLIDATED ORDINANCE PERTAINING TO CONDUCT, BEHAVIOR, OPERATIONS, DEVELOPMENT, PERMITTING, AND MAINTENANCE ON THE CITY'S BEACHES; SPECIFYING PENALTIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

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

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

WHEREAS, management and enforcement of activities consistent with the designation of Preservation for the areas of the beach seaward of the Florida Coastal Construction Control Line is essential to preserve its aquatic resources, wildlife population and habitat, in order to maintain its environmental and recreational value; and

WHEREAS, the City's development regulations are intended to promote health and the general welfare, and prevent the overcrowding of land, prohibition on most forms of smoking and the use of Styrofoam on the beach, and other new and maintained limitations contained in this Ordinance, are intended to promote; and

WHEREAS, these regulations are carefully drafted with the intent of balancing the tourist trade and residential character of the City while providing for the continued enjoyment of natural resources and limiting the degradation of environmental resources along the City's beaches; and

WHEREAS, the City's beaches and parks are a valuable asset as the City is a large recreational and tourist community; and

WHEREAS, such beaches and parks are intended to be used solely for recreational purposes and not to be used for sleeping during nighttime hours; and

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

*** indicates text that is unaltered but to be left out of the document for purposes of brevity.

WHEREAS, the City Commission finds that the provisions of this Ordinance are necessary and are in the best interest of the citizens of and visitors to the City, and are necessary to promote the public health, safety and welfare of the community at large; and

WHEREAS, a business impact estimate pursuant to Florida Statute 166.041(4)(c)5 shall be prepared prior to final adoption of this Ordinance.

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

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

SECTION 2. The City Code and Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

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

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

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

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

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

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

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

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

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

Adrian Petrila, Mayor

I, Renee Rose, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2025.

Renee Rose, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

City Attorney

Exhibit A

Note

Items in ~~striketrough~~ are to be deleted;

Items in underline are to be added.

*** indicates text that is unaltered but to be left out of the document for purposes of brevity.

Words highlighted yellow in this Exhibit reference text that has been altered since the October workshop.

Words highlighted blue in this Exhibit are notes made to the Beach Stewardship Committee that explain a decision in drafting this Ordinance, and are not intended for codification.

Existing Code of Ordinances Section 58-1. is amended as follows:

Sec. 58-1. - Definitions.

Senior means an individual 55 years of age or older.

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.

Youth means any individual between three and 17 years of age.

Existing Code of Ordinances Section 58-26. is amended as follows:

Sec. 58-26 – 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:

- (1a) Sleep at any time during the hours from sunset to sunrise of the following day;
- (2b) Construct any hut, shanty, or other shelter, except by special permit issued by the department in association with a special event, or as authorized by Section 95-4;
- (3c) Discharge or deposit human wastes, except in toilet facilities provided by the city;
- (4d) Drive, putt or otherwise hit golf balls;
- (5e) Sleep as prohibited in Section 58-32 or otherwise be, or remain in any bushes, shrubs, or other foliage at any time; or
- (6f) 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.

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

*** indicates text that is unaltered but to be left out of the document for purposes of brevity.

(7g) 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.

(8h) Place or use any polystyrene product.

Existing Code of Ordinances Section 74-91 is amended as follows:

Sec. 74-91 - Definitions

Electric personal assistive mobility device is any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.

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.~~ **means a motorized transportation device designed for individual use, which is typically 20 to 36 inches in width and 50 pounds or less in weight and which operates at a speed of typically less than 15 miles per hour but no more than 28 miles per hour. This term includes both a human-powered and a nonhuman-powered device such as a bicycle, electric bicycle, motorized scooter, or any other device that is owned by an individual or part of a shared fleet, including those that are made available for private use through an online application, website or software for point-to-point trips, as well as any electric personal assistive mobility device. However, this term shall not include devices required for and used by handicapped persons.**

Micromobility *parking* is approved parking for micromobility devices.

Existing Code of Ordinances Section 94-70 is relocated to Section 58-32 and amended as follows:

Sec. ~~94-70~~58-32. – 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.

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

*** indicates text that is unaltered but to be left out of the document for purposes of brevity.

- (2) Being a largely recreational and tourist community, the city's beaches, parks and other public property are a very valuable asset.
- (3) ~~Such~~ 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 ~~the appearance of such areas~~ 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.
- (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 in or on any public park, public beach, or any other public property within the corporate limits ~~at the following places between sunset and sunrise the hours of 9:00 p.m. and 6:00 a.m. of the following day, in the following locations: 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, be guilty of a misdemeanor in the second degree and, upon conviction, be penalized as provided in section 1-14 subject to a fine not to exceed \$500.00 or imprisonment not to exceed 60 days.

The Code of Ordinances Chapter 95 is created as follows:

Chapter 95. Beaches.

Section 95-1 is created as follows:

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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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.

Section 95-2 is created as follows:

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:

Animals means any domesticated or non-domesticated animal, but specifically does not include service animals.

Beach means the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiological form, or to the line of permanent vegetation, usually the effective limit of storm waves. When not preceded by the terms "private" or "public" elsewhere in this ordinance, this term shall be inclusive of both.

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 shall have the same meaning as in section 74-91.

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

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be considered permanent and must be permitted or maintained pursuant to the permit under which they were authorized.

Service animal shall have the same meaning as in F.S. § 413.08.

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 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.

Temporary structure means an assembly of materials, including structures such as but not limited to cabanas, beach chairs, tables, umbrellas, 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.

Zoning lot shall have the same meaning as in the Land Development Code.

Section 95-3 is created as follows:

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 22-287 and 22-288, or a court of competent jurisdiction.

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- (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.

Existing Code of Ordinances Section 94-66 and 94-67 are stricken as follows:

~~Sec. 94-66. – 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:~~

~~*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.~~

~~Sec. 94-67. – Penalties.~~

~~Any person violating this article shall be subject to the penalties of [section 1-14](#).~~

Existing Code of Ordinances Section 94-68 is relocated to create Section 95-4, renamed, and amended as follows:

Sec. 94-6895-4. Chairs, tables, benches, cabanas, and 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, benches, tables or umbrellas, which is in a location or is of a size which would interfere with the use of the 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 beach to allow such to remain upon such public beach between sunset and sunrise and each chair, bench, table or umbrella shall constitute a separate violation. This shall not apply to an entity operating in compliance with the conditions of an issued special event permit.
- (c) Any operation from a franchise to set up chairs, tables, umbrellas, or cabanas on or upon the beach shall register with the city. Franchises authorized, as of the date of this ordinance, to operate on any private beach through an issued business tax receipt shall be exempt from this requirement. However, upon the expansion of any existing operation or creation of any new operation on any private beach, or upon business tax receipt renewal for the upland entity, any franchise operating on any private beach shall be subject to this registration requirement.

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(d) It shall be considered a violation of this ordinance for a franchise to operate on any private beach without permission of the landowner.

(e) The maximum tent size allowed on the public beach is 10 feet by 10 feet, except when a larger tent size is temporarily permitted within a designated area as part of an approved special event permit.

(f) Any items left on the public beach out of compliance with this section may be disposed of by the City in its sole and absolute discretion.

Existing Code of Ordinances Section 94-69 is relocated to create Section 95-5, renamed, and amended as follows:

Sec. 94-6995-5. Picnics, ~~and food consumption, and fire pits.~~

(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 6-595-10, no person shall possess or consume any alcoholic beverages upon any of the city's beaches.~~ Picnics may be allowed on the beach subject to the regulations in subsection (b). Consumption of alcohol may be allowed on the beach subject to the regulations in section 95-10.

(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 and removing from the beach all of the food, papers, cartons, bottles and other refuse, litter or debris which may ~~shall~~ remain or be left from the consumption of such food or beverage. Depositing of refuse, litter or debris on the beach shall only be within a lawfully-provided container as authorized by the city.

(2) It shall be unlawful to build any fire for any purpose, including the cooking of food, within the sand beaches of the city, unless approved under subsection (c).

(3) Glass containers or bottles associated with the consumption of food or ~~nonalcoholic~~ beverages shall be prohibited.

(4) The use and possession of polystyrene products associated with any picnic or any food or beverage consumption on any public beach is prohibited. The use and possession of plastic straws associated with any picnic or any food or beverage consumption on any beach is prohibited.

(c) Notwithstanding subsection (b)(2) of this section, the city commission, the city manager or their designee shall be entitled to issue a permit to authorize the building of a temporary beach fire pit, ~~with~~ This authorization may contain conditions and such requirements as the deemed appropriate by the city commission or city manager's designee, that considering the advice of the fire department, the considerations of the

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rights of nearby property owners and the best interests of the city and its residents and visitors, such a temporary beach fire is deems-appropriate. Any person receiving authorization to build a fire shall agree in writing to comply fully with all requirements imposed by the city commission and/or city manager or designee. **Absent such an authorization, open and/or uncontrolled flames on the beach shall be prohibited.**

- (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. **Signs shall contain language referencing the penalties for consumption of food, drinks, and creation of fires in violation of this section.** 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.

Existing Code of Ordinances Section 94-71 is relocated to create Section 95-6, renamed, and amended as follows:

Sec. 94-71.95-6. – Tiki (or Chickee) huts.

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

- (1) (a) The tiki (or chickee) hut does not violate the terms of F.S. § 161.053.
(2) (b) The person applying for the tiki (or chickee) hut permit has the written approval of the upland property owner.
(3) (c) The applicant is licensed as a commercial watersport business and the tiki (or chickee) hut size, location, and placement meets all requirements contained in the City Code and Florida Statutes as provided by the land development regulations is subpart B of this Code.
(4) (d) The tiki (or chickee) hut meets all requirements of the Florida Statutes, Florida Building Code, and the city's Land Development 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 The tiki hut is constructed as provided in section 98-67.

Existing Land Development Code Section 25.6. is stricken, with its content modified and amended into newly-created Section 95-6. as follows, with subsequent sections renumbered:

Sec. 25.6. Tiki huts.

- (a) The city may permit the location of a tiki hut on the beach in accordance with the following:
(1) Tiki huts shall be allowed only in conjunction with the approval of the owner of the property upon which the tiki hut will be located. No tiki hut shall have utility services, shall serve food or drinks, or shall be used for any other service beyond the sales of services for an approved commercial water sports operation.

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(2e) Tiki (or chickee) huts shall be removed from the beach in the event of the issuance of a warning for a storm that, in the opinion of the city, is expected to be of sufficient strength to warrant such removal.

(3f) Any tiki (or chickee) hut or other similar structure placed or erected on the beach after the adoption of this Code without a permit from the city shall in violation of this Code and all remedies shall be sought in accordance with the provisions of section 3.16 of this Code.

Sec. 25.76. - Dune preservation and enhancement.

In accordance with F.S. Ch. 161, the St. Pete Beach Comprehensive Plan and this Code, dunes along the Gulf of Mexico with the city shall be protected, and such dunes will be enhanced under the provisions herein.

Sec. 25.87. - Development requirements.

- (a) Development on any Gulf-front property upon which no dune exists shall require the construction of a dune which shall be designed and constructed in accordance with the requirements of the Florida Department of Environmental Protection prior to the issuance of a certificate of occupancy.
- (b) Applicants for development on any Gulf-front property which has an existing dune and where such proposed development would alter any portion of the dune shall be required to file a plan in accordance with the requirements of the Florida Department of Environmental Protection for dune restoration. The restoration of the dune shall be completed prior to the issuance of a certificate of occupancy.

Sec. 25.98. - 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. Maintenance of a dune, including trimming, planting, and removal of vegetation within, shall require a permit from the city even in cases where the Florida Department of Environmental Protection waives or exempts such a requirement. With the authorization of the City Manager or designee, a continuing agreement for maintenance and/or replacement of dune vegetation may be implemented for a property owner or authorized entity of the property owner when not contrary to any requirement of the Florida Department of Environmental Protection.

Sec. 25.102. - Permitting procedures.

- (a) *Development.* Applications for development of Gulf-front properties, including any proposed development activity regulated under this section, shall be required to submit a

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site plan in accordance with Division 5 of this Code. Prior to the issuance of any development order or other permit, the applicant shall provide copies of all required county and state permits.

