

ARTICLE III. - BEACH EQUIPMENT

Sec. 10-34. - 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.

Administrative Review means a review by Village Manager of a Beach Plan submitted by an Owner for compliance with this Code and with the Administrative Regulations.

Administrative Regulations means standards or process established by the Village Manager for all equipment to be used and stored on the Beach Area.

Beach Area means that land area westward of the mean high water line and generally eastward of the oceanfront structures, as shown in Exhibit "A". It shall also include all easements and rights-of-way within that area which are utilized for Beach purposes.

Beach Equipment includes, but is not limited to, any chair, umbrella, beach hut, storage box or other object that is used by an owner on the Beach Area.

Beach Plan means a plan submitted by an Owner that details the plan for placement, storage and emergency removal of permitted Beach Equipment, as established in this Article and the Administrative Regulations.

Owner means any entity, hotel, hotel operator, condominium, condominium association or representative that owns or controls Beach Equipment in the Oceanfront District of Bal Harbour Village.

Permit means the revocable license issued by the Village to the owner of Beach Equipment authorizing the placement of such Beach Equipment in a designated location(s) on the Beach Area.

Village Manager means the Village Manager of Bal Harbour Village or designee.

(Ord. No. 2021-635, § 2, 3-16-21)

Editor's note— Exhibit A referenced herein is not set out however copies are available at the office of the City Clerk.

Sec. 10-35. - Purpose and intent.

The following regulations are established to ensure the placement of Beach Equipment on the Beach Area complies with the aesthetic objectives of the Village and preserves the health, safety and welfare of the residents. The scope of this Article is limited to properties located within the Oceanfront District of Bal

Review and Approval of Permit Application. The Village Manager may grant a Permit if he determines that the requirements of this Article, the Administrative Regulations, and the Village Code have been satisfied, and that the granting of such a Permit does not:

- (1) Unduly impede governmental business or public access to and use of the Beach Area;
 - (2) Conflict with previously scheduled Village activities;
 - (3) Imperil public safety; or
 - (4) Violate any public policy or local, state or federal law or emergency order.
- (e) *Beach Hut Size.* An Owner that has beach frontage may have one beach hut that is up to 10 feet in height and 8 feet in width.
- (f) *Change to Permits.* Any change to the Permit will require a reapplication for Administrative Review by the Village prior to any changes. A reapplication fee in an amount established by resolution, which may be amended from time to time by the Village Council, will apply.
- (g) *Compliance with Administrative Regulations.* The Owner shall ensure compliance with the Administrative Regulations in their approved Beach Plan for continued operation under an approved Permit. Any deviations from the approved Permit will constitute a violation of this Article.
- (h) *Penalties for Offenses.* Any Owner found by the Village Manager to be in violation of any condition of the Permit issued herein or the Administrative Regulations shall first be issued a warning notice. The Village Manager shall give the violator a reasonable amount of time from the date of the warning notice to correct the violation. Failure to correct the violation within the prescribed deadline may result in suspension or revocation of the Permit by the Village Manager, or a fine of \$250.00 per occurrence, or both. Failure to obtain the required Permit prior to operation shall subject the Owner to a fine of \$500.00 per day.
- (i) *Compliance with Village Codes.* All storage and uses of approved Beach Equipment must comply with all applicable Village Codes.
- (j) *Appeals.* Any Owner who is denied a Permit, or has their Permit revoked or suspended, may appeal such decision in writing to the Village Council by submitting a written request for appeal within 10 days of such denial, revocation or suspension.

(Ord. No. 2021-635, § 2, 3-16-21)

Sec. 10-37. - Indemnification and insurance.

- (a) The Owner must agree to indemnify, defend, save and hold harmless the Village, its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the Permit or the Owner's activity on the Beach Area.
- (b) The Owner agrees to obtain and maintain for the entire Permit period, at its own expense, the following requirements: