

**THURSDAY, JULY 23, 2020
@ 1:00 PM**

CITY COMMISSION WORK SESSION



Administrative
727/595-2517

Building/Planning & Zoning
727/517-0404
727/596-4759 (Fax)

Library
727/596-1822

Public Services
727/595-6889
727/593-5137 (Fax)

AGENDA

**CITY OF INDIAN ROCKS BEACH
CITY COMMISSION WORK SESSION
THURSDAY, JULY 23, 2020 @ 1:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FL 33785**

CALL TO ORDER ROLL CALL

1. **DISCUSSION OF** on-street parking.
2. **DISCUSSION OF** golf cart ordinance.
3. **DISCUSSION OF** items left on the beach (no trace ordinance).
4. **DISCUSSION OF** park hours.
5. **DISCUSSION OF** residential construction review fee.
6. **ADJOURNMENT.**

APPEALS: Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements should be made in advance by the interested party (i.e. Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 or email doreilly@irbcity.com no later than five (5) business days prior to the proceeding for assistance.

POSTED: July 17, 2020



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

www.indian-rocks-beach.com

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City of Indian Rocks Beach City Commission to conduct workshop on

Thursday, July 23, 2020 at 1:00 PM

RESTRICTIONS APPLY AND PARTICIPATION BY THE PUBLIC IN A VIRTUAL METHOD IS RECOMMENDED

The City of Indian Rocks Beach City Commission will conduct a workshop on July 23, 2020 beginning at 1:00 PM. Topics for the work session will include:

- On Street Parking
- Golf Carts
- Items left on the beach (No Trace Ordinance)
- Park Hours
- Residential construction review fee

The meeting will be held in the City of Indian Rocks Beach Auditorium located at 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

COVID-19 Restrictions

Space is limited to twenty (20) people, and those attending must wear required face coverings. Everyone is encouraged to participate in the meeting via Zoom or phone call. The information below provides instructions for Zoom Virtual attendance or phone call. IT IS IMPORTANT TO NOTE THAT IF THE CITY COMMISSION REACHES CONSENSUS ON AMENDING THE CITY CODE ON ANY OF THE TOPIC AREAS, EACH AMENDMENT WILL REQUIRE TWO PUBLIC HEARINGS AT A FUTURE DATE TO BE DETERMINED.

City of Indian Rocks Beach You Tube Channel

Citizens may view the meeting on the City of Indian Rocks Beach You Tube Channel.

Zoom Virtual Meeting Instructions:

Smart Phone, Tablet, PC, and Mac Users:

- Visit [Zoom.us](https://zoom.us) or visit the Play Store on a Google or Android based phone and search, download and install the Zoom Cloud Meeting App. On an iPad or Apple based device, please visit the App Store and download the Zoom Cloud Meetings App. If you are using a PC, visit <https://zoom.us/join> and enter the meeting ID and click join.
- Launch the Zoom App, if you're using a Windows PC, you will be prompted to download and install the Zoom application on your PC. Click the Join button, enter the meeting ID 959 6545 7379, personalize your name if you wish, choose the audio and video options if desired and click the "Join Meeting Button."

- If prompted, enter the meeting password 833043. Please leave your microphone muted until you are recognized.

Phone Callers:

If you are dialing into the meeting with a telephone or cell phone, please dial 1-312-626-6799, when prompted, enter meeting ID 959 6545 7379, then enter the meeting password 833043. If you are a public speaker, you will be muted until recognized.

More detailed instructions can be found here:

<https://support.zoom.us/hc/en-us/articles/201362033-Getting-Started-on-Windows-and-Mac>

<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-meeting>

For more information please contact:

Deanne Bulino-O'Reilly, MMC, City Clerk

doreilly@irbcity.com

727/595-2517

AGENDA ITEM NO. 1

**DISCUSSION OF
ON-STREET PARKING.**

ON STREET PARKING

JULY 23, 2020



**PARKING DISCUSSION
MINUTES:**

**JULY 8, 2014
AUGUST 12, 2014
MARCH 3, 2020**

11A. DISCUSSION OF beach parking. [Vice Mayor Labadie]

City Manager Mims introduced the Agenda Item. He noted the City has 28 beach accesses all of which have been built through State grants. One of the questions was whether the City could charge for parking in the spaces, and it was learned, through the State, that the City can charge through a meter or some other method for all the spaces at the beach access or not. He noted there are at least two resident parking spaces, one handicapped space, and one golf cart space at all the beach accesses. He explained that part of the strings attached to the grants that the City has received through the years from the Beach, is that all individuals must be treated the same; therefore, moving toward charging for parking, would have to be for all the spaces.

City Manager Mims advised that he requested the Code Enforcement Officer to contact the owners of large vacant properties on Gulf Boulevard, and they voluntarily agreed to put posts or bollards around the perimeter of their properties to keep people off their properties, but it is not a requirement. He advised that the vacant properties on the north end of Gulf Boulevard are primarily owned by one group of developers, but the property at 22nd Avenue and Gulf Boulevard is owned by a different person.

City Manager Mims advised an action taken this past weekend by the City was to put the ribbon and cones around the properties; however, he would like to use more aesthetically pleasing tools. It did work; however, some people just parked further into the neighborhoods. He advised that in the future, the private property owners will have that done, and it will help.

City Manager Mims related his visit with the Fire Chief who was concerned with people parking on both sides of the street, and in particular, the north end of the City. However, there is still a need for some work on the south end of the City where people are parking on both sides.

City Manager Mims stated stated to take it to the next step, if the City Commission desired, would be, for example, on the north end put up "no parking" signs for the first block all the way around, and "no parking during daytime hours" signs, might be some help. He explained if the posting was not restricted to daytime hours, then no one, including people who live there, could park on the street.

City Manger Mims advised he forwarded the e-mail from the State to City Attorney Daigneault for review, and he agreed regarding if there are meters, then all spaces have to be metered.

Mayor Johnson advised spoke with City Manager Mims regarding the beach

parking issue:

- 1. 26th Avenue parking issues are on weekends and holidays; people park all the way down the street. It is a clear example of controlling the issue by putting the daytime no parking signs along 26th Avenue and along 1st Street if necessary and so forth.**
- 2. 10th Avenue is a pedestrian beach access, but it is filling up because they are using the Nature Preserve as beach parking, but there might not be anything the City can do about that. People are parking on both sides of 10th Avenue, which is hazardous, and apparently was some overflow from the Reef Club, 1000 Gulf Boulevard, according to the people who live there, and the City could do something about that.**
- 3. On the south end of the City, many people go to the 4th Avenue Beach Access and park all over the place, including the United States Post Office Parking Lot, 204 4th Avenue, but that is largely a business area, and he does not know a good solution to this issue.**

Mayor Johnson noted all the beach accesses have different issues and pressures. He feels that no beach access should have as much pressure as, for example, the 26th Avenue Beach Access and some others, and there are ways to relieve the pressure short of metering all of the beach accesses, which would mean residents no longer being able to park for free, and also it would be penalizing people who come and do not cause any difficulties. He supported the suggestion by City Manager Mims regarding signage for the first block of the streets, and if it does not work, then look to stricter measures.

Commissioner Kennedy asked about meters for every other beach access.

City Manager Mims explained that he would need to research that with City Attorney Daigneault; however, he does think the State will say that all have to be treated the same.

City Manager Mims noted the current citation for a parking violation is \$20.00, and suggested considering increasing that fee.

Commissioner Kennedy commented she feels there is extra parking within the Business District Triangle, and she does not see that as big a problem as the other streets. She advised a resident asked her to mention his thought on parking on one side of the street would be a solution. She likes the idea of the signs for the daytime hours, which would eliminate a lot of the problems.

Commissioner Hanna concurred regarding the parking hours that City Manager Mims suggested. He advised that former City Commissioner Sandy Sullivan brought up to him that the State Fire Marshal Ordinance regarding having 20 feet between curbs for emergency vehicles, and the ability to turn around, and

that the Fire Department has the ability to write citations on this issue. He noted that the City and the residents do not own the beach; it belongs to everyone even those causing the problems. He thinks the signage and increased enforcement are the answers for some immediate relief.

Commissioner Hamilton-Wollin agreed with the comments by Commissioner Hanna. She thinks human nature being what it is, the more restrictions there are, the more people will park further back, and eventually people will be dropping off at the beach access, and then parking further away, and then there will have to be a reaction to that. She commented it will not be a simple task.

Mayor Johnson commented he and City Manager Mims talked about people parking long distances away also. He noted there was some concern if there is no parking on both sides of these streets during the day, it is putting an additional restriction on the property owners who currently can park their extra cars there, but most of the properties north of 17th and 18th Avenues are multi-family, rentals, and so forth, and most of them park on their property in driveways and so forth, but then south of 15th Avenue, there are single-family homes where this issue becomes more problematic, and there are longer blocks, so maybe in that area go a distance, for example, 100 yards, and not an entire block in order not to restrict property owners in those areas. There has to be the right tool for the right neighborhood.