- (b) *Other activities.* Applications for non-development activities enumerated in section 25.3 shall be filed with the city manager for administrative approval.

Sec. 25.4110. - Variances.

Variances to this section may be sought under the procedures of section 3.13 of this Code.

Existing Code of Ordinances Section 94-72 is relocated to create Section 95-7 and amended as follows:

Sec. 94.7295-7 – 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.

Existing Code of Ordinances Section 94-73 is relocated to create Section 95-8 and amended as follows:

Sec. 94.7395-8. – 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 or bicycle 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.~~ Emergency or law enforcement vehicles are exempt and shall be coordinated through the city manager or designee.
- (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 ~~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~~ city manager or designee based on the scope of 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 approval has been granted.
- (d) ~~Bond; i~~*Insurance.* Based on the scope of activity, the ~~department~~ city manager or designee may require the posting of a ~~bond~~ or a liability insurance policy protection against damage to property or persons as part of a “vehicle on the beach” permit.

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- (e) *Compliance.* In reviewing the application for a permit, the ~~department~~city manager or designee 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~~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 ~~article~~Chapter and other ordinances governing the safe operation of vehicles. Safe operation shall be deemed as 10 mph or any other limit later established per Land Development Code Section 6.12.(h)(3).
- (g) *Exemptions.* A one-time exemption may be obtained per approval of the City Manager.

Chapter 94 reservations are updated as follows:

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

Existing Code of Ordinances Section 94-101 is relocated to create Section 95-9, renamed, and amended as follows:

Sec. ~~94-101.95-9.~~ – RequirementsBeach maintenance regulations.

- (a) 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~~Chapter.
 - (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 seaward of the toe of the frontal dune, as long as the dune is not disturbed.
 - (5) Additional requirements apply to the maintenance of dunes as found in Land Development Code Division 25.**

Existing Code of Ordinances Section 94-102. is relocated to newly-created Section 95-9, with its content amended as follows:

Sec. ~~94-102.~~—Prohibitions.****

- (6) The following activities shall be prohibited on beaches:
 - (1)~~a.~~ Mechanical beach cleaning ~~shall be prohibited~~ within five feet of the toe of the dune.
 - (2)~~b.~~ Mechanical beach cleaning equipment activities ~~shall not~~which disturb any natural beach vegetation.

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(3)c. Penetration of the beach surface with mechanical beach cleaning equipment by more than two inches into the surface of the beach.

(4)d. Any mechanical beach cleaning during the period of February 15 May 1 through October 31 (covering shorebird and 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.

Existing Code of Ordinances Section 94-103. is relocated to Section 95-9, with its content amended as follows:

~~Sec. 94-103. — Exemptions.~~

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

Chapter 94 reservations are updated as follows:

Secs. 94-104 101– 94-130. – Reserved.

Code of Ordinances Section 6-5 is amended as follows:

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

(a) Except as provided in subsection (~~de~~) of this section, it shall be unlawful to drink or consume alcoholic beverages on or upon:

(1) All public streets.

(2) ~~All public beach lands.~~

(3) (2) Any public sidewalk.

(4) (3) Any city park.

(5) ~~All private sand beach areas upland of the Gulf of Mexico and adjacent to private property.~~

(6) ~~All sovereignty submerged land.~~

(b) Except as provided in Chapter 95, it shall be unlawful to drink or consume alcoholic beverages on or upon:

(1) All public beach lands.

(2) All private sand beach areas upland of the Gulf and adjacent to private property.

(c) It shall be unlawful to drink or consume alcoholic beverages on or upon all sovereignty submerged land.

(b) ~~Notices.~~ For public beach lands, notice of this section shall be posted in a prominent beach access location 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

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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.

(e) ~~(d)~~ 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) ~~through (c)~~ of this section unless a permit has been issued pursuant to subsection (e) of this section or Chapter 95 of this code 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)~~ and ~~(3b)~~ of this section 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)~~ (e) 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 non-beach lands*. The city commission may authorize the consumption of alcoholic beverages in the areas described in subsections (a)(1), (2) and (3), ~~and (4)~~ as stated above, in connection with the approval of a special event permit issued pursuant to Article II of Chapter 26 of this Code. Regulations pertaining to consumption of alcohol on beach lands are as provided in Chapter 95 of this Code.

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

~~(32)~~ *Conditional use permit on public land*. The city commission may authorize the sale and consumption of alcoholic beverages in connection with the approval of a conditional use permit for an outdoor dining area or outdoor drinking area in the area described in subsection (a)(1) and (a)~~(32)~~ as provided by the City of St. Pete Beach Land Development Code.

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Code of Ordinances Section 95-10 is created as follows:

Sec. 95-10. – Smoking, starting of fires, depositing of litter and waste, and use of alcohol 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, except as may be approved through Section 95-10.(i)(1).
- (2) All private beach lands, except as may be approved through Section 95-10.(h) or (i)(2).
- (b) It shall be unlawful for any person to carry on or about their person any open container of alcoholic beverages, whether the container is a bottle, can, carton or other form of container, on any beach or sovereignty submerged land adjacent to the beach except in those areas as permitted in subsection (a) preceding.
- (c) Notices. For public beach lands, notice of this section may be posted in prominent beach access locations by the city with appropriate locations determined by the city manager or designee. When upland property is used for some commercial use, including but not limited to hotels and resorts on the beach, and the beach is public or the commercial use lacks authorization for alcohol on the private beach, notice shall be posted by the owner facing landward of the dune line or Coastal Construction Control Line where no dune exists at an appropriate beach access location 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. When upland property contains fewer than three residential living units, the city's posting at the nearest beach access shall suffice to provide notice as required for this item.
- (d) Pursuant to F.S. 386.209, smoking and vaping (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.)
- (e) The starting or maintaining of fires and open flames on the beach is prohibited except where specifically allowed in this Chapter or in conjunction with an annual special event as approved by the fire marshal.
- (f) Discharge or deposit of human wastes is prohibited on the beach except within an approved water closet, lavatory, or urinal.
- (g) Dumping of any litter as defined in F.S. 403.413 on the beach is prohibited, except within a container approved for such a purpose.

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Existing Code of Ordinances Section 6-5.(d)(4) is amended and transferred into newly-created Section 95-10. as follows:

(h4) *Administrative approval for alcoholic beverages on private beach 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.

- ~~(1)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.
- ~~(2)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.
- ~~(3)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.
- ~~(4)e.~~ The cabana service area shall be no closer than 50 feet to the wet sand.
- ~~(5)f.~~ The cabana service area's hours of operation shall be 10:00 am to 10:00 pm.
- ~~(6)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.
- ~~(7)h.~~ Glass and plastic straws are prohibited at all times on the sand beach.
- ~~(8)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.
- (9)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. Boundary markers shall be four-by-four wooden posts extending four to six feet above the sand and painted a single contrasting color to the sand. The top of the markers shall be installed with signage of two to four square feet facing inward to the cabana service area informing guests that alcohol shall not removed from the area.

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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(10) Initial applications for a new cabana service area shall demonstrate an adequate number of toilets and/or urinals to service guests of the area will be in place at time of its operation. When an existing cabana service area was established prior to this requirement, the demonstration shall be made at time of request for renewal. No cabana service area shall start or continue to operate without an adequate number of operational permanent or temporary water closets necessary to meet Florida Building Code requirements. Any portable toilet placed to support this area shall meet requirements of this Code and the Land Development Code.

(11)~~k~~. Penalty. Violation of the above criteria will result in:

a~~1~~. First violation - written warning to the transient lodging facility.

b~~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.

c~~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.

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

Code of Ordinances Section 95-10.(i) is created as follows:

(i) *Special event approval for alcohol consumption on public and private beach lands.* Alcohol consumption on public and private beach lands not otherwise authorized through (h) preceding may be approved through a special event permit, as follows:

(1) *Public beach land.* The city commission may authorize the consumption of alcoholic beverages on public beach lands in connection with the approval of a special event permit issued pursuant to Article II of Chapter 26 of this Code.

(2) *Private beach land.* 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 or designee and shall include conditions necessary to protect the safety, health and welfare of the public. The upland **private property** 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.

Existing Code of Ordinances Section 14-35 is relocated to create Section 95-11, renamed, and amended as follows, with subsequent remaining section renumbered:

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

*** indicates text that is unaltered but to be left out of the document for purposes of brevity.

Sec. 14-~~35~~95-11. Dogs ~~P~~rohibited 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 kept and held on a leash of any substantial material and of a maximum length of eight feet at all times, 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 at all times.
 - c. Dogs must remain out of any dune vegetation, sea turtle and nesting bird habitat, 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 using the dog beach area must be at least four months old.~~
 - hi. Dogs must never be left unattended.
 - ij. Dogs "in heat" will not be allowed inside the dog beach area.
 - jk. Rawhide, food or any other consumable is not allowed inside the dog beach area.
 - kl. Dogs are the only type of animal permitted inside the dog beach area.
 - lm. 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.
- (c) Service animals as defined in this chapter are exempt from the prohibition of animals on the beach.

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

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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Section 95-12 is created as follows:

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.

Section 95-13 is created as follows:

Sec. 95-13. – Fishing on the beach.

(a) 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 and at that time.

(b) It shall be unlawful to chum the water when fishing for any species from the beach or when wade fishing in waters adjacent to a beach.

(c) 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.

Section 95-14 is created as follows:

Sec. 95-14. – Feeding or harassing wild birds, sea turtles and manatees prohibited on the beach.

(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.

Section 95-15 is created as follows:

Sec. 95-15. – Fireworks prohibited on the beach.

It shall be unlawful to possess or use any fireworks, including but not limited to sparklers, firecrackers, propellants, explosives, or any of the fireworks defined in F.S. § 791.01(4), on or over any beach of the City.

Section 95-16 is created as follows:

Sec. 95-16. – Micromobility devices, including bicycles, prohibited on the beach.

The riding of any micromobility device as defined in this Chapter 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 Sections 74-91 through 74-95.

Section 95-17 is created as follows:

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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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 or designee, 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.
- (c) Regulations particular to solicitation on private beaches may be found in Section 95-18 of this Code.

Section 62-59 is amended as follows:

Sec. 62-59.– Application; qualifications; contents

- (a) A solicitation permit may be obtained by written application of the person desiring to solicit. Such applicant shall be a legal adult or shall have obtained a work permit from a school. The solicitation permit shall contain the following information and shall be signed and sworn to by the applicant:
 - (1) Full name of applicant.
 - (2) The name of the business or property which the applicant is representing.
 - (3) Expiration date of the permit.
 - (4) A recent photograph of the applicant.
- (b) ~~For solicitation along the sand beach areas of the Gulf of Mexico, the permit shall be issued only after the property owner represented has demonstrated to the satisfaction of the director of planning and development that the sandy beach portion of the property is owned by the upland property owner.~~ Regulations specific to commercial solicitation in sand beach areas can be found in Section 95-18 of this Code and require consent of the upland property owner.

Existing Code of Ordinances Section 62-93 is relocated to create Section 95-18, renamed, and amended as follows:

Sec. 62-93.95-18. – ~~Specific restrictions on solicitation on sand beach areas.~~ Restrictions specific to commercial 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.~~ Commercial solicitation on sand beach areas shall comply with the requirements of this section in addition to Chapter 62 of this Code.

Items in ~~strikethrough~~ are to be deleted;

Items in underline are to be added.

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- (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.
- (bc) Except for boat and beach rentals, or as approved through a special event permit, solicitation shall be oral, with no display of wares.
- (ed) Signs shall be regulated as provided in chapter 122 pursuant to the City's Land Development Code.
- (de) Solicitation shall be confined to privately owned property, and solicitation shall not occur upon the public access beaches. At all times a solicitor shall be required to wear ~~his~~their city-issued solicitor's card on the outside of ~~his~~their 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.~~
- (gf) The upland business or property owner shall be responsible for the actions of solicitors employed by or representing ~~him~~them. The business or property owner shall be responsible for compliance with this Chapter by solicitors employed by or representing ~~him~~them, in addition to the citation to be issued to the solicitor.

