

AN ORDINANCE

AN ORDINANCE TO AMEND SECTION 5-24 TO DELETE THE LANGUAGE THAT REQUIRES SHADING DEVICES TO BE PLACED AT A MINIMUM DISTANCE OF TEN (10) FEET FROM ANY OTHER SHADING DEVICE

Sec. 5-24. - Placing obstructions on the beach.

(a) *Hours.* Except for municipal beach service equipment or equipment authorized by franchise agreement, it shall be unlawful between the hours of 7:00 p.m. and 8:00 a.m. for any person to leave upon, put, place or set any equipment on the beach including but not limited to shading devices, surfboards, floats, life rafts, volleyball nets, etc.

(b) *Placement of shading devices on the beach.* Other than umbrellas, shading devices, including but not limited to, tents, tarps, cabanas, pavilions or any material mounted on supports shall be located between the area landward of the city's umbrella line (or high tide line in the absence of a city established umbrella line) and seaward of the emergency vehicle access lane. The emergency vehicle access lane is the area approximately twenty (20) to twenty-five (25) feet seaward of the dune line and parallel to the shoreline which will be marked by city trash cans, pylons and or flags. In addition, the department of public safety shall have the authority, at anytime the director of public safety or his designee determines that it is necessary, to establish unobstructed emergency access lanes perpendicular to the shoreline for emergency vehicles, personnel and or other emergency safety equipment to access the surf or other areas of the beach in the event of an emergency. Emergency access lanes perpendicular to the shoreline shall remain open and unobstructed until the director of public safety or his designee determines the emergency access lane is no longer necessary.

The city's umbrella line will be established on or about 8:00 a.m. daily; however, in the event that the city's umbrella line is established after 8:00 a.m., shading devices, other than umbrellas, located seaward of the city's umbrella line shall be required to relocate landward of the city's umbrella line. In areas of the beach where the city has not established an umbrella line, shading devices, other than umbrellas, shall be placed landward of the high tide line.

Shading devices shall not be placed within ten (10) feet of any lifeguard stand. ~~Shading devices, other than umbrellas, shall be placed at a minimum distance of ten (10) feet from any other shading device;~~ Shading devices are prohibited from being tied, bound, joined or connected in any manner. Anchoring lines, if used, shall not extend beyond the perimeter of the shading device.

(c) *Size of shading devices.* Shading devices shall not exceed the maximum size of twelve (12) feet by twelve (12) feet or one hundred forty-four (144) square feet and the maximum height of any shading device shall not exceed nine (9) feet installed.

(d) *Removal, disposal.* Shading devices or other structures/equipment remaining on the beach between the hours of 7:00 p.m. and 8:00 a.m. will be removed from the beach. All items removed will be tagged with the date, time and location and will be maintained in the city's storage yard for a period of thirty (30) days. If the item has not been reclaimed within thirty (30) days from the date of removal, the item(s) shall be deemed forfeited and shall be disposed of in a manner to be determined by the city manager or his designee, including but not limited to, selling the forfeited item(s) at auction, donating

the item(s) for charitable purposes or disposing of the item(s) as refuse. A forty dollar (\$40.00) administrative fee shall be charged for item(s) claimed from the storage yard.

(e) *Sand fencing and dune walkovers.* Sand fences and dune walkovers have been constructed to preserve, strengthen, and rebuild the sand dunes. Sand dunes are natural barriers that aid in protecting life and property in the event of hurricanes. Therefore it is prohibited to place, put, lean, chain to, lock to, or connect to, in any fashion any item to a sand fence. In addition, no items may be placed, put, chained to, locked to, connected to, or stored under any dune walkover located on the public beach.

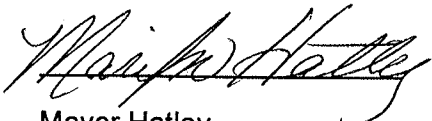
(f) *Other obstructions.* It shall be unlawful to build or erect any fence or other obstruction on the public beach so as to obstruct or impede the free use of the public beach or to interfere with or obstruct any maintenance operation of the beach.

(g) *Penalty.* Violations of this section are punishable by a fine in the amount of two hundred fifty dollars (\$250.00).

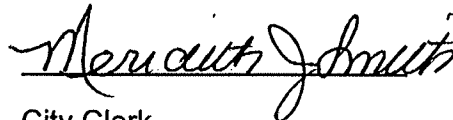
(Ord. No. 07-32, § 1, 7-9-07; Ord. No. 10-22, 12-12-10)

Editor's note— Ord. No. 10-22, adopted Dec. 12, 2010, amended § 5-24 title to read as herein set out. Former § 5-24 title pertained to the same subject matter.

DONE, RATIFIED AND PASSED THIS 5TH DAY OF NOVEMBER, 2012


Mayor Hatley

ATTEST:


City Clerk

Approved as to Form:


City Attorney

Reviewed:


City Manager

First Reading: 11-5-12

Second Reading: 11-19-12