

ARTICLE II - Beach Chairs

Footnotes:

--- (10) ---

Editor's note— Adopted 2-15-2007 by Ord. No. 2007-276.

§ 108-7. - Purpose and intent.

The following regulations are established to ensure the placement of private beach chairs and equipment on publicly owned or controlled beach area complies with the aesthetic objectives of the City and preserves the health, safety and welfare of the residents.

§ 108-8. - Definitions.

The following words, terms and phrases, when used in this article, shall have the following meanings, except where the context clearly indicates a different meaning:

ABANDONED BEACH CHAIRS AND/OR EQUIPMENT — Any beach chair and/or equipment left outside the permitted area which is not in use for a period of two hours or more, or upon the public beach after sunset, excluding beach chairs and/or equipment that are temporarily unoccupied where its user is in the water or within sight.

BEACH CHAIRS AND/OR EQUIPMENT — Includes, but is not limited to, any chair, umbrella or other object that is used on the beach.

CITY — The City of Sunny Isles Beach.

CODE — The City of Sunny Isles Beach Code of Ordinances and applicable sections of the Code of Miami-Dade County as made applicable to the City pursuant to Article 8, Section 8.3 of the City Charter, as may be amended from time to time, or such other land development regulations or ordinances as may be adopted by the City thereafter.

DEPARTMENT — The City of Sunny Isles Development Services Department.

EMERGENCY RESPONSE PATH — The area located between the easternmost property line and the Miami-Dade County garbage cans for the purpose of providing access for emergency response personnel and enforcement.

OWNER — Any person, entity, hotel, hotel operator, condominium, condominium association or representative that owns or controls a beach chair(s) and/or equipment and allows another party to use such beach chair and/or equipment for a fee or as part of a short-term paid lodging or residency arrangement.

PERMIT — The license issued by the City to the owner of a beach chair(s) and/or equipment authorizing the placement of such beach chair(s) and/or equipment in a designated location(s) on the public beach.

PUBLIC BEACH — Any publicly owned or controlled area lying east of the private property line (boundary line) namely the ROS (Recreational Open Space) District on the east side of the MUR District.

STORAGE — The stacking of equipment upon private property during the day or overnight.

(Ord. No. 2021-562, § 7, 3-18-2021)

§ 108-9. - Permit required.

It shall be unlawful for any owner, as defined in this Article, to place a beach chair or equipment on a publicly owned or controlled beach area within the City without first obtaining a permit.

- A. Application. Any owner, as defined above in this Article, shall apply for a permit on a form prepared by the City and submit same, along with the applicable permit application fee, to the Department for processing. All permit applications shall include the following:
- (1) A \$150.00 application fee, as may be amended from time to time by the City Commission;
 - (2) The proposed placement of the beach chairs and/or equipment;
 - (3) Operational plan describing the equipment, number and types;
 - (4) Evacuation plan, in case of a natural disaster such as a tropical storm or hurricane, including storage area;
 - (5) Acknowledgment and authorization form (if applicant is a representative).
- B. Exemption. Nothing in this Article shall require a permit from the general public to place beach chairs and/or equipment on the beach for personal use.
- C. Review of permit application. A permit shall be granted upon the submittal of a completed application and the required fee, unless the City Manager or his/her designee determines that the granting of such a permit:
- (1) Unduly impedes governmental business or public access;
 - (2) Conflicts with previously scheduled activities;
 - (3) Imperils public safety; or
 - (4) Violates any public policy or local, state or federal law.
- D. The permit shall be valid for a period one year and may be renewed on an annual basis subject to the conditions of the permit.

(Ord. No. 2021-562, § 7, 3-18-2021; Ord. No. 2021-568, § 2, 6-17-2021)

§ 108-10. - Permit conditions.