Code of Ordinances Sec. 62-94 is renumbered as follows:

Sec. 62-9493. - Permitted hours for solicitation.

- (a) *House-to-house solicitation.* All persons engaged in commercial house-to-house sales and solicitations within the city shall be required to conduct their business between the hours of 11:00 a.m. and 4:00 p.m. Such sales and solicitations shall be prohibited before and after such hours, and activities subject to this section shall be prohibited on Sundays and legal holidays.

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- (b) *Other.* All persons engaged in commercial solicitation other than house-to-house, as provided in subsection (a) of this section, shall be required to conduct their business between sunrise and sunset.

Code of Ordinances Ch. 62 reservations are updated as follows:

Secs. ~~62-95~~94—62-120. - Reserved.

Existing Land Development Code Section 44.3. is transferred to create Section 95-19 and amended as follows, with remaining subsequent sections renumbered:

Sec. ~~44.3.~~95-19. - Prohibition of activities disruptive to marine turtles.

Marine turtles nesting season is from May 1 – October 31 (“nesting season”). 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 flashlights, cellphone flash or light, or other 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.
- (e) When preparing to leave the beach, beachgoers shall fill in any holes, remove beach chairs, umbrellas, towels, beach toys, sand sculptures, and any other objects created or placed by the beachgoer that could interfere with transit of nesting turtles or turtle hatchlings.

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(f) When windows of a beach-facing structure lacks treatment or other permanent occlusion to limit inside to outside visible light transmittal to less than 45%, blinds shall be closed each night.

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

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

Note: The following sections are being modified through companion Ordinance 2025-16, pertaining to wildlife-friendly lighting. To avoid confusion, existing adopted language was left out of this ordinance. Modifications made in Ordinance 2025-16, if adopted, will override the content shown as left out in the following sections.

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.

Existing Land Development Code Section 25.9. is transferred to create Section 95-20 and amended as follows, with remaining subsequent sections renumbered:

Sec. 25.9.95-20. – Permit or registration 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

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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. All maintenance activities, including trimming, shall require a permit from the City irrespective of whether the Florida Department of Environmental Protection requires a permit.

(c) *Recreational Activities.* Any organized recreational or entertainment activity, including but not limited to beach volleyball tournaments, skimboarding or surfing contests, or concerts, conducted on the beach shall be required to obtain the necessary special event permits and any other required permits through the city manager.

(d) *Commercial operations not occurring under a Business Tax Receipt or Special Event Permit.* When a business operates from or offers a service or event that involves use of the public beach, other than the placement of chairs, tables, cabanas and umbrellas as regulated in section 95-4, or those events authorized by and operated in compliance with the conditions of a city-issued special event permit, such event shall be registered with the city. Registration shall occur prior to each event for irregularly-scheduled or one-time events, or prior to the first event for regularly-scheduled events. By way of examples, these events shall include but not be limited to beach exercise excursions, photography sessions containing changing tents or lighting setups, yoga classes, catered dinners, and similar business-operated events.

Sec. 25.109. – Permitting procedures.

(a) *Development.* Applications for development of Gulf-front properties, including any proposed development activity regulated under this section, shall be required to submit a site plan in accordance with Division 5 of this Code. Prior to the issuance of any development order or other permit, the applicant shall provide copies of all required county and state permits.

(b) *Other activities.* Applications for non-development activities enumerated in section 25.3 shall be filed with the city manager for administrative approval.

Sec. 25.110. – Variances

Variances to this section may be sought under the procedures of section 3.13 of this Code.

Section 95-21. is created as follows:

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. 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

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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) Alcohol may be permitted on the beach in conjunction with a special event as regulated in Section 95-10.(i) of this Chapter.

Section 95-22 is created as follows:

Section 95-22.: Reserved

Ordinance 2025-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF ADOPTING A BEACH ORDINANCE; CREATING CHAPTER 95. BEACHES, SECTIONS 95-1 THROUGH 95-22; RELOCATING, RENAMING AND AMENDING SECTIONS IN CODE OF ORDINANCES DIVISIONS 6, 14, 58, 62, 74 AND 94; AND RELOCATING AND AMENDING SECTIONS IN LAND DEVELOPMENT CODE DIVISION 25 AND 44; PROVIDING A CONSOLIDATED ORDINANCE PERTAINING TO CONDUCT, BEHAVIOR, OPERATIONS, DEVELOPMENT, PERMITTING, AND MAINTENANCE ON THE CITY'S BEACHES; SPECIFYING PENALTIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

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

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

WHEREAS, management and enforcement of activities consistent with the designation of Preservation for the areas of the beach seaward of the Florida Coastal Construction Control Line is essential to preserve its aquatic resources, wildlife population and habitat, in order to maintain its environmental and recreational value; and

WHEREAS, the City's development regulations are intended to promote health and the general welfare, and prevent the overcrowding of land, prohibition on most forms of smoking and the use of Styrofoam on the beach, and other new and maintained limitations contained in this Ordinance, are intended to promote; and

WHEREAS, these regulations are carefully drafted with the intent of balancing the tourist trade and residential character of the City while providing for the continued enjoyment of natural resources and limiting the degradation of environmental resources along the City's beaches; and

WHEREAS, the City's beaches and parks are a valuable asset as the City is a large recreational and tourist community; and

WHEREAS, such beaches and parks are intended to be used solely for recreational purposes and not to be used for sleeping during nighttime hours; and

WHEREAS, the City Commission finds that the provisions of this Ordinance are necessary and are in the best interest of the citizens of and visitors to the City, and are necessary to promote the public health, safety and welfare of the community at large; and

WHEREAS, a business impact estimate pursuant to Florida Statute 166.041(4)(c)5 shall be prepared prior to final adoption of this Ordinance.

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

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

SECTION 2. The City Code and Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

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

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

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

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

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

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

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

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

CITY COMMISSION, CITY OF ST. PETE

BEACH, FLORIDA.

Adrian Petrila, Mayor

I, Renee Rose, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2025.

Renee Rose, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

City Attorney

Exhibit A

Code of Ordinances Sec. 58-1. - Definitions. is amended to add the terms “sunrise” and “sunset” as follows:

Senior means an individual 55 years of age or older.

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.

Youth means any individual between three and 17 years of age.

Code of Ordinances Sec. 58-26 – Prohibited activities in city parks and beaches. is amended to read as follows:

Sec. 58-26 – 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:

- (a) Sleep at any time during the hours from sunset to sunrise of the following day;
- (b) Construct any hut, shanty, or other shelter, except by special permit issued by the department in association with a special event, or as authorized by Section 95-4;
- (c) Discharge or deposit human wastes, except in toilet facilities provided by the city;
- (d) Drive, putt or otherwise hit golf balls;
- (e) Sleep as prohibited in Section 58-32 or otherwise be, or remain in any bushes, shrubs, or other foliage at any time; or
- (f) 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.
- (g) 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.
- (h) Place or use any polystyrene product.

Code of Ordinances Sec. 74-91 – Definitions is amended to revise the definition of “micromobility device” to the following:

Sec. 74-91 - Definitions

Electric personal assistive mobility device is any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.

Micromobility *device* means a motorized transportation device designed for individual use, which is typically 20 to 36 inches in width and 50 pounds or less in weight and which operates at a speed of typically less than 15 miles per hour but no more than 28 miles per hour. This term includes both a human-powered and a nonhuman-powered device such as a bicycle, electric bicycle, motorized scooter, or any other device that is owned by an individual or part of a shared fleet, including those that are made available for private use through an online application, website or software for point-to-point trips, as well as any electric personal assistive mobility device. However, this term shall not include devices required for and used by handicapped persons.

Micromobility *parking* is approved parking for micromobility devices.

Existing Code of Ordinances Section 94-70 is relocated to Section 58-32 and amended as follows:

Code of Ordinances Sec. 58-32. – 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) 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.
 - (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 in or on any public park, public beach, or any other public property within the corporate limits between sunset and sunrise of the following day, in the following locations:
- (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 be guilty of a misdemeanor in the second degree and, upon conviction, be subject to a fine not to exceed \$500.00 or imprisonment not to exceed 60 days.

Code of Ordinances Chapter 95 is created as follows:

Code of Ordinances Chapter 95. Beaches.

Code of Ordinances Sec. 95-1 is created as follows:

Sec. 95-1. – Intent and purpose.

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

Code of Ordinances Sec. 95-2 is created as follows:

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:

Animals means any domesticated or non-domesticated animal, but specifically does not include service animals.

Beach means the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiological form, or to the line of permanent vegetation, usually the effective limit of storm waves. When not proceeded by the terms “private” or “public” elsewhere in this ordinance, this term shall be inclusive of both.

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 shall have the same meaning as in section 74-91.

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 and must be permitted or maintained pursuant to the permit under which they were authorized.

Service animal shall have the same meaning as in F.S. § 413.08.

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 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.

Temporary structure means an assembly of materials, including structures such as but not limited to cabanas, beach chairs, tables, umbrellas, 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.

Zoning lot shall have the same meaning as in the Land Development Code.

Code of Ordinances Sec. 95-3 is created as follows:

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 22-287 and 22-288, 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.

Existing Code of Ordinances Sec. 94-66 and 94-67 are stricken, and Sec. 94-68. - Chairs, tables, umbrellas. is relocated, amended to read, and renamed to create Sec. 95-4 as follows:

Sec. 95-4. Chairs, tables, benches, cabanas, and 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, benches, tables or umbrellas, is in a location or is of a size which would interfere with the use of the 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 beach to allow such to remain upon such public beach between sunset and sunrise and each chair, bench, table or umbrella shall constitute a separate violation. This shall not apply to an entity operating in compliance with the conditions of an issued special event permit.
- (c) Any operation from a franchise to set up chairs, tables, umbrellas, or cabanas on or upon the beach shall register with the city. Franchises authorized, as of the date of this ordinance, to operate on any private beach through an issued business tax receipt shall be exempt from this requirement. However, upon the expansion of any existing operation or creation of any new operation on any private beach, or upon business tax receipt renewal for the upland entity, any franchise operating on any private beach shall be subject to this registration requirement.
- (d) It shall be considered a violation of this ordinance for a franchise to operate on any private beach without permission of the landowner.
- (e) The maximum tent size allowed on the public beach is 10 feet by 10 feet, except when a larger tent size is temporarily permitted within a designated area as part of an approved special event permit.
- (f) Any items left on the public beach out of compliance with this section may be disposed of by the City in its sole and absolute discretion.

Existing Code of Ordinances Sec. 94-69 is relocated to create Sec. 95-5, renamed, and amended to read as follows:

Sec. 95-5. Picnics, food consumption, and fire pits.

- (a) Picnics may be allowed on the beach subject to the regulations in subsection (b).
Consumption of alcohol may be allowed on the beach subject to the regulations in section 95-10.
- (b) Picnics and the consumption of food and nonalcoholic beverages shall be permitted on the beach, 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, litter or debris which may remain or be left from the consumption of such food or beverage. Depositing of refuse, litter or debris on the beach shall only be within a lawfully-provided container as authorized by the city.
 - (2) It shall be unlawful to build any fire for any purpose, including the cooking of food, within the sand beaches of the city, unless approved under subsection (c).
 - (3) Glass containers or bottles associated with the consumption of food or beverages shall be prohibited.

- (4) The use and possession of polystyrene products associated with any picnic or any food or beverage consumption on any public beach is prohibited. The use and possession of plastic straws associated with any picnic or any food or beverage consumption on any beach is prohibited.
- (c) Notwithstanding subsection (b)(2) of this section, the city commission, the city manager or their designee shall be entitled to issue a permit to authorize the building of a temporary beach fire pit. This authorization may contain conditions and requirements deemed appropriate by the city commission or city manager's designee, that considering the advice of the fire department, the considerations of the rights of nearby property owners and the best interests of the city and its residents and visitors, such a temporary beach fire is appropriate. Any person receiving authorization to build a fire shall agree in writing to comply fully with all requirements imposed by the city commission and/or city manager or designee. Absent such an authorization, open and/or uncontrolled flames on the beach shall be prohibited.
- (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. Signs shall contain language referencing the penalties for consumption of food, drinks, and creation of fires in violation of this section.

