

**ORDINANCE 2016-03**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES TO CREATE AN ARTICLE PROHIBITING AND REGULATING THE OVERNIGHT ABANDONMENT OF PERSONAL PROPERTY ON THE PUBLIC BEACHES OF THE CITY AND TO BE COMMONLY REFERRED TO AS "MADEIRA BEACH LEAVE NO TRACE ORDINANCE"; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the public beaches of the City of Madeira Beach are used and enjoyed by residents and tourists alike for vacationing, recreation, fishing, walking, water access and other traditional uses; and

**WHEREAS**, personal property left on the public beaches of the City of Madeira Beach overnight constitutes a nuisance which is contrary to the public's health, safety and welfare and interferes with the public's use, access and enjoyment of the public beaches; and

**WHEREAS**, the Board of Commissioners has determined that it is necessary to provide for the confiscation of any and all items abandoned overnight within the public areas of the beach to maintain and improve the quality of life for all citizens and visitors of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA:**

**SECTION 1.** That Article III of Chapter 42 of the Code of Ordinances of the City of Madeira Beach, Florida is hereby created to read as follows:

**ARTICLE III. – BEACH DEBRIS**

**Sec. 42-30. - Purpose.**

The purpose of this Article is to ensure the public beach and beach access areas of the City of Madeira Beach remain free from obstruction of any item of personal property in order to protect public ingress, egress and use, to promote public safety, protect citizens and visitors of City beaches, maintain a safe, welcoming and healthy beach and recreation environment, preserve the natural resource that are the City's public beaches and to protect endangered sea turtles.

**Sec. 42-31. - Definitions.**

*Public beach* means all beaches within the City of Madeira Beach. The public beaches are limited to and means that area of unconsolidated material within the City of Madeira Beach that extends landward from the mean low-water line of the United States Gulf of Mexico to the frontal dune, or where there is no frontal dune to the line of permanent vegetation or construction, whichever is more seaward.

*Public beach access areas* means those public beach access points within the City of Madeira Beach, including boardwalks, walkways and dedicated parking areas and the areas on the public beach beginning at the entrance of the beach access point perpendicular with the applicable road right of way to the water's edge.

*Camping* means the construction or erection of a shelter or similar structure for the purpose of sleeping; or lying upon the beach on a bedroll, blanket or other protective garb for the purpose of sleeping.

*Dune* means a mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism, which may be bare or covered by vegetation and is subject to fluctuations in configuration and location. In the absence of a discernable dune, the seaward boundary of a dune will be deemed to be the line of native vegetation.

*Personal property* means all types of personal property used for swimming, sunbathing or beach recreation, including but not limited to tents (including tent frames), canopies, cabanas, umbrellas and other shading devices, beach chairs, hammocks, picnic tables and other furniture, volleyball nets, coolers, clothing, toys, towels, fishing poles or equipment, kayaks, canoes, catamarans, floats, sailboats, surfboards, kites, jet skis, sailboats, water cycles and other watercraft.

**Sec. 42-32. - Obstructions on the beach.**

- (a) It shall be unlawful for any person to leave an item of personal property unattended on the public beaches or within the public beach access areas between the one (1) hour after sunset and sunrise of the following day, except as otherwise permitted by Section 42-33.
- (b) Any item of personal property left on the public beach or within the public beach access area in violation of this Article shall be deemed discarded by the owner and shall become the property of the City of Madeira Beach.
- (c) In the confiscation of any item under this section, the City's designated agency or officer is hereby authorized and directed to forthwith dispose of the property in accordance with directions of the City Manager.
- (d) Unattended or abandoned items of personal property, and unattended unfilled holes in the public beach are in violation of this article and shall be deemed a public nuisance.

**Sec. 42-33. - Exceptions.**

From one (1) hour after sunset and sunrise of the following day, items of personal property that are relocated as close to (but not on) the dune or native vegetation, or where there are no dunes or native vegetation as close as practicable to an existing permanent structure or the line of buildings, will not be considered discarded by the owner, abandoned or in violation of this article, provided:

- (a) Such items shall not be placed on the dune or on native vegetation; and
- (b) Such items shall be stored in a neat and orderly manner; and
- (c) Such items shall not inhibit access to the public beach from the nearest public access area, nor obstruct access on the public beach, nor impact native vegetation, nor significantly affect sea turtles; and
- (d) Private property owners may store items under or adjacent to their private dune walkovers or boardwalks; and
- (e) Items shall not be placed on any public beach access point or within twenty (20) feet of any trash receptacle.

**Sec. 42-34. - Digging Holes on the beach.**

It shall be required that all holes dug on the beach are to be attended at all times and shall be completely filled and restored to their original level condition prior to leaving the beach the same day it is created.

