

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

Agenda Report

Agenda Title Name: First Reading Ordinance 2025-02: Creating Chapter 95. Beaches of the City Code of Ordinances, and adopting and modifying standards pertaining primarily to behavior, conduct, development, permitting, and maintenance on and of the City's beaches

Action Request: Motion to [approve/approve with modifications/deny/continue to [specify date certain]] the first reading of Ordinance 2025-02.

Strategic Objective: Sustainability, Community Prosperity

Date: June 9, 2026

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: This version of this ordinance is a major modification of a draft originally intended for adoption by the City Commission at the March 10, 2025 regular meeting. When compared with the last publication of this item in the agenda at that meeting, this version principally removes content that placed stricter regulations on resort beachfront amenity spaces, cabanas service areas, and also eliminates stricter requirements for relocation of beach furniture during turtle season.

The timeline for presentations and modifications to this ordinance after that date is as follows:

August 20, 2025: Staff shares rewritten draft ordinances with the Beach Stewardship Committee, removing most of the new development-related regulations that were determined to be preempted by Senate Bill 180 (2025).

September 16, 2025: Staff hosts a workshop with the Beach Stewardship Committee to discuss modifications to the draft ordinance.

November 19, 2025: The Beach Stewardship

Committee recommends Ordinance 2025-02 to the City Commission at a vote of 4-1 with amendments made following the September meeting, including as significant amendments a prohibition on fireworks over the beach at all times, prohibition of use of extruded polystyrene products on the beach, requiring regulations of franchises that operate on the public beach, and requiring registrations for small pop-up events that are not otherwise regulated through special event permits, among other changes.

December 15, 2025: The Planning Board recommends Ordinance 2025-02 to the City Commission at a vote of 3-2, with recommendations pertaining to allowing fireworks from barges, clarification on forms of polystyrene prohibited, consistency in language, and including drones and lasers as examples of harassment.

February 5, 2026: Staff meets with hoteliers and Tampa Bay Beaches Chamber of Commerce to discuss concerns with Ordinance 2025-02, and agrees to bring back a version that more clearly outlines prohibitions applicable to public, private, and all beach lands.

March 30, 2026: Staff meets with hoteliers and Tampa Bay Beaches Chamber of Commerce a second time to share the revised draft ordinance, which substantially rearranges but otherwise preserves the content of the ordinance, with the exception of additional regulations pertaining to permitting timeframes and requirements for special events, and specified state-aligned setbacks for fireworks from active shorebird sites.

May 18, 2026: Representative for the hoteliers returns a markup of the ordinance, which requested changes as follows:

- Modification to Sec. 95-8.(b)(10), allowing hoteliers to count operational toilets and urinals in common area toward new cabana service area requirement
 - **Outcome:** Agreed to by Staff and included in the Ordinance with clarification that they count only when within the distance required by the Florida Building Code.
- Modification to Sec. 95-10.(n)(5), allowing tinting of glass visible from the beach to 40%

visible light transmittance instead of 30% as proposed by Staff, and as had been recommended by the Beach Stewardship Committee and Planning Board

- **Outcome:** Staff agreed to align the tint requirement with the more restrictive of the adopted Pinellas County Coastal Construction Code or the Model Lighting Ordinance published by the Florida Department of Environmental Protection. If and when either document requires or recommends a more restrictive tinting requirement than 45%, the City will begin to enforce the higher standard. This was accepted by the hotelier's representative.
- Removing restrictions on use of fireworks over the private beach lands except when in violation of the National Fire Protection Association, or when it poses a determined threat to public or protected wildlife safety, and setting an unspecified (later clarified to 200 feet) setback for fireworks from active breeding or nesting sites.
 - **Outcome:** Staff made no changes to the ordinance based on this item, other than clarifying that use of fireworks on or over the beach requires a special event permit, and separating sparklers from other types of fireworks to align with applicable statutory definitions. Both the Beach Stewardship Committee and Planning Board recommended a prohibition on fireworks over the sand beaches in the City. Staff will present an array of options at the first reading for this request.

Funding: N/A

Attachments:

1. Ordinance 2025-02 Presentation
2. Ordinance 2025-02
3. Exhibit A - Clean
4. Exhibit A - Markup
5. Hotelier Requests



Ordinance 2025-02
Conduct, Behavior, Operations,
Development, Permitting, and
Maintenance of the City's Beaches

History

- This item was last presented to the City Commission in March 2025.
- Following that meeting, Staff has sectioned out content to two separate ordinances:
 - **Ordinance 2025-02:** Conduct, behavior, permitting, operations, maintenance, and special events
 - **Ordinance 2025-16:** Wildlife lighting
 - **Potential future ordinance (unnumbered):** Development and regulations for beach furniture and cabana service areas
 - Content in Ordinance 2025-02 was rewritten to avoid conflict with SB 180, which preempts most new and more stringent development regulations. Preempted content may be discussed more in the future.

Intervening meetings:

- Beach Stewardship Committee: August, September, and November 2025
- Planning Board: December 2025
- Hoteliers & Tampa Bay Beaches Chamber of Commerce: February and March 2026

New Prohibitions (All beach lands)

- Fireworks on or over the beach, and within 0.75 miles of active shorebird nests and breeding sites.
- Micromobility devices, including bicycles, except for:
 - Personal assistive devices for individuals with mobility disabilities, operated at or under 10 MPH;
 - Devices authorized under a special event permit;
 - Devices authorized under a vehicle on the beach permit for authorized commercial activities and maintenance operations;
 - Devices used for public safety purposes.



Photo from Austin Kirk on Flickr. Retrieved from <https://www.flickr.com/photos/aukirk/9571717781>



Photo from Burst on Negative Space. Retrieved from <https://negativespace.co/bike-on-the-beach-boardwalk/>

New Prohibitions (Public beach lands)

- Smoking and vaping, except for cigars;
- Use of disposable white foam products;
- Leaving unattended fishing lines;
- Operating a business without first registering with the City.



Resort cabana service area modifications

- Removed requirements for wristbands and limitation on use of areas for registered guests only.
- Added requirement for lodging facilities to demonstrate adequate toilets and urinals for its cabana service area.

Special event requirements

- Registration is required for businesses operating an event or activity on public beach lands.
- Examples
 - Yoga classes
 - Photography setups
 - Catered dinners
 - Etc.
- New special event deadlines:
 - 90 days for all events
 - 180 days for events requiring City Commission approval.

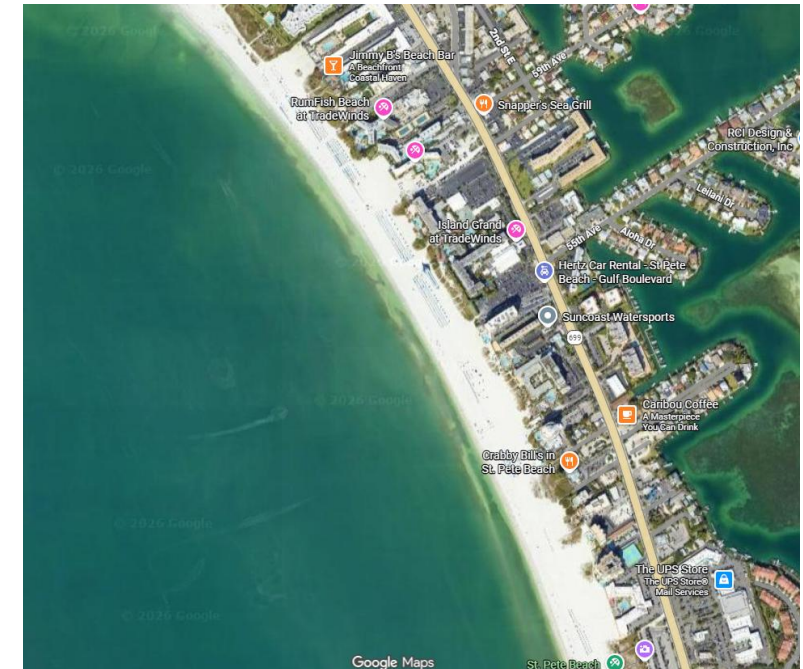


Image from Google Maps

Beach Stewardship Committee Input

- Follows workshop discussion in September 2025, and 4-1 recommendation in November 2025.
- Major changes made prior to and following the hearing:
 - Added requirement for business operations and large gatherings to register with the City.
 - Added ban on fireworks on or over all areas of the beach at all times.
 - Added ban on plastic straws.
 - Removed wristband and registered guest requirements for the use of lodging facility cabana service areas.
 - Clarified requirement for a permit for vegetation trimming or maintenance on the beach from the City, even when waived by Florida Department of Environmental Protection.
 - Expanded locational prohibition on mechanical beach cleaning to include shorebird breeding and nesting seasons.
 - Increasing responsibility on the individual to avoid violations of the City's alcohol regulation laws.
 - Removed permit exemption for micromobility and bike devices on all beach lands, authorizing bikes and other devices only for accessibility, public safety, and specific authorized uses.
 - Added prohibitions on chumming and leaving of unattended fishing lines.

Planning Board Input

- Recommended 3-2 at the December 2025 Planning Board hearing.
- Changes made following the hearing included:
 - Adding flashlights to list of prohibition means of harassment of marine turtles, and prohibiting harassment by drones.
 - Explicitly allowing fireworks from barges.
 - Specifically prohibiting foam polystyrene, not all plastic products.
 - Removing redundancies.
 - Address errors and inconsistencies in terminology.

Initial Hotelier/TBBCC Input

- At request of hoteliers present at meetings held in Winter and Spring 2026, Staff significantly revised the format of the ordinance to more clearly identify prohibited actions and conduct on the beach lands.
 - Created three new sections addressing prohibitions on all, public, and private, beach lands.
- Staff also added additional content setting longer review timeframes for special events and events that require City Commission approval.



City of St. Pete Beach Event Application

Applicant

Name of Applicant:*	Title (If applicable):	
<input type="text"/>	<input type="text"/>	
Name of Organization (if applicable):		
<input type="text"/>		
Tax Exempt? (Yes or No)*	Non-Profit? (Yes or No)*	If yes on either please provide documentation
<input type="text"/>	<input type="text"/>	
Mailing Address:*		
<input type="text"/>		
Cell Phone:*	Email Address:*	
<input type="text"/>	<input type="text"/>	

Event Information



Hotelier Input Modifications

Staff has made additional modifications to the ordinance to address two of the three concerns identified by hoteliers present at meetings held with staff in early 2026:

Request	Ordinance 2025-02 Change	Concern Addressed?
Allowing operational restrooms within a lodging facility to count toward the cabana service area requirement.	Restrooms will count if within the distance specified by the Florida Building Code.	Yes
Allow visible light transmittance (VLT) of 40% for new windows and when new tint is required, instead of 30% as proposed.	Aligned with the stricter of the Pinellas Coastal Construction Code or published Florida Department of Environmental Protection model ordinance, which both currently specify 45% VLT.	Yes. If the mandatory construction code or voluntary model ordinance are updated to a lesser VLT in the future, the local ordinance will reflect that higher standard.
Allow fireworks 200 feet from active breeding and nesting sites on private beach lands.	No change. Fireworks are proposed to be prohibited on or over all beach lands and within 0.75 miles of active breeding and nesting sites.	No

Beach Firework Prohibition Proposals

Current Standard

No outright prohibition. Fireworks discretionary under special event permits and subject to applicable fire codes.