Existing Code of Ordinances Sec. 94-71 is relocated to create Sec. 95-6, renamed, and amended to read as follows:

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 or designee and the structure and development is in compliance with the following:

- (a) The tiki (or chickee) hut does not violate the terms of F.S. § 161.053.
- (b) The person applying for the tiki (or chickee) hut permit has the written approval of the upland property owner.
- (c) The applicant is licensed as a commercial watersport business and the tiki (or chickee) hut size, location, and placement meets all requirements contained in the City Code and Florida Statutes.
- (d) The tiki (or chickee) hut meets all requirements of the Florida Statutes, Florida Building Code, and the city's Land Development 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.

Existing Land Development Code Sec. 25.6. is stricken, with its content modified and amended into newly-created Sec. 95-6, with subsequent sections renumbered and newly-numbered Sec. 25.8 amended, as follows:

Sec. 95-6. – Tiki (or Chickee) huts.

- (e) Tiki (or chickee) huts shall be removed from the beach in the event of the issuance of a warning for a storm that, in the opinion of the city, is expected to be of sufficient strength to warrant such removal.
- (f) Any tiki (or chickee) hut or other similar structure placed or erected on the beach after the adoption of this Code without a permit from the city shall in violation of this Code and all remedies shall be sought in accordance with the provisions of section 3.16 of this Code.

Sec. 25.6. - Dune preservation and enhancement.

In accordance with F.S. Ch. 161, the St. Pete Beach Comprehensive Plan and this Code, dunes along the Gulf of Mexico with the city shall be protected, and such dunes will be enhanced under the provisions herein.

Sec. 25.7. - Development requirements.

- (a) Development on any Gulf-front property upon which no dune exists shall require the construction of a dune which shall be designed and constructed in accordance with the requirements of the Florida Department of Environmental Protection prior to the issuance of a certificate of occupancy.
- (b) Applicants for development on any Gulf-front property which has an existing dune and where such proposed development would alter any portion of the dune shall be required to file a plan in accordance with the requirements of the Florida Department of Environmental Protection for dune restoration. The restoration of the dune shall be completed prior to the issuance of a certificate of occupancy.

Sec. 25.8.- 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. Maintenance of a dune, including trimming, planting, and removal of vegetation within, shall require a permit from the city even in cases where the Florida Department of Environmental Protection waives or exempts such a requirement. With the authorization of the City Manager or designee, a continuing agreement for maintenance and/or replacement of dune vegetation may be implemented for a property owner or authorized entity of the property owner when not contrary to any requirement of the Florida Department of Environmental Protection.

Sec. 25.9. - Permitting procedures.

- (a) *Development.* Applications for development of Gulf-front properties, including any proposed development activity regulated under this section, shall be required to submit a site plan in accordance with Division 5 of this Code. Prior to the issuance of any

development order or other permit, the applicant shall provide copies of all required county and state permits.

- (b) *Other activities.* Applications for non-development activities enumerated in section 25.3 shall be filed with the city manager for administrative approval.

Sec. 25.10. - Variances.

Variances to this section may be sought under the procedures of section 3.13 of this Code.

Existing Code of Ordinances Sec. 94-72 is relocated to create Sec. 95-7 and amended to read as follows:

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.

Existing Code of Ordinances Section 94-73 is relocated to create Section 95-8 and amended to read as follows:

Sec. 95-8. – 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 or bicycle has been issued a “vehicle on the beach” permit under this section. Emergency or law enforcement vehicles are exempt and shall be coordinated through the city manager or designee.
- (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 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 approval has been granted.
- (d) *Insurance.* Based on the scope of activity, the city manager or designee may require the posting of a liability insurance policy protection 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 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 10 mph or any other limit later established per Land Development Code Section 6.12.(h)(3).

(g) *Exemptions.* A one-time exemption may be obtained per approval of the City Manager.

Chapter 94 reservations are updated as follows:

Code of Ordinances Secs. 94-66 – 94-79. – Reserved.

Existing Code of Ordinances Sec. 94-101 is relocated to create Sec. 95-9, renamed, and amended as follows:

Sec. 95-9. – Beach maintenance regulations.

(a) 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 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 seaward of the toe of the frontal dune, as long as the dune is not disturbed.
- (5) Additional requirements apply to the maintenance of dunes as found in Land Development Code Division 25.

Existing Code of Ordinances Sec. 94-102. is relocated to newly-created Sec. 95-9, with its content amended to read as follows:

(6) The following activities shall be prohibited on beaches:

- a. Mechanical beach cleaning within five feet of the toe of the dune.
- b. Mechanical beach cleaning equipment activities which disturb any natural beach vegetation.
- c. Penetration of the beach surface with mechanical beach cleaning equipment by more than two inches into the surface of the beach.
- d. Any mechanical beach cleaning during the period of February 15 through October 31 (covering shorebird and 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.

Existing Code of Ordinances Sec. 94-103. is relocated to Sec. 95-9, with its content amended to read as follows:

- (b) The city shall be exempt from permitting requirements of this section, but shall otherwise comply with all federal, state and local laws.

Chapter 94 reservations are updated as follows:

Code of Ordinances Secs. 94-101– 94-130. – Reserved.

Code of Ordinances Sec. 6-5 is amended to read as follows:

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

- (a) Except as provided in subsection (e) of this section, it shall be unlawful to drink or consume alcoholic beverages on or upon:
 - (1) All public streets.
 - (2) Any public sidewalk.
 - (3) Any city park.
- (b) Except as provided in Chapter 95, it shall be unlawful to drink or consume alcoholic beverages on or upon:
 - (1) All public beach lands.
 - (2) All private sand beach areas upland of the Gulf and adjacent to private property.
- (c) It shall be unlawful to drink or consume alcoholic beverages on or upon all sovereignty submerged land.
- (d) *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) through (c) of this section unless a permit has been issued pursuant to subsection (e) of this section or Chapter 95 of this code 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) and (b) of this section 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.
- (e) *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 non-beach 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. Regulations pertaining to consumption of alcohol on beach lands are as provided in Chapter 95 of this Code.
- (2) *Conditional use permit on public land.* The city commission may authorize the sale and consumption of alcoholic beverages in connection with the approval of a conditional use permit for an outdoor dining area or outdoor drinking area in the area described in subsection (a)(1) and (a)(2) as provided by the City of St. Pete Beach Land Development Code.

Code of Ordinances Sec. 95-10 is created as follows:

Code of Ordinances Sec. 95-10. – Smoking, starting of fires, depositing of litter and waste, and use of alcohol 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, except as may be approved through Section 95-10.(i)(1).
 - (2) All private beach lands, except as may be approved through Section 95-10.(h) or (i)(2).
- (b) It shall be unlawful for any person to carry on or about their person any open container of alcoholic beverages, whether the container is a bottle, can, carton or other form of container, on any beach or sovereignty submerged land adjacent to the beach except in those areas as permitted in subsection (a) preceding.
- (c) *Notices.* For public beach lands, notice of this section may be posted in prominent beach access locations by the city with appropriate locations determined by the city manager or designee. When upland property is used for some commercial use, including but not limited to hotels and resorts on the beach, and the beach is public or the commercial use lacks authorization for alcohol on the private beach, notice shall be posted by the owner facing landward of the dune line or Coastal Construction Control Line where no dune exists at an appropriate beach access location 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. When upland property contains fewer than three residential living units, the city's posting at the nearest beach access shall suffice to provide notice as required for this item.
- (d) Pursuant to F.S. 386.209, smoking and vaping (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.)

- (e) The starting or maintaining of fires and open flames on the beach is prohibited except where specifically allowed in this Chapter or in conjunction with an annual special event as approved by the fire marshal.
- (f) Discharge or deposit of human wastes is prohibited on the beach except within an approved and enclosed water closet, lavatory, or urinal.
- (g) Dumping of any litter as defined in F.S. 403.413 on the beach is prohibited, except within a container approved for such a purpose.

Existing Code of Ordinances Sec. 6-5.(d)(4) is amended and transferred into newly-created Sec. 95-10 to read as follows:

- (h) *Administrative approval for alcoholic beverages on private beach 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.
 - (1) 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.
 - (2) 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.
 - (3) 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).
 - (4) The cabana service area shall be no closer than 50 feet to the wet sand.
 - (5) The cabana service area's hours of operation shall be 10:00 am to 10:00 pm.
 - (6) 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.
 - (7) Glass and plastic straws are prohibited at all times on the sand beach.
 - (8) Patrons and/or guests are prohibited from bringing alcohol into the cabana service area.
 - (9) 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. Boundary markers shall be four-by-four wooden posts extending four to six feet above the sand and painted

a single contrasting color to the sand. The top of the markers shall be installed with signage of two to four square feet facing inward to the cabana service area informing guests that alcohol shall not removed from the area.

(10) Initial applications for a new cabana service area shall demonstrate an adequate number of toilets and/or urinals to service guests of the area will be in place at time of its operation. When an existing cabana service area was established prior to this requirement, the demonstration shall be made at time of request for renewal. No cabana service area shall start or continue to operate without an adequate number of operational permanent or temporary water closets necessary to meet Florida Building Code requirements. Any portable toilet placed to support this area shall meet requirements of this Code and the Land Development Code.

(11) Penalty. Violation of the above criteria will result in:

- a. First violation - written warning to the transient lodging facility.
- b. Second violation - written warning to the transient lodging with the stipulation that the permit will be revoked if additional violation occurs within six months.
- c. 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.

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

Code of Ordinances Sec. 95-10.(i) is created as follows:

(i) *Special event approval for alcohol consumption on public and private beach lands.* Alcohol consumption on public and private beach lands not otherwise authorized through (h) preceding may be approved through a special event permit, as follows:

- (1) *Public beach land.* The city commission may authorize the consumption of alcoholic beverages on public beach lands in connection with the approval of a special event permit issued pursuant to Article II of Chapter 26 of this Code.
- (2) *Private beach land.* 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 or designee and shall include conditions necessary to protect the safety, health and welfare of the public. The upland private property 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.

Existing Code of Ordinances Sec. 14-35 is relocated to create Sec. 95-11, renamed, and amended to read as follows, with subsequent remaining section renumbered:

Sec. 95-11. Dogs prohibited on 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 kept and held on a leash of any substantial material and of a maximum length of eight feet at all times, 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 wear appropriate ID tags at all times.
 - c. Dogs must remain out of any dune vegetation, sea turtle and nesting bird habitat, 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 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 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.
- (c) Service animals as defined in this chapter are exempt from the prohibition of animals on the beach.

Sec. 14-35. – Regulations for dogs in approved outdoor seating areas.

Sec. 95-12 is created as follows:

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 is created as follows:

Sec. 95-13. – Fishing on the beach.

- (a) 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 and at that time.
- (b) It shall be unlawful to chum the water when fishing for any species from the beach or when wade fishing in waters adjacent to a beach.
- (c) 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.

Sec. 95-14 is created as follows:

Sec. 95-14. – Feeding or harassing wild birds, sea turtles and manatees prohibited on the beach.

- (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 is created as follows:

Sec. 95-15. – Fireworks prohibited on the beach.

It shall be unlawful to possess or use any fireworks, including but not limited to sparklers, firecrackers, propellants, explosives, or any of the fireworks defined in F.S. § 791.01(4), on or over any beach of the City.

Sec. 95-16 is created as follows:

Sec. 95-16. – Micromobility devices, including bicycles, prohibited on the beach.

The riding of any micromobility device as defined in this Chapter 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 Sections 74-91 through 74-95.

Sec. 95-17 is created as follows:

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 or designee, 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.
- (c) Regulations particular to solicitation on private beaches may be found in Section 95-18 of this Code.

Sec. 62-59 is amended to read 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) Regulations specific to commercial solicitation in sand beach areas can be found in Section 95-18 of this Code and require consent of the upland property owner.

Existing Code of Ordinances Sec. 62-93 is relocated to create Sec. 95-18, renamed, and amended to read, with subsequent section renumbered, as follows:

Sec. 95-18. – Restrictions specific to commercial solicitation on sand beach areas.

