

ARTICLE I. - IN GENERAL

Secs. 54-1—54-30. - Reserved.

ARTICLE II. - BEACH MANAGEMENT AND VESSEL CONTROL

Footnotes:

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State Law reference— *Florida Vessel Safety Law, F.S. ch. 327.*

Sec. 54-31. - Title of article.

This article shall be known and be cited as the "Marco Island Beach Management and Vessel Control Ordinance."

(Ord. No. 98-12, § 2, 9-8-1998)

Sec. 54-32. - 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. These definitions are supplemental to the definitions in section 1-2 of this code. The definitions in this section shall prevail in case of conflict.

Aircraft means any motor vehicle or contrivance now known or hereinafter invented, which is used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term "aircraft" shall include ultra-light aircraft and seaplanes.

Bather means any person who is in the same water as a vessel, whether said person is swimming, wading or engaged in any other activity in the water.

Bathing area means any area of the waters adjoining the beach in which bathers are located or may be located, whether or not designated by signs or other form of notification.

Beach has the meaning ascribed to it in section 1-2 of this code.

Beach permit means a vendor permit required by the city to comply with this article.

Blood baiting means the use of blood or bloody fish parts to attract sharks.

Camping means the erection of shelter or similar structures for the purpose of sleeping overnight or lying upon the beach.

Chumming means the throwing of bait or fish parts into the water to attract fish.

Decibel (dB) means a unit for measuring the volume of sound; it is a logarithmic (dimensionless) unit of measure used in describing the amplitude of sound. Decibel is denoted as dB.

Dune means the mounds or mound of sand piled up by wind or other natural events or created by a legally permitted activity such as a beach renourishment project, sources on the backshore of the beach, landward of the high tide line.

Dune vegetation means the coastal plants that help to hold the sand in dunes. Examples of plants, but not limited to this list include: Sea oats, beach morning-glory, railroad vine, evening primrose, Indian paintbrush, and coastal sand bur.

Gulf means the Gulf of Mexico from Caxambas Pass to Capri Pass Inlet.

Idle speed means the lowest speed at which a vessel or sail craft can operate and maintain steering control; the vessel shall not create a bow or stern wake.

License or licensed means a valid business receipts tax recognized by the city.

Operate means to be in charge of or in command of or in actual physical control of a vessel or aircraft, or to exercise control over or to have responsibility for a vessel's navigation or safety while the vessel is underway, or to control or steer a vessel being towed by another vessel within the city's incorporated limits.

Personal watercraft means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motor power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

Rafts, floats, and flotation devices means any device, whether of canvas, vinyl, rubber, Styrofoam, or other substance, intended or capable of assisting in the flotation of a person on or within the city. The term shall not include vessels or sail craft, but shall include body boards unless the context clearly indicates otherwise.

Sail craft means a wind-propelled vehicle used or capable of being used as a means of transportation on or in the water, including sailboats, sailboards and wind-surfboards.

Seaplane means any aircraft as defined herein that is capable of landing and/or lifting off from a water surface.

Skier, water skier, water skiing means anyone being towed with a line or rope behind a vessel and using water skis, a ski board, inflatable device or aqua plane.

Slow speed/minimum wake means the speed at which a vessel is neither planning nor moving with an elevated bow. A vessel that is operating on a plane or is in the process of coming off plane and settling into the water is not considered operating at a slow speed/minimum wake.

Solicit or canvass means any act, delivery, or exchange not initiated by the prospective customer or which directs attention to any business, mercantile or commercial establishment, or any other commercial activity, for the purpose of directly or indirectly promoting commercial interests through sales, rentals, or any exchange of value.

Surfing means the riding or paddling of a surfboard within city waters adjacent to the beach.

Ultra-light aircraft or ultra-light means any heavier-than-air, motorized aircraft that meets the criteria for maximum weight, fuel capacity or airspeed established for such aircraft by the Federal Aviation Administration under Part 103 of the Federal Aviation Regulations.