Hotelier Proposal

Minimum 200-foot setback from active breeding and nesting sites on private beach lands.

FWC Guidance

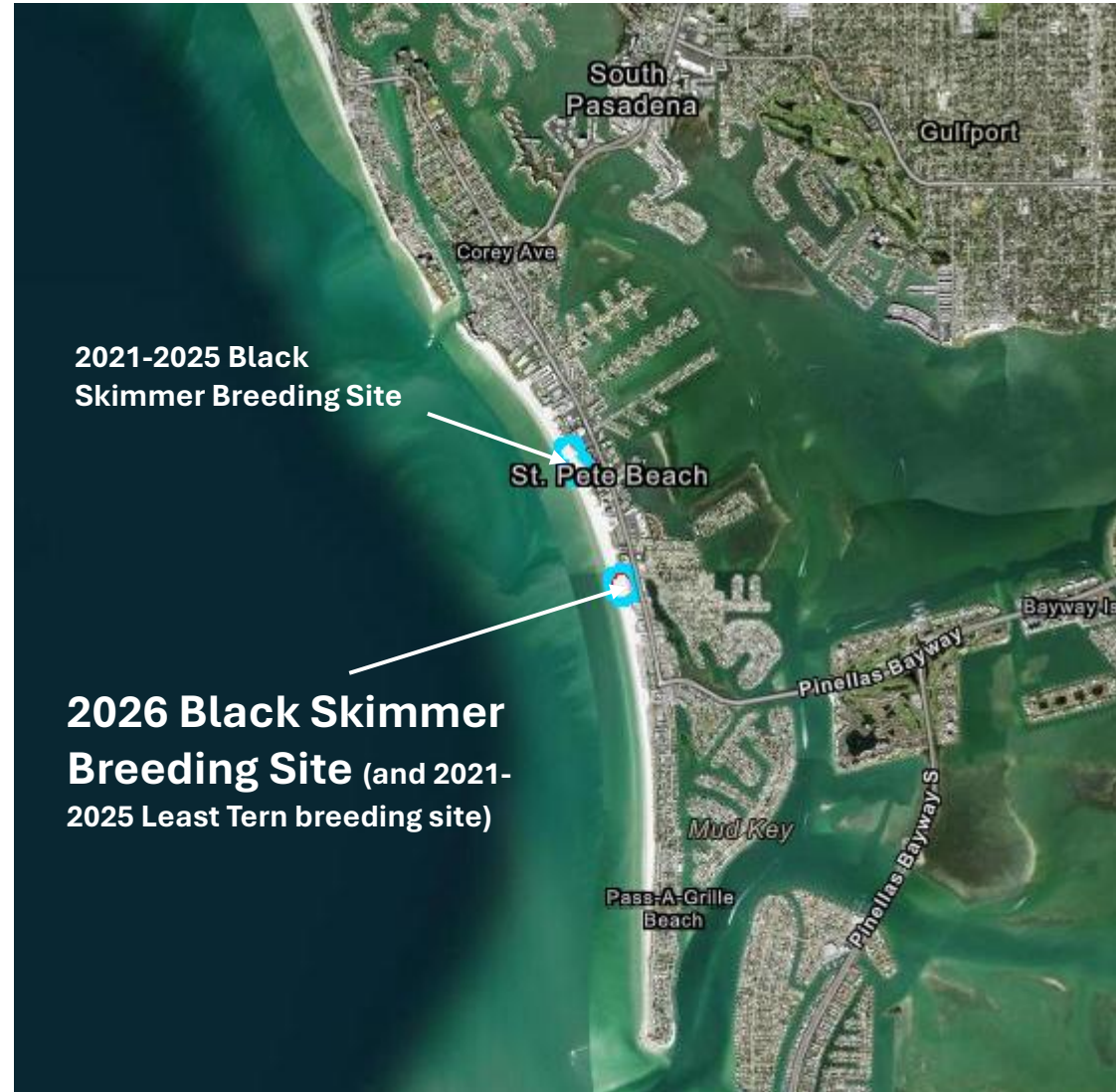
Fireworks should be at least 0.75 miles from active breeding and nesting sites, unless a lesser distance is authorized and supported by sound models or birds are acclimated.

Ordinance Proposal

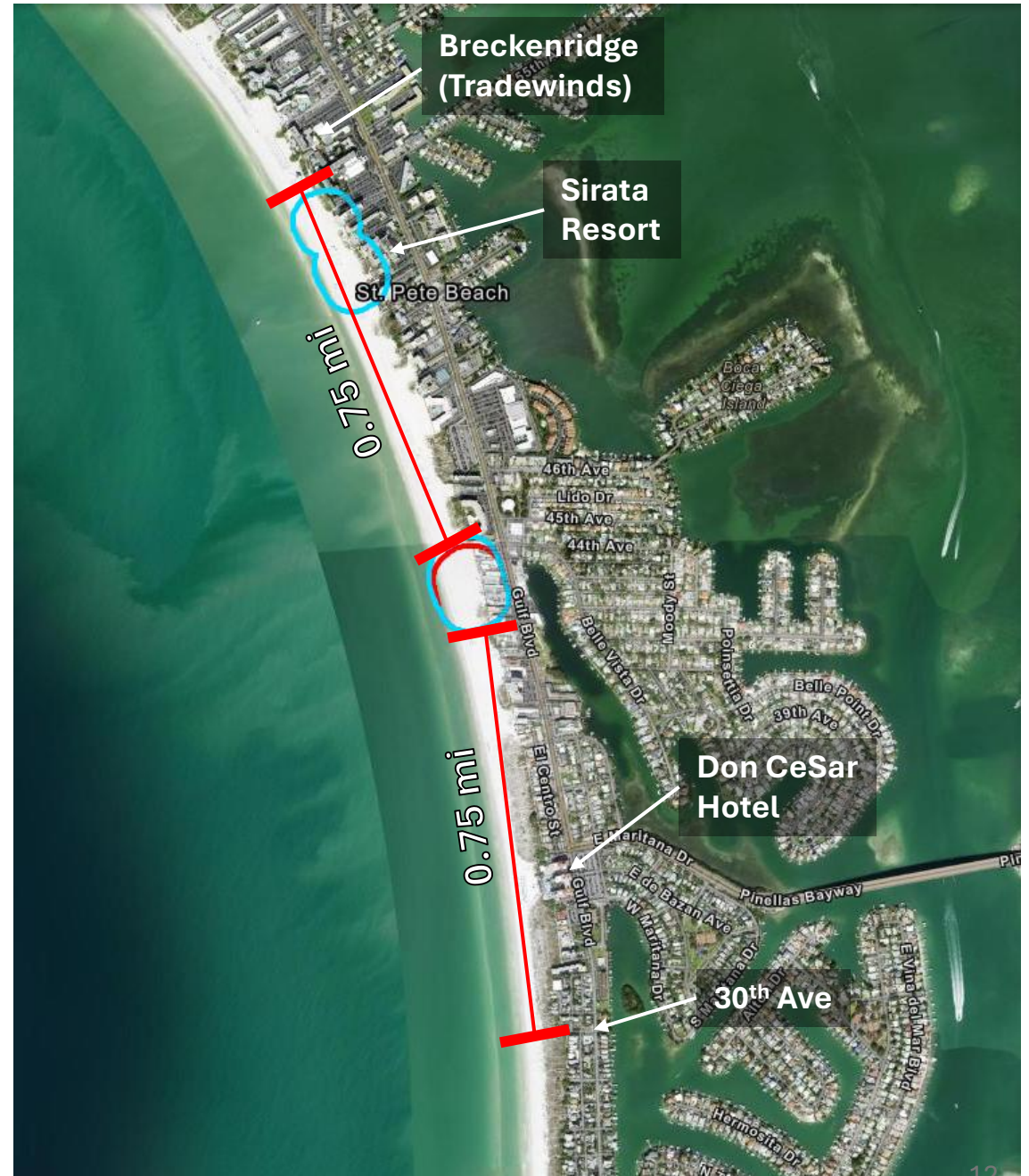
- Fireworks are prohibited on and over all beach lands, public and private.
- Fireworks permitted from barges, subject to setback requirements.



Florida Fish and Wildlife Conservation Commission ShoreMapper Data



Approximate 0.75-mile beachline setback from active breeding, brooding, or nesting site (2026)



Requests

- Direction on fireworks proposal.
 - Note: Ordinance 2026-16 contains a requested alternative option by the Beach Stewardship Committee, prohibiting fireworks over the beach only during nesting season. Only one will be selected.
- Acceptance or modification of remaining amendments on ordinance first reading.

Motion Options

Motion to approve Ordinance 2026-02 on first reading as written.*

or

Motion to approve Ordinance 2026-02 on first reading with [specify modifications].

or

Motion to deny the first reading of Ordinance 2026-02.

or

Motion to continue the first reading of Ordinance 2026-02 to [specify date certain].

* Would prohibit fireworks on or over the beach year-round.

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 95-15.; RELOCATING, RENAMING AND AMENDING CONTENT AND SECTIONS IN CODE OF ORDINANCES CHAPTERS 6, 14, 26, 58, 62, 74 AND 94; AND RELOCATING AND AMENDING SECTIONS IN LAND DEVELOPMENT CODE DIVISIONS 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; MODIFYING REQUIREMENTS FOR SPECIAL EVENT PERMITS; 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 proposed beach regulations are intended to promote health and the general welfare, and prevent the overcrowding of land, prohibit most forms of smoking and the use of products and materials on the beach that could cause harm to the environment or beach wildlife, and regulate special events and other large, recurring, or commercially-focused events and activities on the beach in a manner to ensure the public beach lands remain accessible to the public, and all beach lands continue to serve their ecological, environmental, and tourism-focused functions; and

WHEREAS, the prohibition on fireworks over all sand beach lands of the City contained within this ordinance is authorized by Florida Statutes 791.012 and is intended to address threats to beach lands caused by the starting of fires, contamination from debris, and harm to protected wildlife, particularly nesting turtles and imperiled beach-nesting birds; 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

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’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 and Land Development Code 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.

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

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

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

Scott Tate, 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 _____, 2026.

Renee Rose, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

City Attorney

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Ordinance 2025-02 Exhibit A
Clean Version

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 sunrise 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.

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 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;
- (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.

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 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 an electric bicycle or motorized scooter as those terms are defined in F.S. 316.003., a bicycle, an electronic personal assistive mobility device except those used by persons with mobility disabilities for the purpose of locomotion, 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.

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. 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 beach land, 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 Cabrillo 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 land, land behind residential property as specified, 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 land or in any public park or any other public property within the corporate limits.
 - (2) Between the waters of the Gulf on the west and the most landward line of the sand dune or permanent construction, whichever first occurs, in the following area: beginning at Cabrillo 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.

The Code of Ordinances Chapter 95 is created as follows:

Chapter 95. Beaches.

Section 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.

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:

Active nest shall be as defined by the Florida Fish and Wildlife Conservation Commission.

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.

Open container, when used in the context of alcohol, shall include all lidded and unlidded cups, bottles, glasses, and other containers that have been opened since the time the beverage was originally bottled at the manufacturer's or bottler's plant, including those alcoholic beverages where the seal has been broken, bottle cap or pop-top has been opened or removed or where the container may seem to be open or have been opened, but shall exclude those beverages in a sealed container that have never been opened since the time the beverage was originally bottled at the manufacturer's or bottler's plant.