- (a) Commercial solicitation on sand beach areas shall comply with the requirements of this section in addition to Chapter 62 of this Code.
- (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 rentals, or as approved through a special event permit, solicitation shall be oral, with no display of wares.
- (d) Signs shall be regulated pursuant to the City's Land Development Code.

- (e) Solicitation shall be confined to privately owned property, and solicitation shall not occur upon the public access beaches. At all times a solicitor shall be required to wear their city-issued solicitor's card on the outside of their clothing.
- (f) The upland business or property owner shall be responsible for the actions of solicitors employed by or representing them. The business or property owner shall be responsible for compliance with this Chapter by solicitors employed by or representing them, in addition to the citation to be issued to the solicitor.

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

- (a) *House-to-house solicitation.* All persons engaged in commercial house-to-house sales and solicitations within the city shall be required to conduct their business between the hours of 11:00 a.m. and 4:00 p.m. Such sales and solicitations shall be prohibited before and after such hours, and activities subject to this section shall be prohibited on Sundays and legal holidays.
- (b) *Other.* All persons engaged in commercial solicitation other than house-to-house, as provided in subsection (a) of this section, shall be required to conduct their business between sunrise and sunset.

Code of Ordinances Ch. 62 reservations are updated as follows:

Secs. 62-94—62-120. - Reserved.

Existing Land Development Code Sec. 44.3. is transferred to create Sec. 95-19 and amended to read as follows, with remaining subsequent sections renumbered:

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

Marine turtles nesting season is from May 1 – October 31 (“nesting season”). 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 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.
- (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.
- (e) When preparing to leave the beach, beachgoers shall fill in any holes, remove beach chairs, umbrellas, towels, beach toys, sand sculptures, and any other objects created or placed by the beachgoer that could interfere with transit of nesting turtles or turtle hatchlings.
- (f) When windows of a beach-facing structure lacks treatment or other permanent occlusion to limit inside to outside visible light transmittal to less than 45%, blinds shall be closed each night.
- (g) No person shall disturb a sea turtle or sea turtle nest.
- (h) All persons and property shall comply with any applicable sea turtle lighting provisions contained in the City's Land Development Code.

Note: existing content is not shown in these renumbered sections as they are proposed for modification under companion Ordinance 2025-16:

Sec. 44.3. – Standards for new beachfront lighting.

Sec. 44.4. – Standards for existing beachfront lighting.

Sec. 44.5. – Standards for publicly owned lighting.

Sec. 44.6. – Construction during nesting season.

Sec. 44. 7. – Enforcement.

Sec. 44.8. – Monitoring and reporting guidance.

Existing Land Development Code Section 25.9. is transferred to create Section 95-20 and amended to read as follows, with remaining subsequent sections of Land Development Code Division 25 renumbered:

Sec. 95-20. – Permit or registration 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. All maintenance activities, including trimming, shall require a permit from the City irrespective of whether the Florida Department of Environmental Protection requires a permit.
- (c) *Recreational Activities*. Any organized recreational or entertainment activity, including but not limited to beach volleyball tournaments, skimboarding or surfing contests, or concerts, conducted on the beach shall be required to obtain the necessary special event permits and any other required permits through the city manager.
- (d) *Commercial operations not occurring under a Business Tax Receipt or Special Event Permit*. When a business operates from or offers a service or event that involves use of the public beach, other than the placement of chairs, tables, cabanas and umbrellas as regulated in section 95-4, or those events authorized by and operated in compliance with the conditions of a city-issued special event permit, such event shall be registered with the city. Registration shall occur prior to each event for irregularly-scheduled or one-time events, or prior to the first event for regularly-scheduled events. By way of examples, these events shall include but not be limited to beach exercise excursions, photography sessions containing changing tents or lighting setups, yoga classes, catered dinners, and similar business-operated events.

Sec. 25.9. – Permitting procedures.

- (a) *Development*. Applications for development of Gulf-front properties, including any proposed development activity regulated under this section, shall be required to submit a site plan in accordance with Division 5 of this Code. Prior to the issuance of any development order or other permit, the applicant shall provide copies of all required county and state permits.
- (b) *Other activities*. Applications for non-development activities enumerated in section 25.3 shall be filed with the city manager for administrative approval.

Sec. 25.10. – Variances

Variances to this section may be sought under the procedures of section 3.13 of this Code.

Code of Ordinances Sec. 95-21. is created as follows:

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. 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) Alcohol may be permitted on the beach in conjunction with a special event as regulated in Section 95-10.(i) of this Chapter.

Code of Ordinances Sec. 95-22 is created as follows:

Section 95-22. - Reserved

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

Agenda Report

Agenda Title Name: Recommendation of Ordinance 2025-16 to the City Commission and Local Planning Agency: Modifying Land Development Code Division 44 to update and clarify standards for new and existing beachfront lighting, enforcement, and reporting, and reorienting the division title and content toward protection standards for all coastal wildlife

Action Request: Motion to recommend [approval/approval with modification/denial] of Ordinance 2025-16 to the Local Planning Agency and City Commission.

Strategic Objective:

Date: November 19, 2025

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: This ordinance is a modification of the draft submitted for Beach Stewardship Committee review at the October workshop, and has been modified to address comments provided at that meeting. Staff finds the most significant changes to the published workshop version of this ordinance to be the following:

- Modifying the title of the division to address turtles and other coastal wildlife. While most standards in this division were written to protect sea turtles, dark sky and darkened window requirements, prohibitions on fireworks, and other newly-introduced standards can also be of benefit to local bird populations and other coastal wildlife.
- Requiring all replacement windows and doors visible from the beach be wildlife-friendly with tinting to 30% visible light transmittance or less.
- Specify requirements for new construction,

additions, single window and door replacement, and other construction, as it applies to the implementation of the new construction standards found in Section 44.6.

- Require Florida-friendly or native plantings when used as a visual screen for existing lighting, and FDEP-recommended dune vegetation or a suitable alternative for dune plantings to be used for visual screening.
- Prohibiting fireworks fired from or over the beach during marine turtle nesting season, provided that stricter year-round prohibitions found in Chapter 95 are not adopted by the City Commission.
- Requiring year-end reports to be submitted to the City Commission and Beach Stewardship Committee.

Funding: N/A

Attachments:

1. Ordinance 2025-16 - Markup
2. Ord 2025-16 - Clean

Ordinance 2025-16

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF RENAMING LAND DEVELOPMENT CODE DIVISION 44 – MARINE TURTLE PROTECTION TO DIVISION 44 - MARINE TURTLE AND COASTAL WILDLIFE PROTECTIONS; AMENDING SECTIONS 44.1. THROUGH 44.9., AND ADOPTING SECTIONS 44.10 THROUGH 44.13., TO UPDATE TECHNICAL STANDARDS, CLARIFY REQUIREMENTS FOR NEW AND EXISTING DEVELOPMENT AND SPECIAL EVENTS, MODIFY PENALTIES, COMPLIANCE AND ENFORCEMENT MEASURES, SPECIFY RESPONSIBLE PARTIES, AND UPDATE DEFINITIONS, TO BETTER SERVE THE PURPOSE AND INTENT OF THE DIVISION AND ALIGN WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND FISH AND WILDLIFE COMMISSION BEST PRACTICES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the sand beaches of St. Pete Beach are frequently used as nesting activity for marine turtles, particularly loggerhead and green sea turtles; and

WHEREAS, the City’s wildlife partners have tracked numerous hatchling disorientations over the past years, including in 2025, which are often linked to the use of short wavelength bulbs, and/or lights that are not properly shielded and cut off; and

WHEREAS, the City’s existing marine turtle protection ordinance was evaluated as “somewhat ideal” by the Sea Turtle Conservancy in 2022; and

WHEREAS, the City’s ordinance provides a strong framework, but lacks some of the modern technical justification generated since its adoption in 2007, and can also benefit from clearer requirements for new and existing development, along with compliance and enforcement guidelines; and

WHEREAS, millions of birds die annually from collision with glass following disorientation from artificial lighting according to the American Bird Conservancy (2022)¹, and while eliminating interior artificial light as an attractor is only one of a set of collision-reducing efforts that should be undertaken, darkening windows can assist with eliminating disorientations among other coastal wildlife (U.S. Fish & Wildlife Service, n.d.)².

WHEREAS, the City’s Comprehensive Plan requires the City to conserve and improve its wildlife population and habitat; and

¹ American Bird Conservancy. (2022, May 12). Misguiding lights: American Bird Conservancy highlights artificial light’s link to bird-glass collisions. <https://abcbirds.org/news/new-lighting-collisions-recommendations/>.

² U.S. Fish & Wildlife Service. (n.d.). Threats to birds: Collisions (Buildings & glass). <https://www.fws.gov/story/threats-birds-collisions-buildings-glass>.

WHEREAS, these amendments are not intended to create greater burdens on existing or new development, but to clarify requirements for development in the context of the City’s existing definition for “construction” in Division 2 of the Land Development Code, and “tinted glass” in Division 44, to align standards with the research of King et. al (2025)³, Long et. al (2025)⁴, the Florida state model lighting ordinance, and local knowledge, among other sources; and

WHEREAS, these amendments are found to be consistent with the Land Development Code and Comprehensive Plan.

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

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

SECTION 2. The City Code and Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

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

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

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

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

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

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

³ King, E.J., Hofeister, K.M., Bosshard, S.C., Limpus, C.J., & Scales, K.L. (2015, July 16). To see in the dark: Assessing effects of LED streetlights on sea-finding in marine turtle hatchlings. *Wildlife Research*, 52(7). <https://doi.org/10.1071/WR24151>.

⁴ Long, T.M., Anderson, R., Ceriani, S.A., Frederick, C., Koperski, M., Shea, C.P., Wideroff, M., & Trindell, R.N. (2025, March). Can darker window tints reduce interior light impacts to hatchling sea turtles on developed coastlines? An experimental assessment. *Journal for Nature Conservation*, 84. <https://doi.org/10.1016/j.jnc.2025.126843>.

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

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

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

Adrian Petrila, Mayor

I, Renee Rose, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2025.

Renee Rose, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

City Attorney

Exhibit A

Note:

Words highlighted yellow in this Exhibit reference text that has been altered since the October workshop.

Words highlighted blue in this Exhibit are notes made to the Beach Stewardship Committee that explain a decision, and are not intended for codification.

Land Development Code Division 44 Marine Turtle Protection is amended as follows:

DIVISION 44 **MARINE TURTLE AND COASTAL WILDLIFE PROTECTIONS**

Sec. 44.1. Purpose and intent.

The purpose of this rule is to protect hatchling marine turtles, the city's coastal seabirds, and other coastal wildlife from the adverse effects of artificial lighting, provide overall improvement in marine turtle nesting habitat degraded by light pollution, and increase successful nesting activity and production of marine turtle hatchlings.

Sec. 44.2. Definitions.

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

Artificial light or *artificial lighting* means the light emanating from any human-made device.

Bollards means lighting consisting of short posts that incorporate a lighting element, including temporary staked lighting and other such structures that are installed low to the ground and typically used to illuminate a pathway.

Bug light or *bug type bulb* means ~~any yellow colored light bulb that is marketed as being specifically treated in such a way so as to reduce the attraction of bugs to the light.~~

Certified Wildlife Lighting means lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at <https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>.

City manager shall mean the City's Chief Executive Officer or their designee.

Coastal construction activities means any work or activity that is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.

Construction shall have the same meaning as in Division 2 of the Land Development Code.

Cumulatively illuminated means illuminated by numerous artificial light sources that ~~as a group illuminate any portion of~~ can be seen by an observer standing anywhere on the beach.

Directional fixture means an assembly that holds the lamp along with any globe, shade, or other covering surrounding the lamp that may be adjusted to concentrate or throw light in a specific direction.

Directly illuminated ~~visible~~ means ~~illuminated as a result of when~~ glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to can be seen by an observer standing anywhere on the beach.