Vessel means any human, motor, wind, non-powered or motor propelled or artificially propelled water conveyance and every other description of boat, watercraft, barge, and airboat other than a seaplane on the water, used or capable of being used as a means of transportation on or in the water.

Wildlife means any living animal species, including mammal, bird, fish, reptile, amphibian, invertebrate and/or plant species, especially living in a natural, undomesticated state.

(Ord. No. 98-12, § 4, 9-8-1998; Ord. No. 02-30, § 4, 10-21-2002; Ord. No. 08-14, § 2(1), 10-20-2008; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Cross reference— Definitions generally, § 1-2.

Sec. 54-33. - Penalties; Suspension or Revocation of Beach Permit.

- (a) Violations of this article are punishable according to the penalties and procedures in chapter 14 of this code.
- (b) In addition, as a supplemental means of obtaining compliance with this code, the special magistrate may suspend a beach permit for violations of this article or for violations of other sections of this code, including, but not limited to chapter 30 (land development code) for a period no greater than 12 months. For purposes of this section, the term "permittee" includes the entity as well as the officers and principals of the entity. Accordingly, if an entity has its beach permit suspended, an officer or principal of the entity shall not be permitted to be an officer or principal in an entity which obtains a beach permit for a period of no greater than 12 months.

(Ord. No. 98-12, § 9, 9-8-1998; Ord. No. 08-14, § 2(2), 10-20-2008; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 54-34. - Intent and Purpose of Article.

It is the intent and purpose of this article to protect and promote the health, safety and welfare of the public at large, including residents and visitors to the city, by providing reasonable regulation of the public's use and conduct on the beach and adjoining waters of the city, including the designation of specific areas where concession sales, equipment rentals and other permitted activities and the operation of aircraft, vessels, and personal water craft may be regulated or prohibited. It is further intended that this article shall be liberally construed to effect such intent and purpose consistent with the intent and purpose of other articles of this code, including, but not limited to chapter 30, land development code, and section 38-1, adopting by reference the City of Marco Island Comprehensive Plan.

(Ord. No. 98-12, § 1, 9-8-1998; Ord. No. 08-14, § 2(3), 10-20-2008; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 54-35. - Applicability of article.

This article shall apply to and be enforced within the corporate limits of the City of Marco Island including all beaches, the Gulf of Mexico, and those islands within the defined city limits of the city. Employees of, and vessels operated by, or under the direction of, federal, state, county or city governments, or their contractors, when authorized by the city, are exempt from these provisions.

(Ord. No. 98-12, § 3, 9-8-1998; Ord. No. 08-14, § 2(4), 10-20-2008)

Sec. 54-36. - Regulation of use and conduct on the beach.

Unless otherwise prohibited, the public shall be entitled to engage in activities and use of beach areas. A beach permit is required prior to engaging in certain activities occurring on the beach such as concession sales, rental activities, etc.

- (a) *Possession of glass containers prohibited.* It shall be unlawful for any person while on the beach or beach access areas to possess or utilize any glass bottle or container.
- (b) *Restrictions on animals on the beach.* It shall be unlawful for any person owning or having under their control any animal, to permit such animal upon the beach, except service dogs accompanying persons with special needs shall be allowed on the beach at all times.
- (c) *Storage of equipment on the beach.* It shall be unlawful for any person to store equipment, recreational motorized or non-motorized vehicles, chairs, umbrellas, etc. on the beach or in the dunes. A licensed holder of a beach permit is authorized to store equipment at the permitted operations office, storage area or headquarters, which shall be located at the dune vegetation line.
- (d) *Wheeled vehicles.* The use of wheeled vehicles other than emergency safety vehicles, turtle nest monitoring, ATVs and similar wheeled vehicles used for vendor operation, baby stroller, or equipment for mobility impaired persons, is prohibited except by a beach permit.