**Sec. 42-35. - Camping.**

It shall be unlawful to camp overnight on public beaches in the City of Madeira Beach.

**Sec. 42-36. - Notice.**

The City of Madeira Beach shall provide notice of this article by posting a permanent sign located at the

entry of every public beach access point.

**Sec. 42-37. - Leave no trace informational signs in rental units.**

In each rental unit rented by the day or week, or longer period, within the City of Madeira Beach, there shall be posted or placed in a plainly legible fashion, in a conspicuous place in each rental unit for each occupancy, a sign in form and substance approved by the City Manager that explains the "Madeira Beach Leave No Trace Ordinance" prohibiting tents and personal property on the Public Beach at night; and other most notable regulations that include:

- (a) Warning beachgoers that any unattended tents or property left on the Public Beach at night shall be deemed discarded by the owners and become the property of the City of Madeira Beach and may be removed and disposed of by the appropriate authority.
- (b) All holes on the beach are to be filled in the same day they are created.
- (c) Camping, bonfire and glass regulations
- (d) Breach of the Peace, Sound restrictions and Disorderly Conduct

**Sec. 42-38. - Enforcement.**

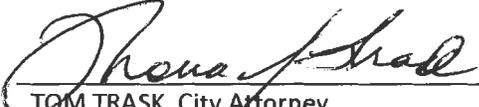
- (a) The City of Madeira Beach is authorized to enforce this article and may follow the established procedures and schedule of violations and penalties set forth below to be assessed by law enforcement officials and code enforcement officials through its County Court.
- (b) Violation of any provision of this article shall be subject to the following penalties:
  - i. First violation: \$100.00 fine
  - ii. Second violation: \$200.00 fine
  - iii. Third violation: Fine not to exceed \$500.00 pursuant to Florida Statute 162.22.
- (c) Each violation of this article shall constitute a separate offense. In the initial stages and implementation of this article (implementation period not to exceed July 1, 2016), code enforcement officials may provide violators with no more than one (1) written warning.
- (d) The City shall reserve its rights to such civil remedies in law and equity as may be necessary to ensure compliance with the provisions of this article, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions of this article and to recover such damages as may be incurred by the implementation of specific corrective actions.

SECTION 2. That this Ordinance shall become effective immediately upon its passage and adoption.

[REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, this  
12<sup>TH</sup> day of APRIL, 2016.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
TOM TRASK, City Attorney

  
\_\_\_\_\_  
TRAVIS PALLADENO, Mayor

ATTEST:

  
\_\_\_\_\_  
AIMEE SERVEDIO, City Clerk

PASSED ON FIRST READING:	<u>03/16/2016</u>
PUBLISHED:	<u>03/25/2016</u>
PASSED ON SECOND READING:	<u>04/12/2016</u>

# NOTICE OF PUBLIC HEARING THE CITY OF MADEIRA BEACH, FLORIDA

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach Charter, and Florida Statutes §166.041 (3)(c)(2):

**NOTICE IS HEREBY GIVEN**, the Board of Commissioners of the City of Madeira Beach will conduct a second and final reading of Ordinances 2016-02, 2016-03, and 2016-04 on Tuesday, April 12, 2016 at 6:00 p.m. City of Madeira Beach Commission Chambers, located at 300 Municipal Drive, Madeira Beach, FL 33708.

The titles of said Ordinances are as follows:

## ORDINANCE 2016-02

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 82-2 OF THE CODE OF ORDINANCES TO CREATE A DEFINITION FOR "RESIDENTIAL PROPERTY"; AND PROVIDING FOR AN EFFECTIVE DATE.**

## ORDINANCE 2016-03

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES TO CREATE AN ARTICLE PROHIBITING AND REGULATING THE OVERNIGHT ABANDONMENT OF PERSONAL PROPERTY ON THE PUBLIC BEACHES OF THE CITY AND TO BE COMMONLY REFERRED TO AS "MADEIRA BEACH LEAVE NO TRACE ORDINANCE"; AND PROVIDING FOR AN EFFECTIVE DATE.**

## ORDINANCE 2016-04

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES TO CREATE A SECTION PROVIDING FOR UNOBSTRUCTED USE OF PUBLIC DOCKS AND BOAT LAUNCHING RAMPS AND RESTRICTIONS TO THE SECURING OR TYING OF VESSELS TO PUBLIC PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Copies of the proposed Ordinance are available for inspection in the Office of the City Clerk between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

All persons are hereby advised that any presentation they make to the Board of Commissioners will be encouraged to be as precise as possible. The Board of Commissioners may limit the time of each individual to permit maximum participation by the public at large. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Therefore, the applicant must make the necessary arrangements with a private reporter or private recording firm and bear the resulting expense. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 391-9951 or fax a written request to (727) 391-1131.

Aimee Servedio

City Clerk