Existing beachfront lighting means an artificial light source associated with a building, structure, roadway, parking lot, dune crossover, pier, beach walkway or beach access for which a permit was issued prior to the

adoption of this ordinance and such lighting is directly or indirectly visible from the beach. This term shall include those improvements and repairs further defined in Section 44.5 of this Division.

Floodlight means a reflector-type light fixture that may be attached directly to a building, other structure, or freestanding, and is unshielded.

Frontal dune means the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value to the beach environment.

Full cutoff means a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the fixture, is projected at or above 90° as determined by photometric test or certified by the fixture manufacturer.

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground which prevents beachfront lighting from shining directly onto the beach-dune system, including, but not limited to, hedges, native dune vegetation, privacy fences, walls, etc.

Hatchling means any species of marine turtle, within or outside of a nest that has recently hatched from an egg.

~~*Illuminated* means exposed to light from an artificial light source in a way that produces brightness detectable to an observer standing anywhere on the beach. A beach is illuminated if an observer standing anywhere on the beach can see light that has emanated from an artificial light source.~~

~~*Indirectly illuminated/visible* means illuminated as a result of light reflected from the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to an that can be seen by an observer standing anywhere on the beach, without the light source being directly visible.~~

Long wavelength means an amber, orange, or red lamp or bulb that has a light source emitting a light wavelength of 560 nanometers or greater and is absent wavelengths below 560 nanometers.

~~*Low-pressure sodium luminaire (LPS)* means an electric discharge lamp, containing sodium, neon, and argon, that when illuminated appears amber-yellow.~~

Low-profile luminaire means a light fixture set on a base which raises the source of light no higher than 48 inches above the ground, and is designed in such a way that light is directed downward from a hooded light source.

~~*Low-wattage bug light* means a bug light with no greater than 25-watt incandescence and no greater than nine-watt fluorescence.~~

Marine turtle means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempi* (Kemp's ridley). For purposes of this rule, marine turtle is synonymous with sea turtle.

Motorized vehicle means, but is not limited to, any self-propelled, wheeled, tracked, or belted conveyance.

Note to Beach Stewardship Committee: This definition was not changed as it applies specifically to parking lots as used in this Division, and is not interchangeable with micromobility devices as used in Chapter 95.

Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season means the period from May 1 through October 31 of each year.

New coastal construction means new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting where such lighting does or will at completion of work

be directly and/or indirectly visible from the beach. This term shall include those improvements further defined in Section 44.5 of this Division.

Nighttime means the locally effective time period between sunset and sunrise.

Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Point source of light means the actual light source such as the bulb, fluorescent tube, lamp, etc., from which light emanates.

Pole lighting means a light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Primary dune means the most seaward dune with sufficient alongshore continuity which has sufficient height and configuration or vegetation to offer protective value to the beach environment.

Publicly owned lighting means lighting installed by a public or private entity which is owned by, or rented or leased to, a governmental agency, or lighting installed on public property.

Red or amber light-emitting diodes (LED) means miniature lamps that emit pure red or amber light that does not vary in color over the life of the lamp. These lamps may be used in multiples to form strips of small lamps within a light fixture.

Shield means a nonreflective covering, canopy or other such device fitted over and extended below a light source preventing light from illuminating the beach. *Spotlight* means a light fixture having a narrow beam.

Shielded means a lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by a permanent opaque material to prevent them from being directly visible from the beach.

Temporary structure means any human-made structure or object with a location or arrangement that is temporary or transient in nature.

Tinted glass means any glass ~~treated~~ modified by tinting, film or other material that has ~~to achieve an industry-approved~~, inside-to-outside light transmittance value of 45~~30~~ percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

Transient lighting means ~~artificial~~ any non-permanent light sources that ~~are not affixed to a building or other structure~~ may be hand-held or portable including but not limited to tiki torches, lanterns, flashlights (including cell phone flashlights), candles, flash photography, etc. When used in the context of special event permitting, this term also means any non-permanent source associated with the special event to which it is associated, such as the temporary installation of a light fixture. ~~Transient lighting includes, but is not limited to, flashlights, fishing lanterns, flash photography, recreational fireworks, and vehicle headlights.~~

True neon means a tubular lamp containing neon gas that emits pure red light. Not to be confused with tubular fluorescent lamps, which may appear as various colors.

Uplight means a lighting source which is strategically located to light up features such as building facades, signs, and trees.

Visible from the beach, which not preceded by the modifier “directly” or “indirectly”, shall be inclusive of both.

Sec. 44.3. Responsible department.

St. Pete Beach Code Enforcement shall be the responsible department for the enforcement of this division.

Sec. 44.4. Certification of compliance.

- (a) The following shall be submitted and completed for any new coastal construction as classified in Section 44.6.:
- (1) All permit applications for new coastal construction shall include:
 - a. A statement that the construction will be compliant with the requirements of section 44.6;
 - b. Product specifications and/or plan references to certification numbers verifying that bulbs, fixtures, and other lighting elements required to meet the new coastal construction requirements of section 44.6. have Certified Wildlife Lighting certification. In absence of this certification, information deemed adequate to the city manager or designee that the lighting elements will be long wavelength, shielded, full cutoff, downward-directed, and/or mounted as low as possible, when required, shall suffice.
 - (2) Prior to certificate of occupancy or final inspection for a permit for new coastal construction, as relevant to the permit type, St. Pete Beach Code Enforcement reserves the right to schedule an inspection to certify compliance of the construction with Section 44.6., which may include a nighttime inspection. This inspection shall be a requirement for any new coastal construction utilizing bulbs or fixtures not certified by the Certified Wildlife Lighting program, unless waived in writing by the city manager or designee.
- (b) When existing beachfront lighting has been modified to comply with section 44.7., the property owner shall submit product specifications, Certified Wildlife Lighting certifications, or other detail deemed sufficient to the city manager or designee to demonstrate compliance.

Section 44.5. Classification of new coastal construction and existing lighting.

- (a) The following shall constitute new coastal construction for the purpose of this division:
- (1) Any construction of any new building, structure, or accessory structure where any exterior or interior light source is visible from the beach.
 - (2) Any redevelopment or partial reconstruction of any existing building, structure, or accessory structure where any exterior or interior light source is visible from the beach.
 - (3) Any replacement of any existing window or door, or remodel or repair of, or addition to, any building which:
 - a. Introduces a new or replaces an existing exterior light source;
 - b. Replaces any existing window or door visible from the beach;
 - c. Creates a new opening visible from the beach;
 - d. Widens or lengthens an existing opening visible from the beach;
 - e. Constitutes a substantial improvement to the building or structure; or,
 - f. Exchanges a window or door within an existing opening for the other, from which an interior light source is visible from the beach.
- (b) The following shall constitute existing lighting for the purpose of this division:
- (1) Existing lights in the interior of a building or structure that are visible from the beach through an existing opening that has not been replaced or modified subsequent to [specify adoption date of Ordinance 2025-16];
 - (2) Any exterior or interior light noncompliant with the new coastal construction requirements of Section 44.6 that is visible from the beach and was installed prior to August 14, 2007; and,

- (3) Repair of exterior light fixtures that were installed prior to August 14, 2007, that does not constitute a full replacement of the fixture, further expose the point source of the fixture's light, or cause greater direct or indirect illumination of the beach.
- (e) When a building, structure, or accessory structure is newly-constructed, redeveloped or substantially improved, the new construction standards of this Division shall apply to the entire building, structure, or accessory structure. When the newly-constructed, redeveloped or substantially improved building or structure is the primary structure on the property, the new construction standards of this Division shall also apply to the entire property. When an addition is constructed to a building and does not constitute a substantial improvement, the new construction standards of this Division shall apply to the addition. For all other construction associated with existing buildings and structures, including remodels and renovations that modify or replace the exterior of the structure, and one-for-one changeouts of windows, doors and exterior lighting fixtures where such construction does not constitute a substantial improvement to the building or structure, the new construction standards of this Division shall apply to the altered part(s) of the building or structure and/or replaced fixtures, windows and doors.~~See. 44.3. Prohibition of activities disruptive to marine turtles.⁵~~

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. 44.46. Standards for new beachfront lighting.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for artificial light sources on all new coastal construction shall be applied:

- (a) Exterior artificial light fixtures shall be designed and positioned so that:
- (1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;

⁵ Note: This section is being relocated to Chapter 95 under proposed Ordinance 2025-02. It is not being struck from the City's codes.

- (2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.
- (b) Exterior artificial light fixtures cumulatively, directly or indirectly illuminating the beach are considered appropriately designed if:
 - (1) Exterior lights are completely shielded downlight only fixtures or recessed fixtures ~~having low wattage Bug Type Bulbs, low pressure sodium vapor (LPS) bulbs, Red or Amber Light Emitting Diodes (LED), or True Neon light sources~~ producing long wavelength light as certified by and installed according to requirements of the Certified Wildlife Lighting program or as demonstrated through spectrometric inspection by the city manager, their designee, or a local wildlife protection program partner. Other fixtures that have appropriate light-blocking shields, louvers, or cut-off features may also be used if they are in compliance with subsection (a)(1); and (2); and (3) above; and
 - (2) All fixtures are mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and ground-level fixtures; and,
 - (3) Fixtures are full cutoff.
- (c) Floodlights, uplights or spotlights that ~~are directly, visible from the beach, or which~~ indirectly or cumulatively illuminate the beach, shall not be used.
- (d) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch hooded or shielded lights on for the minimum duration possible are preferred.
- (e) Only ~~low intensity~~ long wavelength recessed or louvered lighting, or other appropriate ~~low intensity~~ long wavelength lighting, shall be used on dune crossovers, walkovers, cut-throughs, and other means of access where permissible. All light fixtures on dune crosswalks must utilize ~~low wattage Bug Type Bulbs, low pressure sodium vapor (LPS) bulbs, Red or Amber Light Emitting Diodes (LED) or True Neon~~ long wavelength light sources. Dune crosswalk lighting seaward of the primary dune, or on the beach in areas where the primary dune no longer exists, shall not be used.
- (f) To the extent this regulation is not adverse to applicable state and federal public safety laws, pools, spas, and their accessory decks shall utilize long-wavelength and fully shielded bulbs and fixtures. Underwater lighting shall be mounted horizontally, long wavelength and not be directly or indirectly visible from the beach.
- (fg) Only ~~low intensity~~ long wavelength lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:
 - (1) Set on a low-profile luminaire; and
 - (2) Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.
- (gh) All newly constructed parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent lights (including vehicular headlights) from directly or indirectly illuminating the beach.
- (hi) Vehicular lighting, parking area lighting, and roadway lighting shall be modified or shielded from the beach through the use of ground-level barriers or external shields. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system.

- (ij) Tinted glass shall be installed on all windows and glass doors of single or multi-story structures ~~within line of sight of the beach~~ visible from the beach.
- (jk) Use of appropriately shielded ~~low-pressure sodium vapor~~ long wavelength lamps and fixtures shall be preferred for high-intensity lighting applications such as lighting parking areas and roadways, providing security, and similar applications.
- (kl) All of the above standards shall be met prior to the issuance of a certificate of occupancy.
- (lm) Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section. Said lighting shall not be mounted more than eight feet above the ground.

Sec. 44.57. Standards for existing beachfront lighting.

By July 1, 2008; all light sources or reflective surfaces illuminated by such sources that are visible from the beach shall be brought into compliance with the following standards:

- (a) Existing artificial light fixtures shall be repositioned, modified, or removed so that:
 - (1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - (2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.
- (b) The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:
 - (1) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;
 - (2) Replace fixtures having an exposed light source with fixtures containing recessed light sources or external shields;
 - (3) Replace traditional light bulbs (e.g. incandescent, fluorescent, and high intensity lighting) with ~~yellow Bug Type Bulbs,~~ the lowest-wattage long wavelength low-pressure sodium vapor (LPS) bulbs, or Red or Amber Light-Emitting Diodes (LED) or True Neon light sources available for the specific application. Unless preempted by law, replacement lighting shall be long wavelength;
 - (4) Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - (5) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (6) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (7) Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage ~~low-pressure sodium vapor lighting, yellow Bug Type Bulbs,~~ Red or Amber Light-Emitting Diodes (LED) ~~or True Neon light sources possible for the specific application. Unless preempted by law, replacement lighting shall be long wavelength;~~
 - (8) Plant or improve Floridan native or Florida friendly vegetation buffers between the light source and the beach to screen light from the beach. All dune plantings shall be those listed in the Florida Department of Environmental Protection (FDEP) Recommended Florida

Native Beach and Dune Plants for Beachfront Properties and Dune Restoration guide, or an approved alternative, and shall be planted only upon issuance of a permit from the City of St. Pete Beach and FDEP, as applicable;

- (9) Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system;
- (10) Permanently remove, disable or lock in off position any fixture which cannot be brought into compliance with the provisions of these standards.
- (c) One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
 - (1) Apply window tint or film to meet standards for tinted glass as defined in this division that meets the standards for tinted glass;
 - (2) Rearrange lamps and other moveable fixtures away from windows;
 - (3) Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; or
 - (4) Turn off unnecessary lights.