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, that is intended to be in place for 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 always be considered a permanent structure even if it is intended to be in place for a limited and defined period of time.

Unattended fishing pole 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.
- (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.
- (e) Each structure or piece of beach furniture that is constructed or placed in a manner as to constitute a violation of this Chapter shall be considered a separate violation. Each light source installed, maintained, or otherwise operated to constitute a violation of Section 95-10.(n)(3), (5) or (6) shall be considered a separate violation.

Existing Code of Ordinances Section 94-69 is relocated to create Section 95-4, renamed, and amended as follows:

Sec. 95-4. – Starting or maintaining of fire on the beach.

- (a) 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, city manager, 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 or entity 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, the starting or maintaining of a fire on the beach shall be prohibited.
- (b) Signs may be posted notifying the public of the prohibitions and penalties for violating this and other sections of this Chapter at beach ends, city parks, or other appropriate locations.

Existing Code of Ordinances Section 94-71 is relocated to create Section 95-5, renamed, and amended as follows:

Sec. 95-5. – 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 or property owner of the beach land on which the tiki (or chickee) hut is to be located.
- (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.
- (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.

The remaining sections of Land Development Code Division 25, following relocation of Section 25.6. content to Section 95-6., are amended and renumbered as follows:

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 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 of permanent structures other than those excepted in Land Development Code Section 25.3., construction or placement of a temporary structure other than beach furniture placed in compliance with Chapter 95 of the Code of Ordinances, 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.

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

Existing Code of Ordinances Section 94-73 is relocated to create Section 95-6 and amended as follows:

Sec. 95-6. – Vehicle permits.

- (a) *Criteria for issuance.* Permits for the operation of vehicles on the beach shall be issued for the following purposes:
 - (1) Beach maintenance operations, public and private, unless exempted pursuant to subsection (f);
 - (2) Permitted commercial activities;
 - (3) Special events; and
 - (4) Mechanical beach cleaning.
- (b) *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.
- (c) *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.
- (d) *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.
- (e) *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).
- (f) *Exemptions.* A one-time exemption may be obtained per approval of the City Manager. Public safety vehicles, when permission has been coordinated with the City Manager or designee, are exempt from permitting requirements.

Chapter 94 reservations are updated as follows:

Secs. 94-66 – 94-79. – Reserved.

Existing Code of Ordinances Section 94-101 is relocated to create Section 95-7, renamed, and amended as follows:

Sec. 95-7. – 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.
 - (6) The following activities shall be prohibited on all beach land, public and private:
 - 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.
- (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:

Secs. 94-101– 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 (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 beach lands
- (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 Section 95-8 is created as follows, in part from removed content located in existing Section 6-5.(b):

Sec. 95-8. –Use of alcohol on the beach.

- (a) *Notice required.* 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 land, 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.

(b) *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 be 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 may begin 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. When the upland transient

lodging facility is in operation, existing toilets/and or urinals available in the lobby and/or common area restrooms shall count toward this requirement if they meet the distance requirements specified in the Florida Building 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.

(c) *Special event approval for alcohol consumption on public and private beach lands.* Alcohol consumption on public and private beach lands not otherwise authorized through (b) 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.* For use of alcohol on private beach lands not otherwise authorized by this ordinance, 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 amended as follows:

Sec. 14-35. Prohibited on sand beaches.

Dogs are prohibited on all sand beach lands in the City, except for the sandbar area informally known as “dog beach”, as described in and subject to the regulations of Section 95-9.

Content from Section 14-35 is relocated to newly-created Section 95-9 and amended as follows:

Section 95-9. – Regulations for dogs on the dog sandbar

- (a) Dogs are prohibited on all sand beach lands of the City, public and private, except for the “dog sandbar” subject to the regulations herein. Dogs functioning as service animals as defined in this chapter are exempt from this prohibition.

- (b) Designated “dog sandbar” area shall be those sandbar 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.
- (1) For designated dog sandbar 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 sandbar area.
 - j. Rawhide, food or any other consumable is not allowed inside the dog sandbar area.
 - k. Dogs are the only type of animal permitted inside the dog sandbar 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 sandbar that is removed as a result of alluvial shift, tides, currents, storms or other natural occurrences, nor shall it be obligated or responsible to clean the sandbar, including raking seaweed or removing washed-up debris.

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

Existing Land Development Code Section 44.3. is amended as follows:

Land Development Code Sec. 44.3. – Marine turtle activity regulations.

Regulations pertaining to the prohibition of activities disruptive to marine turtles are found in Section 95-10 of the Code of Ordinances.

Section 95-10. is created as follows:

Section 95-10. - Prohibitions on all beach lands within the City.

The following activities, behavior and conduct shall be prohibited on all beach land, both public and private, within the City of St. Pete Beach:

- (a) Operating a business that involves use of the public or private beach land, without having first registered or obtained a business tax receipt with the City to operate, pursuant to Sections 95-14 and 95-15.
- (b) Starting or maintaining any fire, whether or not there is an open flame, other than a fire pit when authorized by the City and maintained subject to the approval terms.
- (c) Constructing or placing any temporary or permanent structure, other than beach furniture placed in compliance with this Chapter, without having first obtained required permits from the City and Florida Department of Environmental Protection.
- (d) Driving or riding any vehicle, micromobility device, or bicycle on, over or across any beach, except in the following circumstances:
 - (1) The vehicle has been issued a permit pursuant to Section 95-6;
 - (2) The vehicle, device or bicycle is authorized under a special event permit issued by the City pursuant to Chapter 26 of this Code;
 - (3) The device is a personal assistive mobility device, used by persons with mobility disabilities for the purpose of locomotion, when such devices are operated at speeds of less than ten miles per hour on the sand beach lands; and/or
 - (4) The vehicle, device or bicycle has been coordinated with the city manager or designee and is used by public safety personnel for public safety purposes, or by personnel for City beach maintenance operations.
- (e) Operating any mechanical beach cleaning equipment except in the manner authorized by Section 95-7;
- (f) Discharging or depositing any human waste except in an authorized water closet, lavatory, or urinal.
- (g) Disposing any litter as defined in F.S. 403.413, except in an authorized container.
- (h) Bringing a dog or other pet, other than a service animal as defined in this Chapter, onto any beach access or sand beach land, except for the area informally known as “dog sandbar” as described and authorized pursuant to Section 95-9.
- (i) Possessing any plastic drink straw or glass container.
- (j) Feeding any bird.
- (k) Taking, harassing, harming, pursuing, hunting, shooting, killing, trapping, capturing, collecting, possessing, or selling any of the endangered or threatened imperiled beach-nesting bird (American Oystercatcher, Snowy Plover, Black Skimmer, or Least Tern) or their nests, sea turtle or their nests, or manatee, whether such action is taken by an individual, animal under their supervision, or remote- or autonomously-operated device

such as a drone, unless such take has been authorized by the Florida Fish and Wildlife Conservation Commission or U.S. Fish and Wildlife Service, as applicable.

- (l) Undertaking any event or activity that causes unauthorized take of any state- or federally-protected species or their active nest, including any imperiled beach-nesting bird or marine turtle, unless such take has been authorized by the Florida Fish and Wildlife Conservation Commission or U.S. Fish and Wildlife Service, as applicable, and the event or activity is operated in compliance with the conditions of the authorization.
- (m) Undertaking any event or activity that requires a Florida Department of Environmental Protection or Florida Fish and Wildlife Conservation Commission field permit, without having obtained such an authorization.
- (n) Undertaking any of the following activities between May 1 and October 31 (“marine turtle nesting season”):
 - (1) Operating any motorized vehicle, except emergency and law enforcement vehicles, vehicles operated by those persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission, and/or Florida Department of Environmental Protection, and vehicles approved for mechanical beach cleaning or beach renourishment activities.
 - (2) Using flashlights, cellphone flash or light, or other transient lighting which is directed toward nesting sea turtles or hatchlings, except by those persons who have authorization or a permit to engage in marine turtle conservation or research.
 - (3) Allowing to remain any permanent or temporary structure, or furniture, which has the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat, when a nest or nesting activities have been reported within a portion of a beach, unless the temporary structure(s) is/are:
 - a. Removed from the beach nightly; or
 - b. Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or
 - c. Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water.
 - (4) Leaving any open holes, beach furniture, toys, sand sculptures, or other objects or elements that could interfere with the transit of nesting turtles or hatchlings.
 - (5) Leaving exposed through any window, door or other opening a light source that is directly, indirectly, or cumulatively visible from the beach, unless such light source is long-wavelength and shielded as defined in Land Development Code (LDC) Division 44, is located within an opening that meets the definition for tinted glass as found in LDC Division 44, or is existing beachfront lighting as defined in LDC Division 44 and is obscured from the beach through blinds or curtains.

- (6) Introducing or maintaining any new or existing, transient or permanent, light source visible from the beach in a manner that is not compliance with the applicable regulations found in Division 44 of the Land Development Code.
- (o) Possessing or using any fireworks, including but not limited to firecrackers, propellants, explosives, or any of the fireworks defined in F.S. § 791.01(4), or sparklers, in the following locations during the following periods:
 - (1) On or over any sand beach of the City at any time;
 - (2) Within any location prohibited by the city manager or designee due to a determination that use of fireworks in that location at that time would pose a threat to public or protected wildlife safety, or would violate a code of the National Fire Protection Association.

Fireworks may be fired from barges with authorization of all regulating agencies and subject to the terms of a special event permit as well as the prohibitions specified above.

- (p) Chumming the water when fishing for any species from the beach or when wade fishing in waters adjacent to a beach.
- (q) Disposing of any carcass obtained by fishing other than when following best practices of the Florida Fish and Wildlife Commission.
- (r) Disturbing, altering, enhancing, or otherwise modifying, affecting or creating a dune, including any vegetation within it, without first receiving required permits for such work from the City and Florida Department of Environmental Protection as required for the type of work.

Section 95-11. is created as follows:

Section 95-11. - Prohibitions on private beach lands.

The following activities, behavior and conduct shall be prohibited on all private beach land within the City of St. Pete Beach:

- (a) All activities, behavior and conduct prohibited by section 95-10.
- (b) Sleeping between sunset and sunrise, except when authorized by the upland property owner.
- (c) Operating a commercial or recreational activity without the authorization of the upland property owner and approval of the City.
- (d) Operating any event or activity that will occur on private beach lands, is not authorized by the property's business tax receipt, and is not considered an exempt activity or event under Section 95-15.(a), without having obtained a special event permit from the City.
- (e) Operating any event that will involve public beach lands either incidental to or as a fundamental part of the event, such as surfing contests or extension of an event area between private and public beach lands, when such event is not co-sponsored by the City, without having first obtained a special event permit from the City.

- (f) Serving any individual alcohol outside of a permitted cabana service area or special event area that has been authorized by and is in good standing with the City.
- (g) Consuming, or possessing an open container of, alcohol outside of a permitted cabana service area or special event area, subject to the terms of the permit or other authorization issued by the City.

Section 95-12. is created as follows:

Section 95-12 - Prohibitions on public beach lands.