- (e) *Open fires prohibited.* Heated objects to be disposed of properly. It shall be unlawful for any person to have open fires, barbecue grills, including portable type grills, or other incendiary devices on the beach. However, designated areas may be provided for use of stoves or grills as posted by the city solely for this purpose. It shall be unlawful for any person to dispose of any coals, briquettes, ember or other heated object except in city designated receptacles in designated areas.
- (f) *Overnight camping prohibited.* It shall be unlawful to camp overnight on the beach.
- (g) *Fishing.* Fishing while on the beach or within 1,000 feet from shore to fish for sharks or to fish by those methods commonly known as chumming or blood baiting shall be regulated by state law. Nothing herein shall be construed to create a duty of any sort on the part of any law enforcement officer or city employee to prevent fishing or to warn of the presence or sharks in the Gulf of Mexico.
- (h) *Swimming.* The public may swim at its own risk in the beach area between the two jetties adjacent to the Cape Marco property. Otherwise, no person except a person actually engaged in a rescue attempt shall:
 - (1) Swim or bath within 150 feet, measured in any direction, of a pier, jetty or breakwater;
 - (2) Swim or bath in any area posted exclusively for vessel and/or sail craft use.
- (i) *[Aircraft on beach prohibited.]* Use of aircraft on beach or adjoining water is prohibited. No person, other than emergency, public safety, or mosquito control personnel, shall operate an aircraft, including seaplanes, ultra-lights or helicopters, on or from the beach or the water within 750 feet from the beach.
- (j) *[Soliciting, canvassing, advertising, prohibited.]* Soliciting, canvassing, advertising, and/or engaging in commercial operations other than permitted beach operations is prohibited. There shall be no solicitation or canvassing for commercial purposes of the public on the beach other than as permitted in this article.

Permitted beach vendors, who hold valid beach permits may solicit or canvass for the sale or rental of any merchandise, services, goods or property of any kind or character from within ten feet of their permitted operational area.
- (k) *Removal of Beach sand.* No person shall remove sand from the beach.
- (l) *Litter.* It shall be unlawful for any person to discard or otherwise dispose of or abandon any trash, garbage, bottles, containers, cans, dead fish or part thereof, charcoal briquettes or ashes, or any other litter, except in containers designated for the purpose. It is further unlawful to dispose of any household garbage on the beach.
- (m) *Compliance.* Beach permittees shall comply with all applicable requirements of this code.
- (n)

Dune protection. It shall be unlawful for any person to impact the dune by walking, sitting, storing equipment, throwing litter, trash, or any other article into the dune. It is further unlawful to trim and/or remove any vegetation or otherwise alter existing ground elevations or conditions of any dune without prior obtaining a permit from the city and/or the Florida Department of Environmental Protection, or other state or federal governmental agency.

(o) *No live shelling.* It shall be unlawful to collect, take, or possess any live shell on the beach without proper permit issued from the Florida Fish and Wildlife Conservation Commission or other state or federal governmental agency. Only shells that do not contain a live organism may be collected or removed from the beach.

(p) *Wildlife protection.* The disturbance, destruction, or removal of wildlife is prohibited. Fishing from the beach is a permitted activity and includes the legal gathering of bait fish. Crustaceans may not be collected from their natural beach habitat.

(Ord. No. 98-12, § 5, 9-8-1998; Ord. No. 02-30, § 5, 10-21-2002; Ord. No. 08-14, § 2(5), 10-20-2008; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 54-36.1. - Reserved.

Editor's note— Ord. No. 24-15, § 2(Exh. A), adopted Sept. 9, 2024, repealed § 54-36.1, which pertained to beach permits and derived from Ord. No. 08-14, § 2(6), adopted Oct. 20, 2008.