Sec. 44.68. Standards for publicly owned lighting.

All publicly owned lighting with light sources that are visible from the beach or that illuminate reflective surfaces that are visible from the beach, including but not limited to streetlights, parking lot lights, and beach access lighting, shall be:

- (a) Fitted with a shield or positioned so that the light source or any reflective surfaces illuminated by such sources are not visible from the beach and do not directly or indirectly illuminate the beach; or
- (b) Extinguished between sunset and sunrise, as defined in Code of Ordinances Chapter 95, from May 1 to October 31 of each year.

Sec 44.9. Special events utilizing light and use of fireworks during turtle season.

Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach shall not be authorized at nighttime during sea turtle nesting season. This prohibition shall be inclusive of any transient lighting associated with the special event, whether installed in a temporary manner or otherwise utilized as a feature of the special event such as through handheld use. The use of fireworks, including sparklers, firecrackers, propellants, explosives, or any of the fireworks defined in F.S. § 791.01(4), on or over any beach of the City, shall be prohibited during turtle nesting season. **Note to Beach Stewardship Committee: The preceding sentence will be left in only if the City Commission does not adopt the stricter year-round prohibition found in Ordinance 2025-02 (Ch. 95). If the stricter prohibition is adopted, this sentence will be changed to simply reference it.**

Sec. 44.710. Construction during nesting season.

- (a) During the nesting/hatching season, it shall be unlawful to construct any structure, excavate or place any fill, mechanically clean any beach, or grade any dirt within 100 feet of the nesting zone of a beach where marine turtles nest or may nest, without:
 - (1) Obtaining written approval from the Florida Department of Environmental Protection (FDEP) (F.A.C. 62B-33, F.S. ch. 161, and F.S. § 370.12); and
 - (2) Coordinating each activity by means of a written agreement with FWC-permitted sea turtle nest monitoring personnel holding a current and valid permit from the FWC for the specific area.

- (b) Construction activities, including use of temporary light sources, shall not interfere with marine turtle nesting, nests or hatching activities, shall preserve or replace any native vegetation on the site, and shall maintain the natural existing beach profile and minimize interference with the natural beach dynamics and function.

Sec. 44.811. Enforcement.

Periodic nighttime lighting inspections shall be performed from the beach to determine the extent of compliance with section 44.57 and 44.8. Inspections shall include both public and private properties within jurisdictional boundaries. Inspections shall be conducted by the city code enforcement department or other qualified person appointed or contracted by the city. ~~At least one compliance inspection of the beach shall be conducted at night prior to the commencement of the marine turtle nesting season and additional compliance inspections shall be conducted during the marine turtle nesting season until existing beachfront lighting has been brought into compliance.~~

Section 44.12. Penalties.

- (a) Violations of this division originating from any lighting associated with a permanent building, structure, or accessory structure, any constructed or installed outdoor lighting fixture, or any transient lighting associated with a temporary structure or special event associated with a property or properties, shall be cited to the property owner(s) and follow the procedure in section 22-276 of this Code. When a property has multiple light sources in violation of this division, each may be cited as a violation.
- (b) Violations of this division that originate from a transient lighting source unassociated with a special event, temporary structure, and/or that originate from individuals on the public beach shall be cited in accordance with the procedures in section 22-286 of this Code.
- (c) During marine turtle nesting season, any light source installed or placed upon any public property that is visible from the beach without prior authorization of the City may be removed without notice at the discretion of the city manager.

Sec. 44.913. Monitoring and reporting guidance.

The following information should be compiled by the city or qualified wildlife protection program partner on an annual basis and submitted to the Florida Fish and Wildlife Conservation Commission Marine Turtle Protection Program, with report made available to the City Commission and Beach Stewardship Committee:

- (a) Number of lighting applications reviewed;
- (b) Number of potential violations reported;
- (c) Number of potential violations investigated;
- (d) Disposition of all potential violations including results of enforcement actions and amounts of penalties assessed;
- (e) Results of compliance checks conducted prior to and during the marine turtle nesting season; and
- (f) Status of local lighting ordinances and any amendments to those ordinances.

Ordinance 2025-16

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF RENAMING LAND DEVELOPMENT CODE DIVISION 44 – MARINE TURTLE PROTECTION TO DIVISION 44 - MARINE TURTLE AND COASTAL WILDLIFE PROTECTIONS; AMENDING SECTIONS 44.1. THROUGH 44.9., AND ADOPTING SECTIONS 44.10 THROUGH 44.13., TO UPDATE TECHNICAL STANDARDS, CLARIFY REQUIREMENTS FOR NEW AND EXISTING DEVELOPMENT AND SPECIAL EVENTS, MODIFY PENALTIES, COMPLIANCE AND ENFORCEMENT MEASURES, SPECIFY RESPONSIBLE PARTIES, AND UPDATE DEFINITIONS, TO BETTER SERVE THE PURPOSE AND INTENT OF THE DIVISION AND ALIGN WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND FISH AND WILDLIFE COMMISSION BEST PRACTICES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the sand beaches of St. Pete Beach are frequently used as nesting activity for marine turtles, particularly loggerhead and green sea turtles; and

WHEREAS, the City’s wildlife partners have tracked numerous hatchling disorientations over the past years, including in 2025, which are often linked to the use of short wavelength bulbs, and/or lights that are not properly shielded and cut off; and

WHEREAS, the City’s existing marine turtle protection ordinance was evaluated as “somewhat ideal” by the Sea Turtle Conservancy in 2022; and

WHEREAS, the City’s ordinance provides a strong framework, but lacks some of the modern technical justification generated since its adoption in 2007, and can also benefit from clearer requirements for new and existing development, along with compliance and enforcement guidelines; and

WHEREAS, millions of birds die annually from collision with glass following disorientation from artificial lighting according to the American Bird Conservancy (2022)¹, and while eliminating interior artificial light as an attractor is only one of a set of collision-reducing efforts that should be undertaken, darkening windows can assist with eliminating disorientations among other coastal wildlife (U.S. Fish & Wildlife Service, n.d.)².

WHEREAS, the City’s Comprehensive Plan requires the City to conserve and improve its wildlife population and habitat; and

¹ American Bird Conservancy. (2022, May 12). Misguiding lights: American Bird Conservancy highlights artificial light’s link to bird-glass collisions. <https://abcbirds.org/news/new-lighting-collisions-recommendations/>.

² U.S. Fish & Wildlife Service. (n.d.). Threats to birds: Collisions (Buildings & glass). <https://www.fws.gov/story/threats-birds-collisions-buildings-glass>.

WHEREAS, these amendments are not intended to create greater burdens on existing or new development, but to clarify requirements for development in the context of the City’s existing definition for “construction” in Division 2 of the Land Development Code, and “tinted glass” in Division 44, to align standards with the research of King et. al (2025)³, Long et. al (2025)⁴, the Florida state model lighting ordinance, and local knowledge, among other sources; and

WHEREAS, these amendments are found to be consistent with the Land Development Code and Comprehensive Plan.

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

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

SECTION 2. The City Code and Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

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

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

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

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

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

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

³ King, E.J., Hofeister, K.M., Bosshard, S.C., Limpus, C.J., & Scales, K.L. (2015, July 16). To see in the dark: Assessing effects of LED streetlights on sea-finding in marine turtle hatchlings. *Wildlife Research*, 52(7). <https://doi.org/10.1071/WR24151>.

⁴ Long, T.M., Anderson, R., Ceriani, S.A., Frederick, C., Koperski, M., Shea, C.P., Wideroff, M., & Trindell, R.N. (2025, March). Can darker window tints reduce interior light impacts to hatchling sea turtles on developed coastlines? An experimental assessment. *Journal for Nature Conservation*, 84. <https://doi.org/10.1016/j.jnc.2025.126843>.

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

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

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

Adrian Petrila, Mayor

I, Renee Rose, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2025.

Renee Rose, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

City Attorney

Exhibit A

Land Development Code Division 44 Marine Turtle Protection is amended as follows:

DIVISION 44 MARINE TURTLE AND COASTAL WILDLIFE PROTECTIONS

Sec. 44.1. Purpose and intent.

The purpose of this rule is to protect hatchling marine turtles, the city's coastal seabirds, and other coastal wildlife from the adverse effects of artificial lighting, provide overall improvement in marine turtle nesting habitat degraded by light pollution, and increase successful nesting activity and production of marine turtle hatchlings.

Sec. 44.2. Definitions.

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

Artificial light or *artificial lighting* means the light emanating from any human-made device.

Bollards means lighting consisting of short posts that incorporate a lighting element, including temporary staked lighting and other such structures that are installed low to the ground and typically used to illuminate a pathway.

Certified Wildlife Lighting means lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at <https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>.

City manager shall mean the City's Chief Executive Officer or their designee.

Coastal construction activities means any work or activity that is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.

Construction shall have the same meaning as in Division 2 of the Land Development Code.

Cumulatively illuminated means illuminated by numerous artificial light sources that can be seen by an observer standing anywhere on the beach.

Directional fixture means an assembly that holds the lamp along with any globe, shade, or other covering surrounding the lamp that may be adjusted to concentrate or throw light in a specific direction.

Directly visible means when glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source can be seen by an observer standing anywhere on the beach.

Existing beachfront lighting means an artificial light source associated with a building, structure, roadway, parking lot, dune crossover, pier, beach walkway or beach access for which a permit was issued prior to the adoption of this ordinance and such lighting is directly or indirectly visible from the beach. This term shall include those improvements and repairs further defined in Section 44.5 of this Division.

Floodlight means a reflector-type light fixture that may be attached directly to a building, other structure, or freestanding, and is unshielded.

Frontal dune means the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value to the beach environment.

Full cutoff means a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the

fixture, is projected at or above 90° as determined by photometric test or certified by the fixture manufacturer.

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground which prevents beachfront lighting from shining directly onto the beach-dune system, including, but not limited to, hedges, native dune vegetation, privacy fences, walls, etc.

Hatchling means any species of marine turtle, within or outside of a nest that has recently hatched from an egg.

Indirectly visible means light reflected from the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source that can be seen by an observer standing anywhere on the beach, without the light source being directly visible.

Long wavelength means an amber, orange, or red lamp or bulb that has a light source emitting a light wavelength of 560 nanometers or greater and is absent wavelengths below 560 nanometers.

Low-profile luminaire means a light fixture set on a base which raises the source of light no higher than 48 inches above the ground, and is designed in such a way that light is directed downward from a hooded light source.

Marine turtle means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kemp* (Kemp's ridley). For purposes of this rule, marine turtle is synonymous with sea turtle.

Motorized vehicle means, but is not limited to, any self-propelled, wheeled, tracked, or belted conveyance.

Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season means the period from May 1 through October 31 of each year.

New coastal construction means new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting where such lighting does or will at completion of work be directly and/or indirectly visible from the beach. This term shall include those improvements further defined in Section 44.5 of this Division.

Nighttime means the locally effective time period between sunset and sunrise.

Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Point source of light means the actual light source such as the bulb, fluorescent tube, lamp, etc., from which light emanates.

Pole lighting means a light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Primary dune means the most seaward dune with sufficient alongshore continuity which has sufficient height and configuration or vegetation to offer protective value to the beach environment.