The following activities, behavior and conduct shall be prohibited on all public beach land within the City of St. Pete Beach:

- (a) All activities, behavior and conduct prohibited by section 95-10.
- (b) Any activity prohibited by Section 58-26 of this Code, except Section. 58-26.(b) prohibiting shelters, when such shelter is a tiki or chickee hut, or a structure authorized by Section 6.12. of the Land Development Code, and its placement has been permitted by the City of St. Pete Beach and Florida Department of Environmental Protection as required.
- (c) Placing, carrying or using any expanded polystyrene (commonly known as “disposable white foam” products) or glass container, including but not limited to coolers, drink cups, mugs, and other such items.
- (d) Sleeping between sunset and sunrise.
- (e) Placing any chair, bench, table, umbrella, or other beach furniture that, alone or in combination with other furniture, would interfere with the use of the public beach land by the general public.
- (f) Placing any tent larger than 10 by 10 feet in size, except as authorized under the terms of a special event permit.
- (g) Leaving any beach furniture or temporary structure on the beach overnight, unless authorized under the terms of a special event permit or under a temporary use permit.
- (h) Conducting any picnic without cleaning up any food, papers, cartons, bottles, or other refuse, litter, or debris generated by the picnic.
- (i) Consuming or possessing an open container of alcohol outside of an approved special event area operated in compliance with a special event permit issued by the City.
- (j) Consuming or possessing an open container of alcohol on or upon all sovereignty submerged land.
- (k) Smoking or vaping any product, except for unfiltered cigars, on or upon any public beach land of the City as authorized by F.S. 386.209, except on County-owned public beach land when this prohibition would be in conflict with an applicable County ordinance.
- (l) Throwing, casting, affixing, or discarding any handbill, circular, card, booklet, placard or other paper or plastic or other material whatsoever in or upon any public beach land.

- (m) Fishing, 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.
- (n) Leaving any unattended fishing pole and/or line on or over any public beach land.
- (o) Soliciting, canvassing, or otherwise taking orders for the sale of merchandise, goods, or property of any kind or character, except in compliance with the terms of a City-issued special event permit.
- (p) Exposing or offering for sale, rent or trade any article or thing, or stationing or placing any stand, cart, or vehicle for the transportation, sale or display of any article or merchandise, except for the City or concessionaires acting by and under the authority of the city manager or designee.
- (q) Operating any special event or organized recreational or entertainment activity, including but not limited beach volleyball tournaments, skimboarding or surfing contests, or concerts, on the public beach land, except in compliance with the terms of a City-issued special event permit.
- (r) Operating any business service or activity that uses the public beach land and is not authorized under a business tax receipt, agreement with St. Pete Beach Resident Services Department, or City-issued special event permit, including but not limited to beach exercise excursions, photography sessions involving changing tents or lighting setups, yoga classes, catered dinners, and similar beach-operated events, unless the activity has been registered with the City pursuant to section 95-14.

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) In addition to the requirements of (a) preceding, any solicitor seeking to solicit on private beach lands shall demonstrate authorization from the landowner prior to the issuance of a permit. Regulations specific to commercial solicitation in sand beach areas can be found in Section 95-13 of this Code.

Existing Code of Ordinances Section 62-93 is relocated to create Section 95-13, renamed, and amended as follows:

Sec. 95-13. – Restrictions specific to commercial solicitation on beach land.

- (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, 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 public beach land. 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.

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

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.

Section 95-14 is created as follows:

Sec. 95-14. – Permit or registration required for beach events and activities.

- (a) No temporary or permanent structure shall be constructed or placed on any sand beach land, or seaward of the Florida Coastal Construction Control Line (CCCL), until a permit has been issued by the City and Florida Department of Environmental Protection. All structures constructed and placed landward of the CCCL shall be consistent with the regulations pertaining to the Preservation zoning and coastal development regulations, as found in

Chapters 25, 27, and Section 6.12. of the Land Development Code, the Florida Building Code, and other applicable regulations.

- (b) *Recreational Activities*. Any organized recreational or entertainment activity, including but not limited to beach volleyball tournaments, skimboarding or surfing contests, or concerts, that occurs on the public beach land, shall be required to obtain the necessary special event permits and any other required permits through the city manager.
- (c) *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 land, and the service or event has not been authorized through a special event permit or business tax receipt, 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, events required to be registered 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 services and events. Registration shall occur through the submittal of forms and supplemental documents as prescribed by the City.
- (d) *Commercial and recreational activities on private beach lands*. All commercial and recreational activities occurring on private beach lands shall have the authorization of the land owner in addition to any permit or other registration required by the City of St. Pete Beach.

Section 95-15. is created as follows:

Sec. 95-15. –Special events on the beach.

- (a) *Exemptions*. The following events and activities are exempt from the special event permitting requirements of subsections (b) and (c) of this section:
 - (1) Any event or activity held on private beach land which is explicitly authorized by the upland private property’s business tax receipt, or is otherwise authorized to the upland property owner by a duly issued and active development permit or cabana service area permit operated in good standing with any applicable regulations and/or conditions of approval.
 - (2) Any event or activity held entirely on private beach land, except for event and activities meeting one or the following criteria, in which case the event or activity shall require a special event permit:
 - a. The event or activity will take place during marine turtle nesting season and involve use of the beach land between sunset and sunrise, including for set-up or tear-down of the event or activity, or will introduce a light source that is directly, indirectly, or cumulatively visible from the beach between sunset and sunrise.
 - b. The event or activity will produce smoke, odor, and/or amplified sound that exceeds the limits established in Chapter 46 of this Code.

- c. The event or activity will involve use of vehicles or micromobility devices, other than those described in Section 95-10.(d)(1)-(4).
 - d. The event or activity will involve the starting or maintaining of a fire on any beach land.
 - e. The event or activity will involve construction or placement of a structure on the private beach land, other than beach furniture as authorized in this Chapter and those structures otherwise authorized through a building permit and/or development order. By way of example, this requirement shall apply to events introducing temporary stages, inflatable entertainment activities such as water slides, tents larger than ten by ten feet, and similar structures, unless exempted in writing by the City Manager or designee.
 - f. The event or activity will include consumption of alcohol on the sand beach, unless the consumption occurs solely within the boundaries of a cabana service area authorized and in good standing with Section 95-8.(b) of this Code.
 - g. The event or activity will be unticketed or otherwise free of charge and untracked to total number of attendees, as well as open to the entire community.
- (3) Any event or activity that is co-sponsored by St. Pete Beach subject to the considerations of Article II of Chapter 26 of this Code, or is otherwise authorized by the St. Pete Beach Resident Services Department, unless such authorization includes a requirement for a special event permit.
- (4) Any activity that occurs on public beach land, that is registered pursuant to Section 95-14.(c) of this Code or otherwise authorized by the St. Pete Beach Resident Services Department, and is not advertised, applied for, held out, or otherwise expected to accommodate more than 50 people at any point in time during the activity and does not otherwise require a special event permit pursuant to subsection (b).
- (b) A special event permit application made pursuant to Article II of Chapter 26 of this Code shall be authorized by the City Manager or designee prior to operation of any event or activity on beach land that meets one or more of the following qualifications:
- (1) The organized event or activity occurs on public beach land, whether operation is solely on public beach land or through extension of an event occurring partially on private beach land.
 - (2) The event involves a business activity conducted on public beach land, as described in Section 95-14.(c), that is advertised, applied for, held out, or otherwise expected to accommodate more than 50 persons at any one time on public beach land.
 - (3) The event or activity is conducted on private beach land and is listed in Section 95-15.(a)(2) preceding.
 - (4) The event or activity will include consumption of alcohol on any private beach land, unless the consumption occurs solely within the boundaries of a cabana service area authorized and in good standing with Section 95-8.(b) of this Code.

(c) A special event permit application made pursuant to Article II of Chapter 26 of this Code shall be authorized by the St. Pete Beach City Commission prior to operation of any event or activity on beach land that meets one or more of the following qualifications:

- (1) The event or activity is determined by the city manager and/or his/her designee to be open to the entire community.
- (2) The event or activity will involve consumption of alcohol on the public beach land.

Section 26-32 is amended as follows:

Sec. 26-32. Special event permit required.

No special event shall be permitted within the city limits of St. Pete Beach unless and until a special event permit has been issued in accordance with the requirements of this article. It shall be the authority of the city manager, or his/her designee, to determine whether or not a proposed activity constitutes a special event under the intent of this article, except for those activities on sand beach lands regulated under Section 95-15.(b) and (c), which shall always require a special event permit as specified. It shall also be the authority of the city manager, or his/her designee, to determine whether an application for the activity will be accepted. This requirement shall not apply to events which are sponsored or co-sponsored by the city. Approval of such sponsorship shall be at the discretion of the city manager or city commission, provided, however, that if an event is open to the entire community, or involves the consumption of alcohol on public beach land, the city commission shall grant such approval, as applicable. City sponsored or co-sponsored events may take place on public property, or private property with the consent of the property owner.

Section 26-33 is amended as follows:

Sec. 26-33. Special event application and requirements.

- (d) If any city commission actions are required in connection with a planned special event, the application for the permit shall be filed at least 180 days prior to the date of the planned event. Applications for issuance of a special permit that do not require commission approval shall be filed no later than 90 days prior to the scheduled event.
- (e) No special event shall receive a permit to exceed 14 days in duration.
- (f) Appeal from city manager' decision. The applicant may appeal the city manager's special event permit decision to the city commission. The appeal shall be filed with the city commission no later than 30 days from written notice of the decision, and upon timely filing of the appeal, the city commission shall review the city manager's decision and take action to affirm, reverse or modify that decision.

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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 sunrise 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.

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 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;
- (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.
- (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.

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 an electric bicycle or motorized scooter as those terms are defined in F.S. 316.003., a bicycle, an electronic personal assistive mobility device except those used by persons with mobility disabilities for the purpose of locomotion, 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.

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.
 - (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 beach esland, 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~~ Cabrillo 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 land, land behind residential property as specified, 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 land 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~~ Cabrillo 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:

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:

Active nest shall be as defined by the Florida Fish and Wildlife Conservation Commission.

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.

Open container, when used in the context of alcohol, shall include all lidded and unlidded cups, bottles, glasses, and other containers that have been opened since the time the beverage was originally bottled at the manufacturer’s or bottler’s plant, including those alcoholic beverages where the seal has been broken, bottle cap or pop-top has been opened or removed or where the container may seem to be open or have been opened, but shall exclude those beverages in a sealed container that have never been opened since the time the beverage was originally bottled at the manufacturer’s or bottler’s plant.

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, that is intended to be in place for 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 always be considered a permanent structure even if it is intended to be in place for a limited and defined period of time.

Unattended fishing pole 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.

- (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.
- (e) Each structure or piece of beach furniture that is constructed or placed in a manner as to constitute a violation of this Chapter shall be considered a separate violation. Each light source installed, maintained, or otherwise operated to constitute a violation of Section 95-11.(1)(3), (5) or (6) shall be considered a separate violation.

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 stricken, with content rewritten and relocated into Section 95-14.

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

~~(a) It shall be unlawful for any person to place upon the public beach any chair, bench, table or umbrella which is in a location or is of a size which would interfere with the use of the public beach by the general public.~~

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

Existing Code of Ordinances Section 94-69 is relocated to create Section 95-5, renamed, and amended as follows, with stricken content relocated to Section 95-12 and 95-14:

Sec. 94-69. Picnics and food consumption. 95.5. – Starting or maintaining of fire on the beach.