Sec. 54-37. - Vessel Regulation—Speed Limits and Exemptions

- (a) *Operation of vessel in excess of idle speed regulated.* The operation of any vessel, in excess of idle speed, as defined herein, in or on all waters of the Gulf of Mexico within 750 feet offshore of all beaches and within 300 feet of the beach adjacent to the S.R. 951/Jolley Bridge is hereby prohibited. Said prohibition shall be effective and enforceable regardless of whether or not such area is designated by appropriate sign, buoy or other public notice.
- (b) *Vessel corridors.* Areas of the Gulf adjacent to the beach and closer than 750 feet from the shore may be designated by resolution of the city council as being used exclusively for vessel use between dawn and dusk.
- (c) *Beach launch of vessels regulated.* No person except a law enforcement officer, the holder of a beach permit, authorized emergency personnel, or other person actually engaged in a rescue attempt shall traverse the beach adjacent to the Gulf of Mexico with a motorized boat or personal watercraft to launch or retrieve such vessel from the beach from an unauthorized launching area. A licensed beach vendor's location is an authorized launch site for that vendor's equipment.
- (d) *Water skiing.* No person(s) including the skier(s) and the vessel operator(s) shall water-ski closer than 750 feet from the edge of the beach.
- (e)

Regulated areas. No person shall operate a motorized vessel or sailcraft within an area which has been clearly marked by buoys or some other distinguishing device for bathing, swimming or which has been otherwise restricted by the city.

(Ord. No. 98-12, § 6, 9-8-1998; Ord. No. 02-30, § 6, 10-21-2002; Ord. No. 08-14, § 2(7), 10-20-2008; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 54-38. - Beach permits; concession operations, equipment rentals and vendors on the beach and adjoining waters.

All beach permittees shall comply with this article. The safety and welfare of the persons that reside nearby the city's beach areas and of the public that recreate on the beach and adjoining waters makes necessary and appropriate the following regulations:

- (a) *Beach permit requirement.* Any person or business enterprise of any type or kind engaged in the commercial sale of goods, services, rental, leasing, bailment or which otherwise provides recreational equipment for remuneration, including vessel(s) for the use by the public on the beach or adjoining waters of Marco Island, is required to obtain a city beach permit. A beach permit shall be issued and maintained upon the applicant paying such application fee established by the city by resolution and the applicant meeting the following requirements:
 - (1) The applicant must have a physical location of business, office or headquarters at the beach location where the permitted service will be rendered. If the applicant is providing equipment, boats, or vessels for public use, the applicant must have an operation, or headquarters office located at an upland improved facility immediately adjacent to the area where vessels, goods and services are being offered by a vendor for public use with direct access to the beach areas. For the purposes of this article, the term "immediately adjacent" means the applicant owns a building, leases space within an upland improved facility, or has contractual right to operate on the land adjacent to the water.
 - (2) The applicant shall have a written lease or other written agreement executed by all owners of the beachfront property affected at the time application is made for a beach permit, and such agreement shall remain in full force and effect as a condition of the beach permit. The agreement or lease shall include a term requiring compliance with all provisions of this code, including, but not limited to zoning regulations, building codes and licensing.
 - (3) The applicant must have and maintain a communications system including a telephone, either land lined or cellular and marine radio at its operation office with the functional capacity to be always alert to the whereabouts of the rental craft equipment, goods and other personal property belonging to the applicant and those that are rented to the customers.