Publicly owned lighting means lighting installed by a public or private entity which is owned by, or rented or leased to, a governmental agency, or lighting installed on public property.

Shielded means a lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by a permanent opaque material to prevent them from being directly visible from the beach.

Temporary structure means any human-made structure or object with a location or arrangement that is temporary or transient in nature.

Tinted glass means any glass modified by tinting, film or other material that has inside-to-outside light transmittance value of 30 percent or less.

Transient lighting means any non-permanent light source that may be hand-held or portable including but not limited to tiki torches, lanterns, flashlights (including cell phone flashlights), candles, flash photography, etc. When used in the context of special event permitting, this term also means any non-permanent source associated with the special event to which it is associated, such as the temporary installation of a light fixture.

Visible from the beach, which not preceded by the modifier “directly” or “indirectly”, shall be inclusive of both.

Sec. 44.3. Responsible department.

St. Pete Beach Code Enforcement shall be the responsible department for the enforcement of this division.

Sec. 44.4. Certification of compliance.

- (a) The following shall be submitted and completed for any new coastal construction as classified in Section 44.6.:

- (1) All permit applications for new coastal construction shall include:

- a. A statement that the construction will be compliant with the requirements of section 44.6;
- b. Product specifications and/or plan references to certification numbers verifying that bulbs, fixtures, and other lighting elements required to meet the new coastal construction requirements of section 44.6. have Certified Wildlife Lighting certification. In absence of this certification, information deemed adequate to the city manager or designee that the lighting elements will be long wavelength, shielded, full cutoff, downward-directed, and/or mounted as low as possible, when required, shall suffice.

- (2) Prior to certificate of occupancy or final inspection for a permit for new coastal construction, as relevant to the permit type, St. Pete Beach Code Enforcement reserves the right to schedule an inspection to certify compliance of the construction with Section 44.6., which may include a nighttime inspection. This inspection shall be a requirement for any new coastal construction utilizing bulbs or fixtures not certified by the Certified Wildlife Lighting program, unless waived in writing by the city manager or designee.

- (b) When existing beachfront lighting has been modified to comply with section 44.7., the property owner shall submit product specifications, Certified Wildlife Lighting certifications, or other detail deemed sufficient to the city manager or designee to demonstrate compliance.

Section 44.5. Classification of new coastal construction and existing lighting.

- (a) The following shall constitute new coastal construction for the purpose of this division:

- (1) Any construction of any new building, structure, or accessory structure where any exterior or interior light source is visible from the beach.
- (2) Any redevelopment or partial reconstruction of any existing building, structure, or accessory structure where any exterior or interior light source is visible from the beach.
- (3) Any replacement of any existing window or door, or remodel or repair of, or addition to, any building which:
 - a. Introduces a new or replaces an existing exterior light source;

- b. Replaces any existing window or door visible from the beach;
 - c. Creates a new opening visible from the beach;
 - d. Widens or lengthens an existing opening visible from the beach;
 - e. Constitutes a substantial improvement to the building or structure; or,
 - f. Exchanges a window or door within an existing opening for the other, from which an interior light source is visible from the beach.
- (b) The following shall constitute existing lighting for the purpose of this division:
- (1) Existing lights in the interior of a building or structure that are visible from the beach through an existing opening that has not been replaced or modified subsequent to [specify adoption date of Ordinance 2025-16];
 - (2) Any exterior or interior light noncompliant with the new coastal construction requirements of Section 44.6 that is visible from the beach and was installed prior to August 14, 2007; and,
 - (3) Repair of exterior light fixtures that were installed prior to August 14, 2007, that does not constitute a full replacement of the fixture, further expose the point source of the fixture's light, or cause greater direct or indirect illumination of the beach.
- (c) When a building, structure, or accessory structure is newly-constructed, redeveloped or substantially improved, the new construction standards of this Division shall apply to the entire building, structure, or accessory structure. When the newly-constructed, redeveloped or substantially improved building or structure is the primary structure on the property, the new construction standards of this Division shall also apply to the entire property. When an addition is constructed to a building and does not constitute a substantial improvement, the new construction standards of this Division shall apply to the addition. For all other construction associated with existing buildings and structures, including remodels and renovations that modify or replace the exterior of the structure, and one-for-one changeouts of windows, doors and exterior lighting fixtures where such construction does not constitute a substantial improvement to the building or structure, the new construction standards of this Division shall apply to the altered part(s) of the building or structure and/or replaced fixtures, windows and doors.

Sec. 44.6. Standards for new beachfront lighting.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for artificial light sources on all new coastal construction shall be applied:

- (a) Exterior artificial light fixtures shall be designed and positioned so that:
 - (1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - (2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.
- (b) Exterior artificial light fixtures cumulatively, directly or indirectly illuminating the beach are considered appropriately designed if:
 - (1) Exterior lights are completely shielded downlight only fixtures or recessed fixtures producing long wavelength light as certified by and installed according to requirements of the Certified Wildlife Lighting program or as demonstrated through spectrometric inspection by the city manager, their designee, or a local wildlife protection program partner. Other fixtures that have appropriate light-blocking shields, louvers, or cut-off features may also be used if they are in compliance with subsection (a)(1) and (2) above;

- (2) All fixtures are mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and ground-level fixtures; and,
- (3) Fixtures are full cutoff.
- (c) Floodlights, uplights or spotlights that directly, indirectly or cumulatively illuminate the beach, shall not be used.
- (d) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch hooded or shielded lights on for the minimum duration possible are preferred.
- (e) Only long wavelength recessed or louvered lighting, or other appropriate long wavelength lighting, shall be used on dune crossovers, walkovers, cut-throughs, and other means of access where permissible. All light fixtures on dune crosswalks must utilize long wavelength light sources. Dune crosswalk lighting seaward of the primary dune, or on the beach in areas where the primary dune no longer exists, shall not be used.
- (f) To the extent this regulation is not adverse to applicable state and federal public safety laws, pools, spas, and their accessory decks shall utilize long-wavelength and fully shielded bulbs and fixtures. Underwater lighting shall be mounted horizontally, long wavelength and not be directly or indirectly visible from the beach.
- (g) Only long wavelength lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:
 - (1) Set on a low-profile luminaire; and
 - (2) Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.
- (h) All newly constructed parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent lights (including vehicular headlights) from directly or indirectly illuminating the beach.
- (i) Vehicular lighting, parking area lighting, and roadway lighting shall be modified or shielded from the beach through the use of ground-level barriers or external shields. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system.
- (j) Tinted glass shall be installed on all windows and glass doors of single or multi-story structures visible from the beach.
- (k) Use of appropriately shielded long wavelength lamps and fixtures shall be preferred for high-intensity lighting applications such as lighting parking areas and roadways, providing security, and similar applications.
- (l) All of the above standards shall be met prior to the issuance of a certificate of occupancy.
- (m) Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section. Said lighting shall not be mounted more than eight feet above the ground.

Sec. 44.7. Standards for existing beachfront lighting.

By July 1, 2008; all light sources or reflective surfaces illuminated by such sources that are visible from the beach shall be brought into compliance with the following standards:

- (a) Existing artificial light fixtures shall be repositioned, modified, or removed so that:
 - (1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - (2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.
- (b) The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:
 - (1) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;
 - (2) Replace fixtures having an exposed light source with fixtures containing recessed light sources or external shields;
 - (3) Replace traditional light bulbs (e.g. incandescent, fluorescent, and high intensity lighting) with the lowest-wattage long wavelength low-pressure sodium vapor (LPS) bulbs or Red or Amber Light-Emitting Diodes (LED) light sources available for the specific application. Unless preempted by law, replacement lighting shall be long wavelength;
 - (4) Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - (5) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (6) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (7) Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage Red or Amber Light-Emitting Diodes (LED) source possible for the specific application. Unless preempted by law, replacement lighting shall be long wavelength;
 - (8) Plant or improve Floridan native or Florida friendly vegetation buffers between the light source and the beach to screen light from the beach. All dune plantings shall be those listed in the Florida Department of Environmental Protection (FDEP) *Recommended Florida Native Beach and Dune Plants for Beachfront Properties and Dune Restoration* guide, or an approved alternative, and shall be planted only upon issuance of a permit from the City of St. Pete Beach and FDEP, as applicable;
 - (9) Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system;
 - (10) Permanently remove, disable or lock in off position any fixture which cannot be brought into compliance with the provisions of these standards.
- (c) One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
 - (1) Apply window tint or film to meet standards for tinted glass as defined in this division;
 - (2) Rearrange lamps and other moveable fixtures away from windows;
 - (3) Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; or

- (4) Turn off unnecessary lights.

Sec. 44.8. Standards for publicly owned lighting.

All publicly owned lighting with light sources that are visible from the beach or that illuminate reflective surfaces that are visible from the beach, including but not limited to streetlights, parking lot lights, and beach access lighting, shall be:

- (a) Fitted with a shield or positioned so that the light source or any reflective surfaces illuminated by such sources are not visible from the beach and do not directly or indirectly illuminate the beach; or
- (b) Extinguished between sunset and sunrise, as defined in Code of Ordinances Chapter 95, from May 1 to October 31 of each year.

Sec 44.9. Special events utilizing light and use of fireworks during turtle season.

Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach shall not be authorized at nighttime during sea turtle nesting season. This prohibition shall be inclusive of any transient lighting associated with the special event, whether installed in a temporary manner or otherwise utilized as a feature of the special event such as through handheld use. The use of fireworks, including sparklers, firecrackers, propellants, explosives, or any of the fireworks defined in F.S. § 791.01(4), on or over any beach of the City, shall be prohibited during turtle nesting season.

Sec. 44.10. Construction during nesting season.

- (a) During the nesting/hatching season, it shall be unlawful to construct any structure, excavate or place any fill, mechanically clean any beach, or grade any dirt within 100 feet of the nesting zone of a beach where marine turtles nest or may nest, without:
 - (1) Obtaining written approval from the Florida Department of Environmental Protection (FDEP) (F.A.C. 62B-33, F.S. ch. 161, and F.S. § 370.12); and
 - (2) Coordinating each activity by means of a written agreement with FWC-permitted sea turtle nest monitoring personnel holding a current and valid permit from the FWC for the specific area.
- (b) Construction activities, including use of temporary light sources, shall not interfere with marine turtle nesting, nests or hatching activities, shall preserve or replace any native vegetation on the site, and shall maintain the natural existing beach profile and minimize interference with the natural beach dynamics and function.

Sec. 44.11. Enforcement.

Periodic nighttime lighting inspections shall be performed from the beach to determine the extent of compliance with sections 44.7 and 44.8. Inspections shall include both public and private properties within jurisdictional boundaries. Inspections shall be conducted by the city code enforcement department or other qualified person appointed or contracted by the city.

Section 44.12. Penalties.

- (a) Violations of this division originating from any lighting associated with a permanent building, structure, or accessory structure, any constructed or installed outdoor lighting fixture, or any transient lighting associated with a temporary structure or special event associated with a property or properties, shall be cited to the property owner(s) and follow the procedure in section 22-276 of this Code. When a property has multiple light sources in violation of this division, each may be cited as a violation.

- (b) Violations of this division that originate from a transient lighting source unassociated with a special event, temporary structure, and/or that originate from individuals on the public beach shall be cited in accordance with the procedures in section 22-286 of this Code.
- (c) During marine turtle nesting season, any light source installed or placed upon any public property that is visible from the beach without prior authorization of the City may be removed without notice at the discretion of the city manager.

Sec. 44.13. Monitoring and reporting guidance.

The following information should be compiled by the city or qualified wildlife protection program partner on an annual basis and submitted to the Florida Fish and Wildlife Conservation Commission Marine Turtle Protection Program, with report made available to the City Commission and Beach Stewardship Committee:

- (a) Number of lighting applications reviewed;
- (b) Number of potential violations reported;
- (c) Number of potential violations investigated;
- (d) Disposition of all potential violations including results of enforcement actions and amounts of penalties assessed;
- (e) Results of compliance checks conducted prior to and during the marine turtle nesting season;
and
- (f) Status of local lighting ordinances and any amendments to those ordinances.