- (a) Except as provided in subsection (b) of this section, no person shall conduct or participate in a picnic on any of the city's beaches. Except as provided in section 6-5, no person shall possess or consume any alcoholic beverages upon any of the city's beaches.
- (b) Picnics and the consumption of food and nonalcoholic beverages shall be permitted on the city beaches of Pass-a-Grille and Upham Beach, provided that:
 - (1) Those persons having picnics or consuming food or nonalcoholic beverages within the area shall be responsible for cleaning up all of the food, papers, cartons, bottles and other refuse or debris which shall remain or be left from the consumption of such food or beverage.
 - (2) It shall be unlawful to build any fire for any purpose, including the cooking of food, within the sand beaches of the city.
 - (3) Glass containers or bottles associated with the consumption of food or nonalcoholic beverages shall be prohibited.
- (a) Notwithstanding subsection (b)(2) of this section, the city manager shall be entitled to authorize the building of a fire, with such requirements as the city manager deems appropriate. 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, city manager, 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 or entity 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, the starting or maintaining of a fire on the beach shall be prohibited.
- (d) Anyone convicted of violating this section shall pay a fine of not less than \$100.00 or more than \$500.00. Signs shall be posted notifying the public of the penalty for violating this section.
- (b) Signs may be posted notifying the public of the prohibitions and penalties for violating this and other sections of this Chapter at beach ends, city parks, or other appropriate locations.

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:

- (4) (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 or property owner of the beach land on which the tiki (or chickee) hut is to be located.

(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 in 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:

~~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.~~

~~(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.~~

The remaining sections of Land Development Code Division 25 are amended and renumbered as follows:

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 of permanent structures other than those excepted in Land Development Code Section 25.3., construction or placement of a temporary structure other than beach furniture placed in compliance with Chapter 95 of the Code of Ordinances, 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. 25.109. - 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.

Existing Code of Ordinances Section 94-72 is stricken as follows, with its content amended into newly-created Section 95-12:

~~Sec. 94.72—Temporary Structures.~~

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

Existing Code of Ordinances Section 94-73 is relocated to create Section 95-7 and amended as follows:

Sec. ~~94-73~~95-7. – Vehicle permits.

- (a) *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.
- (b) *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.
- (c) ~~Bond;~~ 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.
- (d) *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.
- (e) *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).
- (f) *Exemptions.* A one-time exemption may be obtained per approval of the City Manager. Public safety vehicles, when permission has been coordinated with the City Manager or designee, are exempt from permitting requirements.

Chapter 94 reservations are updated as follows:

Secs. ~~94-74~~66 – 94-79. – Reserved.

Existing Code of Ordinances Section 94-101 is relocated to create Section 95-8, renamed, and amended as follows:

Sec. 94-101.95-8. – Requirements 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 ~~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 95-8, with its content amended as follows:

Sec. 94-102. — Prohibitions.

- (6) The following activities shall be prohibited on all beaches land, public and private:
- (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.
 - (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 (~~e~~) 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 beach lands
- (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 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.

~~(3)~~ (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)(~~3~~2) as provided by the City of St. Pete Beach Land Development Code.

Code of Ordinances Section 95-9 is created as follows, in part from removed content located in existing Section 6-5.(b):

Sec. 95-9. –Use of alcohol on the beach.

(a) Notice required. 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 land, 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.

Existing Code of Ordinances Section 6-5.(d)(4) is amended and transferred into newly-created Section 95-9. as follows:

(b4) 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)e- 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.

(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 may begin 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. When the upland transient lodging facility is in operation, existing toilets/and or urinals available in the lobby and/or common area restrooms shall count toward this requirement if they meet the distance requirements specified in the Florida Building Code.

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

a1. First violation - written warning to the transient lodging facility.

b2. Second violation - written warning to the transient lodging with the stipulation that the permit will be revoked if additional violation occurs within six months.

c3. 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 95-9.(c) is created as follows, in part from removed content located in existing Section 6-5.(d):

(c) Special event approval for alcohol consumption on public and private beach lands. Alcohol consumption on public and private beach lands not otherwise authorized through (b) 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. For use of alcohol on private beach lands not otherwise authorized by this ordinance, 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 amended as follows:

Sec. 14-35. Prohibited on sand beaches.

Dogs are prohibited on all sand beach lands in the City, except for the sandbar area informally known as “dog beach”, as described in and subject to the regulations of Section 95-10.

Content from Section 14-35 is relocated to newly-created Section 95-10 and amended as follows:

Section 95-10. – Regulations for dogs on the dog sandbar

- (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.~~ Dogs are prohibited on all sand beach lands of the City, public and private, except for the “dog beach” sandbar subject to the regulations herein. Dogs functioning as service animals as defined in this chapter are exempt from this prohibition.
- (b) ~~Designated “dog beach sandbar” area shall be those sandbar 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 ~~sandbar 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 sandbar area.
 - ~~jk.~~ Rawhide, food or any other consumable is not allowed inside the dog beach sandbar area.
 - ~~kl.~~ Dogs are the only type of animal permitted inside the dog beach sandbar 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 sandbar that is removed as a result of alluvial shift, tides, currents, storms or other natural occurrences, nor shall it be obligated or responsible to clean the sandbar, including raking seaweed or removing washed-up debris.

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

Existing Land Development Code Section 44.3. is amended as follows:

Land Development Code Sec. 44.3. – Marine turtle activity regulations.

Regulations pertaining to the prohibition of activities disruptive to marine turtles are found in Section 95-11 of the Code of Ordinances.

Section 95-11. is created as follows:

Section 95-11. - Prohibitions on all beach lands within the City.

The following activities, behavior and conduct shall be prohibited on all beach land, both public and private within the City of St. Pete Beach:

- (a) Operating a business that involves use of the public or private beach land, without having first registered or obtained a business tax receipt with the City to operate, pursuant to Section 95-16.
- (b) Starting or maintaining any fire, whether or not there is an open flame, other than a fire pit when authorized by the City and maintained subject to the approval terms.
- (c) Constructing or placing any temporary or permanent structure, other than beach furniture placed in compliance with this Chapter, without having first obtained required permits from the City and Florida Department of Environmental Protection.
- (d) Driving or riding any vehicle, micromobility device, or bicycle on, over or across any beach, except in the following circumstances:
 - (1) The vehicle has been issued a permit pursuant to Section 95-7;
 - (2) The vehicle, device or bicycle is authorized under a special event permit issued by the City pursuant to Chapter 26 of this Code;

- (3) The device is a personal assistive mobility device, used by persons with mobility disabilities for the purpose of locomotion, when such devices are operated at speeds of less than ten miles per hour on the sand beach lands; and/or
- (4) The vehicle, device or bicycle has been coordinated with the city manager or designee and is used by public safety personnel for public safety purposes, or by personnel for City beach maintenance operations.
- (e) Operating any mechanical beach cleaning equipment except in the manner authorized by Section 95-8;
- (f) Discharging or depositing any human waste except in an authorized water closet, lavatory, or urinal.
- (g) Disposing any litter as defined in F.S. 403.413, except in an authorized container.
- (h) Bringing a dog or other pet, other than a service animal as defined in this Chapter, onto any beach access or sand beach land, except for the area informally known as “dog sandbar” as described and authorized pursuant to Section 95-10.
- (i) Possessing any plastic drink straw or glass container.
- (j) Feeding any bird.
- (k) Taking, harassing, harming, pursuing, hunting, shooting, killing, trapping, capturing, collecting, possessing, or selling any of the endangered or threatened imperiled beach nesting bird (American Oystercatcher, Snowy Plover, Black Skimmer, or Least Tern) or their nests, sea turtle or their nests, or manatee, whether such action is taken by an individual, animal under their supervision, or remote- or autonomously-operated device such as a drone, unless such take has been authorized by the Florida Fish and Wildlife Commission or U.S. Fish and Wildlife Service, as applicable.
- (l) Undertaking any event or activity that causes unauthorized take of any state- or federally-protected species or their active nest, including any imperiled beach-nesting bird or marine turtle, unless such take has been authorized by the Florida Fish and Wildlife Conservation Commission or U.S. Fish and Wildlife Service, as applicable, and the event or activity is operated in compliance with the conditions of the authorization.
- (m) Undertaking any event or activity that requires a Florida Department of Environmental Protection or Florida Fish and Wildlife Conservation Commission field permit without having obtained such an authorization
- (n) Undertaking any of the following activities between May 1 and October 31 (“marine turtle nesting season”):
 - (1) Operating any motorized vehicles, except emergency and law enforcement vehicles, vehicles operated by those persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission, and/or Florida Department of Environmental Protection, and vehicles approved for mechanical beach cleaning or beach renourishment activities.

- (2) Using flashlights, cellphone flash or light, or other transient lighting which is directed toward nesting sea turtles or hatchlings, except by those persons who have authorization or a permit to engage in marine turtle conservation or research.
 - (3) Allowing to remain any permanent or temporary structure, or furniture, which has the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat, when a nest or nesting activities have been reported within a portion of a beach, unless the temporary structures:
 - i. Removed from the beach nightly; or
 - ii. Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or
 - iii. Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water.
 - (4) Leaving any open holes, beach furniture, toys, sand sculptures, or other objects or elements that could interfere with the transit of nesting turtles or hatchlings.
 - (5) Leaving exposed through any window, door or other opening a light source that is directly, indirectly, or cumulatively visible from the beach, unless such light source is long-wavelength and shielded as defined in Land Development Code (LDC) Division 44, is located within an opening that meets the definition for tinted glass as found in LDC Division 44, or is existing beachfront lighting as defined in LDC Division 44 and is obscured from the beach through blinds or curtains.
 - (6) Introducing or maintaining any new or existing, transient or permanent, light source visible from the beach in a manner that is not compliance with the applicable regulations found in Division 44 of the Land Development Code.
 - (o) Possessing or using any fireworks, including but not limited to firecrackers, propellants, explosives, or any of the fireworks defined in F.S. § 791.01(4), or sparklers, in the following locations during the following periods:
 - (1) On or over any sand beach of the City at any time;
 - (2) Within any location prohibited by the city manager or designee due to a determination that use of fireworks in that location at that time would pose a threat to public or protected wildlife safety, or would violate a code of the National Fire Protection Association.
- Fireworks may be fired from barges with authorization of all regulating agencies and subject to the terms of a special event permit as well as the prohibitions specified above.
- (p) Chumming the water when fishing for any species from the beach or when wade fishing in waters adjacent to a beach.

- (q) Disposing of any carcass obtained by fishing other than when following best practices of the Florida Fish and Wildlife Commission.
- (r) Disturbing, altering, enhancing, or otherwise modifying, affecting or creating a dune, including any vegetation within it, without first receiving required permits for such work from the City and Florida Department of Environmental Protection as required for the type of work.

Section 95-12. - Prohibitions on private beach lands.

The following activities, behavior and conduct shall be prohibited on all private beach land within the City of St. Pete Beach:

- (a) All activities, behavior and conduct prohibited by section 95-11.
- (b) Sleeping between sunset and sunrise, except when authorized by the upland property owner.
- (c) Operating a commercial or recreational activity without the authorization of the upland property owner and approval of the City.
- (d) Operating any event or activity that will occur on private beach lands, is not authorized by the property's business tax receipt, and is not considered an exempt activity or event under Section 95-17.(a), without having obtained a special event permit from the City.
- (e) Operating any event that will involve public beach lands either incidental to or as a fundamental part of the event, such as surfing contests or extension of an event area between private and public beach lands, when such event is not co-sponsored by the City, without having first obtained a special event permit from the City.
- (f) Serving any individual alcohol outside of a permitted cabana service area or special event area that has been authorized by and is in good standing with the City.
- (g) Consuming, or possessing an open container of, alcohol outside of a permitted cabana service area or special event area, subject to the terms of the permit or other authorization issued by the City.

Section 95-13 - Prohibitions on public beach lands.

The following activities, behavior and conduct shall be prohibited on all public beach land within the City of St. Pete Beach:

- (a) All activities, behavior and conduct prohibited by section 95-11.
- (b) Any activity prohibited by Section 58-26 of this Code, except Section. 58-26.(b) prohibiting shelters, when such shelter is a tiki or chickee hut, or a structure authorized by Section 6.12. of the Land Development Code, and its placement has been permitted by the City of St. Pete Beach and Florida Department of Environmental Protection as required.

- (c) Placing, carrying or using any expanded polystyrene (commonly known as “disposable white foam” products) or glass container, including but not limited to coolers, drink cups, mugs, and other such items.
- (d) Sleeping between sunset and sunrise.
- (e) Placing any chair, bench, table, umbrella, or other beach furniture that, alone or in combination with other furniture, would interfere with the use of the public beach land by the general public.
- (f) Placing any tent larger than 10 by 10 feet in size, except as authorized under the terms of a special event permit.
- (g) Leaving any beach furniture or temporary structure on the beach overnight, unless authorized under the terms of a special event permit or under a temporary use permit.
- (h) Conducting any picnic without cleaning up any food, papers, cartons, bottles, or other refuse, litter, or debris generated by the picnic.
- (i) Consuming or possessing an open container of alcohol outside of an approved special event area operated in compliance with a special event permit issued by the City.
- (j) Consuming or possessing an open container of alcohol on or upon all sovereignty submerged land.
- (k) Smoking or vaping any product, except for unfiltered cigars, on or upon any public beach land of the City as authorized by F.S. 386.209, except on County-owned public beach land when this prohibition would be in conflict with an applicable County ordinance.
- (l) Throwing, casting, affixing, or discarding any handbill, circular, card, booklet, placard or other paper or plastic or other material whatsoever in or upon any public beach land.
- (m) Fishing, 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.
- (n) Leaving any unattended fishing pole and/or line on or over any public beach land.
- (o) Soliciting, canvassing, or otherwise taking orders for the sale of merchandise, goods, or property of any kind or character, except in compliance with the terms of a City-issued special event permit.
- (p) Exposing or offering for sale, rent or trade any article or thing, or stationing or placing any stand, cart, or vehicle for the transportation, sale or display of any article or merchandise, except for the City or concessionaires acting by and under the authority of the city manager or designee.
- (q) Operating any special event or organized recreational or entertainment activity, including but not limited beach volleyball tournaments, skimboarding or surfing contests, or concerts, on the public beach land, except in compliance with the terms of a City-issued special event permit.
- (r) Operating any business service or activity that uses the public beach land and is not authorized under a business tax receipt, agreement with St. Pete Beach Resident Services Department, or City-issued special event permit, including but not limited to beach

exercise excursions, photography sessions involving changing tents or lighting setups, yoga classes, catered dinners, and similar beach-operated events, unless the activity has been registered with the City pursuant to section 95-15.

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.~~ In addition to the requirements of (a) preceding, any solicitor seeking to solicit on private beach lands shall demonstrate authorization from the landowner prior to the issuance of a permit. Regulations specific to commercial solicitation in sand beach areas can be found in Section 95-14 of this Code.

Existing Code of Ordinances Section 62-93 is relocated to create Section 95-15, renamed, and amended as follows:

Sec. 62-93.95-14. – Specific restrictions on solicitation on sand beach areas. Restrictions specific to commercial solicitation on beach land.

- (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.
- (b) For solicitation along the sand beach areas of the Gulf, 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 land~~. 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.

(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. 62-9594—62-120. - Reserved.

Section 95-16 is created as follows:

Sec. 95-16. – Permit or registration required for beach events and activities.

- (a) No temporary or permanent structure shall be constructed or placed on any sand beach land, or seaward of the Florida Coastal Construction Control Line (CCCL), until a permit has been issued by the City and Florida Department of Environmental Protection. All structures constructed and placed landward of the CCCL shall be consistent with the regulations pertaining to the Preservation zoning and coastal development regulations, as found in Chapters 25, 27, and Section 6.12. of the Land Development Code, the Florida Building Code, and other applicable regulations.
- (b) Recreational Activities. Any organized recreational or entertainment activity, including but not limited to beach volleyball tournaments, skimboarding or surfing contests, or concerts, occurring on the public beach land shall be required to obtain the necessary special event permits and any other required permits through the city manager.
- (c) 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 land, and the service or event has not been authorized through a special event permit or business tax receipt, 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, events required to be registered 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 services and events. Registration shall occur through the submittal of forms and supplemental documents as prescribed by the City.
- (d) Commercial and recreational activities on private beach lands. All commercial and recreational activities occurring on private beach lands shall have the authorization of the land owner in addition to any permit or other registration required by the City of St. Pete Beach.

Section 95-17. is created as follows:

Sec. 95-17. –Special events on the beach.

- (a) Exemptions. The following events and activities are exempt from the special event permitting requirements of subsections (b) and (c) of this section:
 - (1) Any event or activity held on private beach land which is explicitly authorized by the upland private property’s business tax receipt, or is otherwise authorized to the upland property owner by a duly issued and active development permit or cabana service area permit operated in good standing with any applicable regulations and/or conditions of approval.
 - (2) Any event or activity held entirely on private beach land, except for event and activities meeting one or the following criteria, in which case the event or activity shall require a special event permit:
 - a. The event or activity will take place during marine turtle nesting season and involve use of the beach land between sunset and sunrise, including for set-up

or tear-down of the event or activity, or will introduce a light source that is directly, indirectly, or cumulatively visible from the beach between sunset and sunrise.

- b. The event or activity will produce smoke, odor, and/or amplified sound that exceeds the limits established in Chapter 46 of this Code.
- c. The event or activity will involve use of vehicles or micromobility devices, other than those described in Section 95-11.(d)(1)-(4).
- d. The event or activity will involve the starting or maintaining of a fire on any beach land.
- e. The event or activity will involve construction or placement of a structure on the private beach land, other than beach furniture as authorized in this Chapter and those structures otherwise authorized through a building permit and/or development order. By way of example, this requirement shall apply to events introducing temporary stages, inflatable entertainment activities such as water slides, tents larger than 10'x10', and similar structures, unless exempted in writing by the City Manager or designee.
- f. The event or activity will include consumption of alcohol on the sand beach, unless the consumption occurs solely within the boundaries of a cabana service area authorized and in good standing with Section 95-9.(b) of this Code.
- g. The event or activity will be unticketed or otherwise free of charge and untracked to total number of attendees, as well as open to the entire community.

(3) Any event or activity that is co-sponsored by St. Pete Beach subject to the considerations of Article II of Chapter 26 of this Code, or is otherwise authorized by the St. Pete Beach Resident Services Department, unless such authorization includes a requirement for a special event permit.

(4) Any activity that occurs on public beach land, that is registered pursuant to Section 95-16.(c) of this Code or otherwise authorized by the St. Pete Beach Resident Services Department, and is not advertised, applied for, held out, or otherwise expected to accommodate more than 50 people at any point in time during the activity and does not otherwise require a special event permit pursuant to subsection (b).

(b) A special event permit application made pursuant to Article II of Chapter 26 of this Code shall be authorized by the City Manager or designee prior to operation of any event or activity on beach land that meets one or more of the following qualifications:

- (1) The organized event or activity occurs on public beach land, whether operation is solely on public beach land or through extension of an event occurring partially on private beach land.
- (2) The event involves a business activity conducted on public beach land, as described in Section 95-16.(c), that is advertised, applied for, held out, or otherwise expected to accommodate more than 50 persons at any one time on public beach land.

- (3) The event or activity is conducted on private beach land and is listed in Section 95-17.(a)(2) preceding.
- (4) The event or activity will include consumption of alcohol on any private beach land, unless the consumption occurs solely within the boundaries of a cabana service area authorized and in good standing with Section 95-9.(b) of this Code.
- (c) A special event permit application made pursuant to Article II of Chapter 26 of this Code shall be authorized by the St. Pete Beach City Commission prior to operation of any event or activity on beach land that meets one or more of the following qualifications:
 - (1) The event or activity is determined by the city manager and/or his/her designee to be open to the entire public.
 - (2) The event or activity will involve consumption of alcohol on the public beach land.

Section 26-32 is amended as follows:

Sec. 26-32. Special event permit required.

No special event shall be permitted within the city limits of St. Pete Beach unless and until a special event permit has been issued in accordance with the requirements of this article. It shall be the authority of the city manager, or his/her designee, to determine whether or not a proposed activity constitutes a special event under the intent of this article, except for those activities on sand beach lands regulated under Section 95-17.(b) and (c), which shall always require a special event permit as specified. ~~and~~ It shall also be the authority of the city manager, or his/her designee, to determine whether an application for the activity will be accepted. This requirement shall not apply to events which are sponsored or co-sponsored by the city. Approval of such sponsorship shall be at the discretion of the city manager or city commission, provided, however, that if an event is open to the entire community, or involves the consumption of alcohol on public beach land, the city commission shall grant such approval, as applicable. City sponsored or co-sponsored events may take place on public property, or private property with the consent of the property owner.

Section 26-33 is amended as follows:

Sec. 26-33. Special event application and requirements.

- (d) If any city commission actions are required in connection with a planned special event, the application for the permit shall be filed at least ~~30~~ 180 days prior to the date of the planned event. Applications for issuance of a special permit that do not require commission approval shall be filed no later than ~~44~~ 90 days prior to the scheduled event.
- (e) No special event shall receive a permit to exceed 14 days in duration.
- (f) Appeal from city manager' decision. The applicant may appeal the city manager's special event permit decision to the city commission. The appeal shall be filed with the city commission no later than 30 days from written notice of the decision, and upon timely filing of the appeal, the city commission shall review the city manager's decision and take action to affirm, reverse or modify that decision.

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 sunrise 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.

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 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;
- (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.

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 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 an electric bicycle or motorized scooter as those terms are defined in F.S. 316.003., a bicycle, an electronic personal assistive mobility device except those used by persons with mobility disabilities for the purpose of locomotion, 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.

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. 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 beach land, 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 Cabrillo 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 land, land behind residential property as specified, 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 land or in any public park or any other public property within the corporate limits.
 - (2) Between the waters of the Gulf on the west and the most landward line of the sand dune or permanent construction, whichever first occurs, in the following area: beginning at Cabrillo 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.

The Code of Ordinances Chapter 95 is created as follows:

Chapter 95. Beaches.

Section 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.

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:

Active nest shall be as defined by the Florida Fish and Wildlife Conservation Commission.

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.