- (4) If the applicant is engaged in the rental of motorized or windblown equipment, or other vessel rentals the applicant must have a motorized rescue vessel with operational marine radio or cellular phone in good working condition that satisfies U.S. Coast Guard safety requirements, kept at the vessel rental site during all hours of applicant's rental operations. Rescue vessel(s) shall pass inspection by either the U.S. Coast Guard Auxiliary or the city police department 30 days prior to issuance of a city beach vendor permit. A copy of the inspection shall be submitted with the permit application to the city.
- (5) The applicant must have and maintain comprehensive general liability insurance with coverage not less than the amount of \$1,000,000.00 combined single limits, and the City of Marco Island must be named as additional insured. An endorsement certificate must be received by the city from the insuring company indicating such coverage and endorsement.
- (6) The applicant shall provide a list describing and indicating the vessel registration number of each motorized vessel the applicant shall place in service. Any motorized vessel placed in service for public use after a beach permit has been issued shall have a valid state vessel registration number affixed.
- (7) The applicant who proposes to rent recreational equipment, or vessel(s) for the use by the public on the beach or adjoining waters of Marco Island, shall be required to provide and maintain a buoy line of one or more buoys, designating the 750-foot offshore measurement from the area of operation of the beach vendor. The buoy(s) shall be placed 750 feet offshore upon the start of the business operations and pulled in and out of the Gulf waters when business operations ends.
- (8) The applicant shall provide an equipment removal plan to remove all equipment located along the beachfront in the event of a Category 1 or greater storm event, or if a tropical storm warning is declared. The applicant(s) removal plan shall be reviewed annually as part of the beach permit, and the information provided shall indicate which beach access will be necessary to remove equipment, an estimate of the time needed to remove equipment, and where equipment will be stored and/or secured prior to and during the storm event.

(b) *Boater safety.*

- (1) A livery, beach permittee, or marina may not knowingly lease, hire, or rent a vessel to any person:
 - a. When the number of persons intending to use the vessel exceeds the number considered to constitute the maximum safety load for the vessel as specified on the authorized persons capacity plate of the vessel.
 - b.

When the vessel does not contain the required safety equipment required under this section and F.S. § 327.50.

- (2) When the vessel is equipped with a motor of ten horsepower or greater, the livery, beach permit holder or marina shall provide a comprehensive pre-operation instruction briefing to all operators of rental vessels regardless of age and prior maritime training internal and external to a livery or marina that include, but need not be limited to, all the topics included on the list provided to each livery or marina by the city police department.
 - a. The pre-operation instruction briefing shall be documented on a form approved by the police department prior to use;
 - b. Any such form shall be retained for a period of six months;
 - c. Any such form shall be provided to the police department or any city staff, or other law enforcement agency, upon request.
- (3) All renters, users, and passengers of any vessel described in this section shall initial and sign a form attesting that they have completed, understood, and will comply with all conditions set forth in the form. The livery or marina operator(s) who gave the pre-operation safety briefing are also required to co-sign the form attesting that they have provided all operators with the required pre-operation safety briefing.
- (4) Any person delivering the pre-operational safety briefing on behalf of the livery or marina shall have:
 - a. Successfully completed a boater safety course approved by the National Association for State Boating Law Administrators (NASBLA) and this state.
 - b. A copy of the documentation attesting to the completion of this course must be maintained by the livery or marina during the person's employment, and for six months thereafter.
 - c. All liveries, beach permit holders and marinas shall provide any requested documentation relating to an employee's competency to instruct the pre-operational safety briefing to the police department, city staff, or any other law enforcement agency upon request.
- (5) The livery, beach permit holder or marina shall display boating safety information in a place visible to the renting public. The commission prescribes by rule pursuant to F.S. ch. 120, the contents and size of the boating safety information to be displayed.
- (6) If a rental vessel is involved in a boating incident or accident, which involves personal injury or significant property damage within the city, the livery or marina shall immediately notify the police department upon notice of the accident.

(c)

The vendor shall provide all renters, users, and passengers of any vessel described in this section shall have on board an approved and operational personal flotation device (PFD) for each occupant while using or having such vessel in the water. It is a violation of this section for any such person using such vessel not to have a life vest onboard.

