

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)