Open container, when used in the context of alcohol, shall include all lidded and unlidded cups, bottles, glasses, and other containers that have been opened since the time the beverage was originally bottled at the manufacturer's or bottler's plant, including those alcoholic beverages where the seal has been broken, bottle cap or pop-top has been opened or removed or where the container may seem to be open or have been opened, but shall exclude those beverages in a sealed container that have never been opened since the time the beverage was originally bottled at the manufacturer's or bottler's plant.

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, that is intended to be in place for 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 always be considered a permanent structure even if it is intended to be in place for a limited and defined period of time.

Unattended fishing pole 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.
- (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.
- (e) Each structure or piece of beach furniture that is constructed or placed in a manner as to constitute a violation of this Chapter shall be considered a separate violation. Each light source installed, maintained, or otherwise operated to constitute a violation of Section 95-10.(n)(3), (5) or (6) shall be considered a separate violation.

Existing Code of Ordinances Section 94-69 is relocated to create Section 95-4, renamed, and amended as follows:

Sec. 95-4. – Starting or maintaining of fire on the beach.

- (a) 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, city manager, 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 or entity 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, the starting or maintaining of a fire on the beach shall be prohibited.
- (b) Signs may be posted notifying the public of the prohibitions and penalties for violating this and other sections of this Chapter at beach ends, city parks, or other appropriate locations.

Existing Code of Ordinances Section 94-71 is relocated to create Section 95-5, renamed, and amended as follows:

Sec. 95-5. – 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 or property owner of the beach land on which the tiki (or chickee) hut is to be located.
- (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.
- (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.

The remaining sections of Land Development Code Division 25, following relocation of Section 25.6. content to Section 95-6., are amended and renumbered as follows:

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 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 of permanent structures other than those excepted in Land Development Code Section 25.3., construction or placement of a temporary structure other than beach furniture placed in compliance with Chapter 95 of the Code of Ordinances, 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.

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

Existing Code of Ordinances Section 94-73 is relocated to create Section 95-6 and amended as follows:

Sec. 95-6. – Vehicle permits.

- (a) *Criteria for issuance.* Permits for the operation of vehicles on the beach shall be issued for the following purposes:
 - (1) Beach maintenance operations, public and private, unless exempted pursuant to subsection (f);
 - (2) Permitted commercial activities;
 - (3) Special events; and
 - (4) Mechanical beach cleaning.
- (b) *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.
- (c) *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.
- (d) *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.
- (e) *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).
- (f) *Exemptions.* A one-time exemption may be obtained per approval of the City Manager. Public safety vehicles, when permission has been coordinated with the City Manager or designee, are exempt from permitting requirements.

Chapter 94 reservations are updated as follows:

Secs. 94-66 – 94-79. – Reserved.

Existing Code of Ordinances Section 94-101 is relocated to create Section 95-7, renamed, and amended as follows:

Sec. 95-7. – 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.
 - (6) The following activities shall be prohibited on all beach land, public and private:
 - 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.
- (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:

Secs. 94-101– 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 (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 beach lands
- (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 Section 95-8 is created as follows, in part from removed content located in existing Section 6-5.(b):

Sec. 95-8. –Use of alcohol on the beach.

- (a) *Notice required.* 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 land, 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.

(b) *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 be 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 may begin 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. Where the upland

transient lodging facility is in operation, existing toilets and/or urinals available in lobby and/or common area restrooms shall count towards this requirement.

(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.

(c) *Special event approval for alcohol consumption on public and private beach lands.* Alcohol consumption on public and private beach lands not otherwise authorized through (b) 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.* For use of alcohol on private beach lands not otherwise authorized by this ordinance, 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 amended as follows:

Sec. 14-35. Prohibited on sand beaches.

Dogs are prohibited on all sand beach lands in the City, except for the sandbar area informally known as “dog beach”, as described in and subject to the regulations of Section 95-9.

Content from Section 14-35 is relocated to newly-created Section 95-9 and amended as follows:

Section 95-9. – Regulations for dogs on the dog sandbar

- (a) Dogs are prohibited on all sand beach lands of the City, public and private, except for the “dog sandbar” subject to the regulations herein. Dogs functioning as service animals as defined in this chapter are exempt from this prohibition.
- (b) Designated “dog sandbar” area shall be those sandbar 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.
 - (1) For designated dog sandbar 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 sandbar area.
 - j. Rawhide, food or any other consumable is not allowed inside the dog sandbar area.
 - k. Dogs are the only type of animal permitted inside the dog sandbar 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 sandbar that is removed as a result of alluvial shift, tides, currents, storms or other

natural occurrences, nor shall it be obligated or responsible to clean the sandbar, including raking seaweed or removing washed-up debris.

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

Existing Land Development Code Section 44.3. is amended as follows:

Land Development Code Sec. 44.3. – Marine turtle activity regulations.

Regulations pertaining to the prohibition of activities disruptive to marine turtles are found in Section 95-10 of the Code of Ordinances.

Section 95-10. is created as follows:

Section 95-10. - Prohibitions on all beach lands within the City.

The following activities, behavior and conduct shall be prohibited on all beach land, both public and private, within the City of St. Pete Beach:

- (a) Operating a business that involves use of the public or private beach land, without having first registered or obtained a business tax receipt with the City to operate, pursuant to Sections 95-14 and 95-15.
- (b) Starting or maintaining any fire, whether or not there is an open flame, other than a fire pit when authorized by the City and maintained subject to the approval terms.
- (c) Constructing or placing any temporary or permanent structure, other than beach furniture placed in compliance with this Chapter, without having first obtained required permits from the City and Florida Department of Environmental Protection.
- (d) Driving or riding any vehicle, micromobility device, or bicycle on, over or across any beach, except in the following circumstances:
 - (1) The vehicle has been issued a permit pursuant to Section 95-6;
 - (2) The vehicle, device or bicycle is authorized under a special event permit issued by the City pursuant to Chapter 26 of this Code;
 - (3) The device is a personal assistive mobility device, used by persons with mobility disabilities for the purpose of locomotion, when such devices are operated at speeds of less than ten miles per hour on the sand beach lands; and/or
 - (4) The vehicle, device or bicycle has been coordinated with the city manager or designee and is used by public safety personnel for public safety purposes, or by personnel for City beach maintenance operations.
- (e) Operating any mechanical beach cleaning equipment except in the manner authorized by Section 95-7;
- (f) Discharging or depositing any human waste except in an authorized water closet, lavatory, or urinal.

- (g) Disposing any litter as defined in F.S. 403.413, except in an authorized container.
- (h) Bringing a dog or other pet, other than a service animal as defined in this Chapter, onto any beach access or sand beach land, except for the area informally known as “dog sandbar” as described and authorized pursuant to Section 95-9.
- (i) Possessing any plastic drink straw or glass container.
- (j) Feeding any bird.
- (k) Taking, harassing, harming, pursuing, hunting, shooting, killing, trapping, capturing, collecting, possessing, or selling any of the endangered or threatened shorebird species (American Oystercatcher, Snowy Plover, Black Skimmer, or Least Tern) or their nests, sea turtle or their nests, or manatee, whether such action is taken by an individual, animal under their supervision, or remote- or autonomously-operated device such as a drone, unless such take has been authorized by the Florida Fish and Wildlife Conservation Commission or U.S. Fish and Wildlife Service, as applicable.
- (l) Undertaking any event or activity that causes unauthorized take of any state- or federally-protected species or their active nest, including any imperiled beach-nesting bird or marine turtle, unless such take has been authorized by the Florida Fish and Wildlife Conservation Commission or U.S. Fish and Wildlife Service, as applicable, and the event or activity is operated in compliance with the conditions of the authorization.
- (m) Undertaking any event or activity that requires a Florida Department of Environmental Protection or Florida Fish and Wildlife Conservation Commission field permit, without having obtained such an authorization.
- (n) Undertaking any of the following activities between May 1 and October 31 (“marine turtle nesting season”):
 - (1) Operating any motorized vehicle, except emergency and law enforcement vehicles, vehicles operated by those persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission, and/or Florida Department of Environmental Protection, and vehicles approved for mechanical beach cleaning or beach renourishment activities.
 - (2) Using flashlights, cellphone flash or light, or other transient lighting which is directed toward nesting sea turtles or hatchlings, except by those persons who have authorization or a permit to engage in marine turtle conservation or research.
 - (3) Allowing to remain any permanent or temporary structure, or furniture, which has the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat, when a nest or nesting activities have been reported within a portion of a beach, unless the temporary structure(s) is/are:
 - a. Removed from the beach nightly; or
 - b. Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or

- c. Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water.
- (4) Leaving any open holes, beach furniture, toys, sand sculptures, or other objects or elements that could interfere with the transit of nesting turtles or hatchlings.
- (5) Leaving exposed through any window, door or other opening a light source that is directly, indirectly, or cumulatively visible from the beach, unless such light source is long-wavelength and shielded as defined in Land Development Code Division 44, is obscured through blinds or curtains, or the opening contains a tint that reduces inside-to-outside visible light transmittance to 45% or less for tints installed prior to [insert adoption date of Ordinance 2025-16] or ~~30~~40% for tints installed after that date.
- (6) Introducing or maintaining any new or existing, transient or permanent, light source visible from the beach in a manner that is not compliance with the applicable regulations found in Division 44 of the Land Development Code.
- ~~(e) Possessing or using any fireworks, including but not limited to sparklers, firecrackers, propellants, explosives, or any of the fireworks defined in F.S. § 791.01(4), in the following locations during the following periods:~~
 - ~~(1) On or over any sand beach of the City at any time;~~
 - ~~(2)(1) Within 0.75 miles of any reported seabird nesting site between February 15 and August 31 (“seabird nesting season”); or,~~
 - ~~(3)(2) Within any location prohibited by the city manager or designee due to a determination that use of fireworks in that location at that time would pose a threat to public or protected wildlife safety, or would violate a code of the National Fire Protection Association.~~
- (p) Chumming the water when fishing for any species from the beach or when wade fishing in waters adjacent to a beach.
- (q) Disposing of any carcass obtained by fishing other than when following best practices of the Florida Fish and Wildlife Commission.
- (r) Disturbing, altering, enhancing, or otherwise modifying, affecting or creating a dune, including any vegetation within it, without first receiving required permits for such work from the City and Florida Department of Environmental Protection as required for the type of work.

Section 95-11. is created as follows:

Section 95-11. - Prohibitions on private beach lands.

The following activities, behavior and conduct shall be prohibited on all private beach land within the City of St. Pete Beach:

- (a) All activities, behavior and conduct prohibited by section 95-10.
- (b) Sleeping between sunset and sunrise, except when authorized by the upland property owner.

- (c) Operating a commercial or recreational activity without the authorization of the upland property owner and approval of the City.
- (d) Operating any event or activity that will occur on private beach lands, is not authorized by the property's business tax receipt, and is not considered an exempt activity or event under Section 95-15.(a), without having obtained a special event permit from the City.
- (e) Operating any event that will involve public beach lands either incidental to or as a fundamental part of the event, such as surfing contests or extension of an event area between private and public beach lands, when such event is not co-sponsored by the City, without having first obtained a special event permit from the City.
- (f) Serving any individual alcohol outside of a permitted cabana service area or special event area that has been authorized by and is in good standing with the City.
- (g) Consuming, or possessing an open container of, alcohol outside of a permitted cabana service area or special event area, subject to the terms of the permit or other authorization issued by the City.
- (h) Possessing or using any fireworks, including but not limited to sparklers, firecrackers, propellants, explosives, or any of the fireworks defined in F.S. § 791.01(4), in the following locations during the following periods:
 - (3) On or over any private sand beach of the City within feet of a reported seabird or marine turtle nesting site;
 - (4) Within any location prohibited by the city manager or designee due to a determination that use of fireworks in that location at that time would pose a threat to public or protected wildlife safety, or would violate a code of the National Fire Protection Association.