- (d) Each rental personal watercraft must conspicuously display the special speed limit instructions that apply within all the respective distances from the shore. The speed instructions must be easily visible to the operator of the rental personal watercraft when the operator is in the operating position on the person watercraft.
- (e) Each rental personal watercraft must always operate with stock mufflers or with mufflers that are quieter than stock mufflers.
- (f) Each rental personal watercraft must display identifying letters and/or numbers that identify the specific personal watercraft vendor. Each identification number and/or letter, trademark, logo, and/or company name must be at least four inches in height and must contrast with its background color so as to be easily visible at a distance of 250 feet by a person with 20/20 vision.
- (g) All personal watercraft must be operated in a reasonable and prudent manner at all times. Maneuvers which unreasonably or unnecessarily endanger life, safety, or property are prohibited, including, but not limited to:
 - (1) Weaving through congested vessel traffic;
 - (2) Jumping wake of another vessel unreasonably or unnecessarily close to such vessel;
 - (3) Operating when visibility around such other vessel is obstructed;
 - (4) Operating in a manner that requires intentional swerving at the last moment to avoid collision.

(Ord. No. 98-12, § 7, 9-8-1998; Ord. No. 02-30, § 7, 10-21-2002; Ord. No. 08-14, § 2(8), 10-20-2008; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 54-39. - Prohibition on use or service of plastic straws.

- (a) No business, restaurant, including, but not limited to, cafeteria, including school cafeterias, cafe, bar or other establishment at which food or drink is served or purchased, and which is located directly adjacent to city beaches as defined and as depicted in the figure below, shall use, serve, or distribute plastic drinking straws on or after the effective date of the ordinance from which this section is derived. For purposes of this section, the following definitions shall apply:
 - (1) *Beach* is the sand portion of land lying seaward of a seawall or line of permanent vegetation and landward of the mean high water line; and
 - (2) A *straw* is defined to mean a tube for transferring a beverage or liquid from a container to the mouth of a drinker by suction or other means.

- (b) Amortization. Any business, restaurant, including, but not limited to, hotels, motels and time-shares, cafeteria, cafe, bar; any other establishment at which food or drink is served or purchased, and any school cafeteria, which is located directly adjacent to city beaches as defined and as depicted in the figure below, and, other than a school cafeteria, that possesses an active county local business tax receipt on the adoption date of the ordinance from which this section is derived, shall be permitted to continue to use, serve or distribute plastic drinking straws for a period of time not to exceed three months from the date of the ordinance creating this section, even if it is not in compliance with this section.
- (c) Exemptions. This section does not apply to:
- (1) Food grade paper straws.
 - (2) Straws made of compostable plant material.
 - (3) Reusable non-plastic straws.



(Ord. No. 18-06, § 2, Exh. A, 3-5-2018)

Secs. 54-40—54-60. - Reserved.

ARTICLE III. - VEHICLES ON BEACH

Footnotes:

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Cross reference— *Traffic and vehicles, ch. 50.*

DIVISION 1. - GENERALLY

Sec. 54-61. - Title of article.

This article shall be known and may be cited as the "City of Marco Island Vehicles on the Beach Regulations."

(Ord. No. 99-4, § 2, 3-1-1999)

Sec. 54-62. - Penalties.

Violation of this article is punishable according to the penalties and procedures in chapter 14 of this code.

(Ord. No. 99-4, § 7, 3-1-1999; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 54-63. - Intent and purpose of article.

It is the intent and purpose of this article to protect and promote the health, safety and welfare of the public at large, including residents and visitors to the city, by providing reasonable regulation of vehicles that may be allowed to operate on the beach, including limitations and restrictions during sea turtle nesting season. It is further intended that this article shall be liberally construed to effect such intent and purpose.

(Ord. No. 99-4, § 1, 3-1-1999)

Sec. 54-64. - Reserved.

Editor's note— Ord. No. 24-15, § 2(Exh. A), adopted Sept. 9, 2024, repealed § 54-64, which pertained to applicability of article and derived from Ord. No. 99-4, § 3, adopted March 1, 1999.

Sec. 54-65. - Driving on sand dunes or beach; disturbing sand dunes.