The following conditions shall apply to the placement of beach chairs and equipment:

- A. Placement of beach chairs and equipment. Beach chairs and/or equipment shall be placed solely in the specific locations and manner provided for in the "Beach Chair Pre-Setting" diagram as issued by the City to the owner pursuant to the permit approval process. The Beach Chair Pre-Setting diagram may be amended as needed by the City Manager or designee at his/her discretion.
- B. Maintenance of beach chairs and equipment. The owner shall be responsible for ensuring that the beach chairs and equipment are maintained in good condition, free from evidence of deterioration, weathering, and discoloration, at all times.
- C. No obstruction to general public. Beach chairs and/or equipment shall be deployed in a manner that will assure public access and will encourage public use of the beach. The denial or impediment of public access, or placement of beach chairs and equipment in a manner not consistent with the Beach Chair Pre-Setting diagram, shall be cause for a violation of this Article.
- D. No obstruction to emergency response path. The placement and/or use of beach chairs and equipment shall not obstruct the view of the lifeguard or the emergency response path for emergency personnel. Any request from a Code Enforcement Officer, Police Officer or lifeguard to relocate any items that obstruct the view shall be complied with immediately. No beach chair or equipment can be placed beyond the permitted location.
- E. Storage during declared emergency required. In the event of a tropical storm warning or hurricane watch issued by the National Weather Service, the owner or his/her designee shall immediately remove, or cause to be removed, the beach chairs and equipment. In the event of a declared state of emergency, the City Manager or designee may by providing at least eight hours' notice issue a warning to the owner to remove and secure the beach chairs and equipment. If the applicant fails to remove the beach chairs and equipment within the required period, the City, at its option, may remove the beach chairs and equipment from the public beach. The applicant shall be jointly and severally liable for all costs incurred by the City for the removal of the beach chairs and equipment under these circumstances.
- F. Maintenance of Beach Chair Pre-Setting Area. The owner shall maintain or cause to be maintained the Beach Chair Pre-Setting area, and the area immediately surrounding the Beach Chair Pre-Setting area, free of any junk, garbage, trash, debris or other refuse material.

(Ord. No. 2021-568, § 2, 6-17-2021; Ord. No. 2022-587, § 2, 10-20-2022)

§ 108-11. - Preservation of nesting grounds for sea turtles.

The owner shall comply with any order issued by the State of Florida and/or cooperate with Miami-Dade County Parks Department regulation regarding the preservation of marine turtle nesting grounds to ensure that nesting surveys are conducted in accordance with the conditions set forth by the state and the county. In the event an unmarked marine turtle nest is exposed, or a dead, injured, or sick marine turtle is discovered, the Florida Marine patrol (1-800-DIAL-FMP) shall be notified immediately such that appropriate conservation measures may be taken.

§ 108-12. - Enforcement.

The provisions of this Article will be enforced pursuant to Chapter 14 of the City's Code of Ordinances.

(Ord. No. 2021-562, § 7, 3-18-2021)

§ 108-13. - Penalties for offenses, and enforcement of license.

- A. Penalties. Any violation of this Article may be punished by warning prior to issuance of citation, subject to a fine in the amount of \$1,000.00 for the first violation, \$2,500.00 for the second violation, and suspension of the permit upon the third violation for a period of one year. Additionally, failure to obtain the required permit shall subject the owner to a fine of \$500.00 per day.
- B. Suspension of Permit. In addition to any fines for violation of the requirements set forth in this Article, the City Manager or designee shall suspend a permit upon the third violation of this Article in any continuous 12-month period. Such suspension of a permit shall be for a period of one year, and shall begin following notice subject to any appeal rights under this Article. Upon suspension of the permit, the beach chairs and equipment shall be immediately removed.
 - (1) The Owner shall not be entitled to any refund of the fee paid for a permit for any portion of the expired term of a permit once the permit is suspended.
- C. Appeal of License Suspension, Denial or Revocation. Any decision relating to the suspension, denial or revocation of a permit under this Article shall be rendered in writing, and reviewed by the City Manager or designee, if a notice by the applicant is filed with the City Clerk within ten days after the decision. The City Manager shall review the decision to determine if the initial decision should be affirmed or reversed. If the decision is affirmed by the City Manager, the applicant may appeal that decision to a Special Magistrate by paying the administrative cost of the hearing as per Chapter 14 and filing an appeal with the City Clerk within ten days after issuance of the decision by the City Manager. During the pendency of any appeal, the beach chairs and equipment shall remain removed. The City Clerk shall place the matter on the agenda of an upcoming hearing of the Special Magistrate, at which hearing the matter will be reviewed.

The decision of the Special Magistrate shall be final. The Special Magistrate is authorized to assess administrative costs for the hearing against the applicant. Such final decision may be reviewed as permitted under Florida law.

(Ord. No. 2021-568, § 2, 6-17-2021)