Section 95-12. is created as follows:

Section 95-12 - Prohibitions on public beach lands.

The following activities, behavior and conduct shall be prohibited on all public beach land within the City of St. Pete Beach:

- (a) All activities, behavior and conduct prohibited by section 95-10.
- (b) Any activity prohibited by Section 58-26 of this Code, except Section. 58-26.(b) prohibiting shelters, when such shelter is a tiki or chickee hut, or a structure authorized by Section 6.12. of the Land Development Code, and its placement has been permitted by the City of St. Pete Beach and Florida Department of Environmental Protection as required.
- (c) Placing, carrying or using any expanded polystyrene (commonly known as “disposable white foam” products) or glass container, including but not limited to coolers, drink cups, mugs, and other such items.
- (d) Sleeping between sunset and sunrise.

- (e) Placing any chair, bench, table, umbrella, or other beach furniture that, alone or in combination with other furniture, would interfere with the use of the public beach land by the general public.
- (f) Placing any tent larger than 10 by 10 feet in size, except as authorized under the terms of a special event permit.
- (g) Leaving any beach furniture or temporary structure on the beach overnight, unless authorized under the terms of a special event permit or under a temporary use permit.
- (h) Conducting any picnic without cleaning up any food, papers, cartons, bottles, or other refuse, litter, or debris generated by the picnic.
- (i) Consuming or possessing an open container of alcohol outside of an approved special event area operated in compliance with a special event permit issued by the City.
- (j) Consuming or possessing an open container of alcohol on or upon all sovereignty submerged land.
- (k) Smoking or vaping any product, except for unfiltered cigars, on or upon any public beach land of the City as authorized by F.S. 386.209, except on County-owned public beach land when this prohibition would be in conflict with an applicable County ordinance.
- (l) Throwing, casting, affixing, or discarding any handbill, circular, card, booklet, placard or other paper or plastic or other material whatsoever in or upon any public beach land.
- (m) Fishing, 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.
- (n) Leaving any unattended fishing pole and/or line on or over any public beach land.
- (o) Soliciting, canvassing, or otherwise taking orders for the sale of merchandise, goods, or property of any kind or character, except in compliance with the terms of a City-issued special event permit.
- (p) Exposing or offering for sale, rent or trade any article or thing, or stationing or placing any stand, cart, or vehicle for the transportation, sale or display of any article or merchandise, except for the City or concessionaires acting by and under the authority of the city manager or designee.
- (q) Operating any special event or organized recreational or entertainment activity, including but not limited beach volleyball tournaments, skimboarding or surfing contests, or concerts, on the public beach land, except in compliance with the terms of a City-issued special event permit.
- (r) Operating any business service or activity that uses the public beach land and is not authorized under a business tax receipt, agreement with St. Pete Beach Resident Services Department, or City-issued special event permit, including but not limited to beach exercise excursions, photography sessions involving changing tents or lighting setups, yoga classes, catered dinners, and similar beach-operated events, unless the activity has been registered with the City pursuant to section 95-14.

(s) Possessing or using any fireworks, including but not limited to sparklers, firecrackers, propellants, explosives, or any of the fireworks defined in F.S. § 791.01(4), in the following locations during the following periods:

(1) On or over any public sand beach of the City at any time;

(2) Within 0.75 miles of any reported seabird nesting site between February 15 and August 31 (“seabird nesting season”); or,

(3) Within any location prohibited by the city manager or designee due to a determination that use of fireworks in that location at that time would pose a threat to public or protected wildlife safety, or would violate a code of the National Fire Protection Association.

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) In addition to the requirements of (a) preceding, any solicitor seeking to solicit on private beach lands shall demonstrate authorization from the landowner prior to the issuance of a permit. Regulations specific to commercial solicitation in sand beach areas can be found in Section 95-13 of this Code.

Existing Code of Ordinances Section 62-93 is relocated to create Section 95-13, renamed, and amended as follows:

Sec. 95-13. – Restrictions specific to commercial solicitation on beach land.

(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, 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 public beach land. 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.

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

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.

Section 95-14 is created as follows:

Sec. 95-14. – Permit or registration required for beach events and activities.

- (a) No temporary or permanent structure shall be constructed or placed on any sand beach land, or seaward of the Florida Coastal Construction Control Line (CCCL), until a permit has been issued by the City and Florida Department of Environmental Protection. All structures constructed and placed landward of the CCCL shall be consistent with the regulations pertaining to the Preservation zoning and coastal development regulations, as found in Chapters 25, 27, and Section 6.12. of the Land Development Code, the Florida Building Code, and other applicable regulations.
- (b) *Recreational Activities.* Any organized recreational or entertainment activity, including but not limited to beach volleyball tournaments, skimboarding or surfing contests, or concerts, that occurs on the public beach land, shall be required to obtain the necessary special event permits and any other required permits through the city manager.
- (c) *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 land, and the service or event has not been authorized through a special event permit or business tax receipt, 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, events required to be registered 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 services and events. Registration shall occur through the submittal of forms and supplemental documents as prescribed by the City.

- (d) *Commercial and recreational activities on private beach lands.* All commercial and recreational activities occurring on private beach lands shall have the authorization of the land owner in addition to any permit or other registration required by the City of St. Pete Beach.

Section 95-15. is created as follows:

Sec. 95-15. –Special events on the beach.

- (a) *Exemptions.* The following events and activities are exempt from the special event permitting requirements of subsections (b) and (c) of this section:
- (1) Any event or activity held on private beach land which is explicitly authorized by the upland private property's business tax receipt, or is otherwise authorized to the upland property owner by a duly issued and active development permit or cabana service area permit operated in good standing with any applicable regulations and/or conditions of approval.
 - (2) Any event or activity held entirely on private beach land, except for event and activities meeting one or the following criteria, in which case the event or activity shall require a special event permit:
 - a. The event or activity will take place during marine turtle nesting season and involve use of the beach land between sunset and sunrise, including for set-up or tear-down of the event or activity, or will introduce a light source that is directly, indirectly, or cumulatively visible from the beach between sunset and sunrise.
 - b. The event or activity will produce smoke, odor, and/or amplified sound that exceeds the limits established in Chapter 46 of this Code.
 - c. The event or activity will involve use of vehicles or micromobility devices, other than those described in Section 95-10.(d)(1)-(4).
 - d. The event or activity will involve the starting or maintaining of a fire on any beach land.
 - e. The event or activity will involve construction or placement of a structure on the private beach land, other than beach furniture as authorized in this Chapter and those structures otherwise authorized through a building permit and/or development order. By way of example, this requirement shall apply to events introducing temporary stages, inflatable entertainment activities such as water slides, tents larger than ten by ten feet, and similar structures, unless exempted in writing by the City Manager or designee.

- f. The event or activity will include consumption of alcohol on the sand beach, unless the consumption occurs solely within the boundaries of a cabana service area authorized and in good standing with Section 95-8.(b) of this Code.
 - g. The event or activity will be unticketed or otherwise free of charge and untracked to total number of attendees, as well as open to the entire community.
- (3) Any event or activity that is co-sponsored by St. Pete Beach subject to the considerations of Article II of Chapter 26 of this Code, or is otherwise authorized by the St. Pete Beach Resident Services Department, unless such authorization includes a requirement for a special event permit.
 - (4) Any activity that occurs on public beach land, that is registered pursuant to Section 95-14.(c) of this Code or otherwise authorized by the St. Pete Beach Resident Services Department, and is not advertised, applied for, held out, or otherwise expected to accommodate more than 50 people at any point in time during the activity and does not otherwise require a special event permit pursuant to subsection (b).
- (b) A special event permit application made pursuant to Article II of Chapter 26 of this Code shall be authorized by the City Manager or designee prior to operation of any event or activity on beach land that meets one or more of the following qualifications:
 - (1) The organized event or activity occurs on public beach land, whether operation is solely on public beach land or through extension of an event occurring partially on private beach land.
 - (2) The event involves a business activity conducted on public beach land, as described in Section 95-14.(c), that is advertised, applied for, held out, or otherwise expected to accommodate more than 50 persons at any one time on public beach land.
 - (3) The event or activity is conducted on private beach land and is listed in Section 95-15.(a)(2) preceding.
 - (4) The event or activity will include consumption of alcohol on any private beach land, unless the consumption occurs solely within the boundaries of a cabana service area authorized and in good standing with Section 95-8.(b) of this Code.
 - (c) A special event permit application made pursuant to Article II of Chapter 26 of this Code shall be authorized by the St. Pete Beach City Commission prior to operation of any event or activity on beach land that meets one or more of the following qualifications:
 - (1) The event or activity is determined by the city manager and/or his/her designee to be open to the entire community.
 - (2) The event or activity will involve consumption of alcohol on the public beach land.

Section 26-32 is amended as follows:

Sec. 26-32. Special event permit required.

No special event shall be permitted within the city limits of St. Pete Beach unless and until a special event permit has been issued in accordance with the requirements of this article. It shall

be the authority of the city manager, or his/her designee, to determine whether or not a proposed activity constitutes a special event under the intent of this article, except for those activities on sand beach lands regulated under Section 95-15.(b) and (c), which shall always require application for a special event permit as specified. It shall also be the authority of the city manager, or his/her designee, to determine whether an application for the activity will be accepted. This requirement shall not apply to events which are sponsored or co-sponsored by the city. Approval of such sponsorship shall be at the discretion of the city manager or city commission, provided, however, that if an event is open to the entire community, or involves the consumption of alcohol on public beach land, the city commission shall grant such approval, as applicable. City sponsored or co-sponsored events may take place on public property, or private property with the consent of the property owner.

Section 26-33 is amended as follows:

Sec. 26-33. Special event application and requirements.

- (d) If any city commission actions are required in connection with a planned special event, the application for the permit shall be filed at least 180 days prior to the date of the planned event. Applications for issuance of a special permit that do not require commission approval shall be filed no later than 90 days prior to the scheduled event.
- (e) No special event shall receive a permit to exceed 14 days in duration.
- (f) Appeal from city manager' decision. The applicant may appeal the city manager's special event permit decision to the city commission. The appeal shall be filed with the city commission no later than 30 days from written notice of the decision, and upon timely filing of the appeal, the city commission shall review the city manager's decision and take action to affirm, reverse or modify that decision.

Summary report:	
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Intelligent Table Comparison: Active	
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Modified DMS: iw://dms.stearnsweaver.com/active/14665843/3 - Beach Ordinance 2025-02 - Clean - 4212026 Modifications.docx	
Changes:	
<u>Add</u>	21
<u>Delete</u>	10
<u>Move From</u>	5
<u>Move To</u>	5
<u>Table Insert</u>	0
<u>Table Delete</u>	0
<u>Table moves to</u>	0
<u>Table moves from</u>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	41