It shall be unlawful to:

- (1) Operate or cause to be operated a hand-, animal- or engine-driven wheeled, tracked or other vehicle on, over or across any part of the sand dunes, hill or ridge nearest the gulf, or the vegetation growing thereon or seaward thereof, or to operate or drive such a vehicle without a permit or authorized exemption, on the a beach as defined in section 54-32.
- (2) Alter or cause to be altered any sand dune or the vegetation growing thereon or seaward, make any excavation, remove any material, trees, grass or other vegetation or otherwise alter existing ground elevations or conditions of such dune without first securing a permit.

(Ord. No. 99-4, § 4, 3-1-1999; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Secs. 54-66—54-80. - Reserved.

DIVISION 2. - PERMIT FOR USE OF VEHICLES ON THE BEACH

Footnotes:

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Editor's note— Ord. No. 24-15, § 2(Exh. A), adopted Sept. 9, 2024, amended the title of Div. 2 to read as herein set out.
The former Div. 2 title pertained to Permit.

Sec. 54-81. - Exemptions.

- (a) City, sheriff, state and federal public safety vehicles are exempt from permits required by this article and may be operated on the beach as long as they are operated or authorized by officers of these departments under orders in the normal course of their duties. Vehicles used for emergency environmental cleaning and turtle monitoring are also exempt.
- (b) Baby buggies (perambulators), toy vehicles, toy wagons, wheelchairs or similar devices to aid mobility challenged or nonambulatory persons shall be exempt.

(Ord. No. 99-4, § 5(1), 3-1-1999)

Sec. 54-82. - Vehicles requiring permit; display.

Owners or operators of vehicles used on the beach in connection with environmental operations, conservation operations, lawfully permitted beach vendor operations, construction, or property maintenance operations must obtain a permit. The permit shall be prominently displayed on the windshield or attached to such vehicle and kept with the vehicle and available for inspection.

(Ord. No. 99-4, § 5(2), 3-1-1999; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 54-83. - Application; issuance; fee.

For all vehicles requiring a permit under this article, the permit shall be obtained by application to the city on the requisite forms, including a written justification of necessity for the vehicle to be operated on the beach, and whether the vehicle needs to be operated during sea turtle nesting season. If so, the application should suggest minimum hours of operation during that period. The city shall issue a permit for such vehicle if it determines that a lawful and necessary purpose will be served and all conditions are met. A schedule of permit fees will be established by the city council by resolution, and may be changed or amended by subsequent resolutions.

(Ord. No. 99-4, § 5(3), 3-1-1999; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 54-84. - Conditions.

All vehicles requiring a permit under this article shall have wide, low footprint pressure tires. Except for emergency vehicles, all vehicles will be limited to ten miles per hour.

(Ord. No. 99-4, § 5(4)(a), 3-1-1999)

Sec. 54-85. - Temporary permit.

Vehicles which must travel on the beach in conjunction with a special event must first obtain a city temporary use permit.

(Ord. No. 99-4, § 5(4)(b), 3-1-1999; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 54-86. - Expiration.

All permits to allow operation of vehicles on city beaches, other than temporary permits, shall expire on April 30 of each year, to coincide with the beginning of sea turtle nesting season.

(Ord. No. 99-4, § 5(4)(c), 3-1-1999)

Sec. 54-87. - Restrictions during sea turtle nesting season.

During sea turtle nesting season, May 1 through October 31 of each year, vehicles which must travel on the beach in connection with environmental operations, conservation operations, lawfully permitted beach vendor operations, construction, and property maintenance operations shall not operate on the beach until (i) after a daily sea turtle monitoring has been conducted by a state-certified sea turtle permit holder, or (ii) 8.00 a.m., whichever occurs first. Operators should additionally consult their permit for other restrictions on normal operations that may apply during sea turtle nesting season. Vendors on the beach will be required to maintain a minimum 25 feet of distance between any marked sea turtle nest and their merchandise and vehicles.

(Ord. No. 99-4, § 5(4)(d), 3-1-1999; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Secs. 54-88—54-99. - Reserved.