

Sec. 16-25. - Beach equipment placement.

Beach equipment shall not be placed in a manner that will inhibit access to the public beach pedestrians and emergency vehicles, nor impact native vegetation, nor affect sea turtles or other wildlife. No beach equipment may be staged or stored within 12 feet of a lifeguard tower. All persons must comply immediately with any request from a code enforcement officer, police officer, or lifeguard to relocate any equipment that obstructs the view of the lifeguards from the tower. If beach equipment is provided pursuant to a permit, it must be placed in accordance with the permit at all times.

(Ord. No. 2024-031, § 3, 11-20-2024)

Sec. 16-26. - Beachfront chair service operations; permit required.

No person or entity shall operate a beachfront chair service operation except as follows:

- (1) An upland property may operate or contract for the operation of a courtesy chair service upon obtaining a permit from city; or
- (2) Pursuant to a contract with the city.

(Ord. No. 2024-031, § 3, 11-20-2024)

Sec. 16-27. - Courtesy chair service permits; enforcement.

- (a) All courtesy chair service operations require a valid courtesy chair permit. Any courtesy chair service permit granted shall not be construed to vest any additional rights upon the upland property nor the concessionaire that do not otherwise exist, except for the privilege of temporary use of the beachfront in accordance with the conditions and requirements set forth in the permit and all other applicable city, county, state, and federal laws. Owners and concessionaires are hereby notified that all beaches within the city are public and, as such, chair services must not restrict, or appear to restrict, access or in any way limit the public nature or ambiance of the beachfront.
- (b) The city manager shall establish an administrative policy for the issuance and administration of courtesy chair service permits to regulate the placement of beach equipment on the public beach and related activities in a manner that protects public use, ensures public safety, and protects the natural resources.
  - (1) A courtesy chair service permit shall be issued by the city in accordance with the administrative policy issued by the city manager, but in no case shall be issued if the city determines that granting such permit:
    - a. Unduly impedes governmental business or public access;
    - b. Imperils public safety; or

- c. Violates any public or local policy, state or federal law.
  - (2) Beachfront concessionaries shall obtain any applicable local business tax receipt, certificate of use, and other required licenses or permits from the county, the state, and federal agencies, prior to the issuance of the permit.
  - (3) Fees for the issuance of the permit are hereby established and shall be set by resolution or as approved by the commission in the fee booklet.
  - (4) Permits shall be issued for annual term for a set fee, with permits running from January 1 to December 31. Applications to renew permits must be submitted on an annual basis by December 1 in order to remain in compliance with this Code.
  - (5) All courtesy chair service permits are granted on a revocable basis. The city may, through the city manager, and for its convenience and without cause, terminate any authorization, permit or agreement at any time, by giving the concessionaire and upland property owner 30 days' written notice of such termination.
- (c) Enforcement; penalties for offenses.
- (1) The following monetary penalties shall be imposed for a failure to comply with the provisions of the permit:
    - a. First offense carries a monetary penalty of \$250.00.
    - b. Second offense for the same violation within a 12-month period carries a monetary penalty of \$500.00.
    - c. Third offense for the same violation within a 12-month period will result in termination of permit. No refunds shall be issued for any remaining portion of a permit's term upon its termination.
  - (2) Such penalties are in addition to and separate from any violations issued by the city for noncompliance with other sections of this Code.
  - (3) If the city finds a violation of this section, the city may issue a notice of violation to the violator. The notice of violation shall inform the violator of the nature of the violation, amount of penalty for which the violator is liable, and instructions and due date for correcting the violation and paying the penalty.
  - (4) Concessionaires are under contract with and the control of the upland property owner. It is the responsibility of the upland property owner to ensure compliance with the permit and this Code. It is the responsibility of the concessionaire to advise the upland property owner of any notices of violation issued by the city. If a concessionaire, or any of its employees or independent contractors, is the named violator, and after issuance of the notice of violation, the concessionaire fails to correct the violation and/or pay the penalty by the stated due date, the permit may be revoked by the city manager in accordance with the following:

- a. A concessionaire, or any of its employees or independent contractors, is the named violator in any notice of violation; and
  - b. The concessionaire, after issuance of the notice of violation, fails to pay the fine by the stated due date; or
  - c. The concessionaire, after issuance of the notice of violation, fails to correct the violation by the stated due date; or
  - d. The concessionaire has received a total of three notices of violation, regardless of reason, during the previous 12-month period.
- (5) A notice of suspension, termination or revocation will be sent to the upland property owner and will state the reason(s) for the suspension or revocation.
- (6) The suspension or revocation shall be effective ten days after the city sends written notice thereof; provided, however, the city manager or designee may order the suspension or revocation to be effective at any earlier time, including the time at which the notice of violation is issued, if the city manager or designee, in his/her sole discretion, makes a determination that the continued operation of the courtesy chair service permit is a danger to public health, welfare or safety.
- (d) Appeal. The denial, termination, or revocation of a permit may be appealed to the city commission by submitting a written request for appeal to the office of the city manager within 30 days of the date of the written notice provided by the city. Any request for appeal shall be considered by the city commission at the next regularly scheduled meeting occurring no sooner than 14 days from receipt of the request. Except for terminations pursuant to subsection (b)(5) above, if the notice provided by the city requires suspension of the services by a date sooner than the date of the commission meeting at which the appeal will be heard, the concessionaire must suspend services from that date until the item is considered by the commission. For terminations pursuant to subsection (b)(5), the concessionaire may continue to provide services until the appeal is considered by the city commission.

(Ord. No. 2024-031, § 3, 11-20-2024)