Mayor Johnson opened the agenda item to public comment.

Don House, 2104 Beach Trail, suggested establishing a citizens' committee to research and discuss this issue and come back with recommendations and volunteered to be on the committee. He recalled this worked very well with the noise issue. He also suggested limiting the parking in the Nature Preserve to one hour.

George Ann Thompson, 200 Gulf Boulevard, stated she hesitates to call the Pinellas County Sheriff's Office (PCSO) regarding the parking issues; however, that is probably what needs to be done because there are already the laws in place. She noted also that if the residents had stickers on their cars, then they could park on the street, if necessary. She stated people are parking everywhere on 2nd Avenue; it is important for people to go to the beach, but limiting the parking will limit the number of visitors the City has, but it is getting overcrowded.

Michael Alea, 469 20th Avenue, asked if the number of free spaces for residents can be increased from two to four.

Mayor Johnson stated he thought the City has the absolute right to do that.

Mr. Alea suggested increasing the parking for residents with the stickers on the beach accesses and enforce it, and once people start getting towed, the problem will take care of itself. Mr. Alea referred to a magazine in the Tampa Bay Times with an article on the Pinellas County beaches and a tip for Indian Rocks Beach was it has more than 20 beach access points and lots of small free parking spots along the avenues, so it is widely assumed that visitors can park anywhere in this City.

Mayor Johnson corrected his previous statement about increasing the resident parking spaces and noted that there is a formula the City has to adhere to having to do with the number of public spaces available to receive beach renourishment funding.

City Manager Mims advised he was making a list of issues to address and that is one that will have to be researched with the State.

Ron Sacra, 368 La Hacienda Drive, asked if it has to be deputies to enforce the laws, and if the City can hire civilians and give them the authority to write parking citations. He noted that the City of Largo has an auxiliary police department, and they write tickets for parking violations; however, he does not know if they are paid or are volunteers.

Gordon Obarski, 708 Beach Trail #B, clarified with City Manager Mims that the City paid for the roping off and putting up cones around the properties this weekend.

Donald Bishop, 1907 Bay Boulevard, commented on the lack of enforcement of the current laws. He suggested on 18th Avenue to have "no parking" signs all the way to the big oak tree because on the weekends, residents cannot drive through. He supports increased enforcement and increased fines.

Larry King, 420 Gulf Boulevard, described the situation with day-trippers as having no respect or values and contribute nothing to the City's economy, they park, drink, and leave. He counted 50 people consuming alcohol on the beach within 200 feet of his property. He suggested having a deputy on the beach in a dress shirt and shorts giving out citations to those they see drinking; it would be revenue neutral to hire them for the weekend. When word gets out that Indian Rocks Beach has a zero tolerance for alcohol on the beach, then the parking demand will reduce. He concurred with doubling the resident parking on the beach accesses, if possible, and for the Nature Preserve, there needs to be some resident only parking designated spaces. He noted also under the

development agreement with the Holiday Inn Harbourside, there are 12 public spaces that need to be marked and designated as public parking.

Rebecca Sacra, 368 La Hacienda Drive, suggested looking at increasing the fine for parking, stating \$20.00 is really not a consequence for illegal parking, people just look at it as fee.

Carol McGlaughlin, 15 21st Avenue, stated that according to some publications in the County, Indian Rocks Beach has acquired what she thinks is the dubious distinction of becoming "Pinellas County's Party Beach." She lives in the first block off of Gulf Boulevard, and it is not just the first block, but also the second block where people are parking on both sides of the street, going in the wrong direction, parking under stop signs, and the deputies are going past and it is being ignored. She stated regarding alcohol on the beach that in the last few years, it has been invited, and she suggested rethinking City events with alcohol on the beach.

David Gardella, 2207 and 2307 Bay Boulevard, asked the status of the County Parking Lot, 2309 Gulf Boulevard, that was supposed to be developed for public parking, and whether Mayor Johnson knew of anything that could be done with the property utilizing it to bring in revenue to the City.

Mayor Johnson responded that the City could; however, considering tonight's discussion and talking about the pressure that extra parking puts on people who live close to big parking areas, he knows residents who would have great concerns about a public parking lot right across the street. He explained that currently the property is not zoned for the purpose the County purchased it for, and they have to come before the City Commission for permission, and they were declined back when they made the purchase. He advised there are some options in approaching the County to move forward with doing something else with the property; however, right now it is just sitting there.

Linda Newton, 438 Harbor Drive North, commented regarding the renourishment that established a beach in the City that was not funded by just the City, but by everyone, so the beach belongs to everyone. She stated the beach goes do bring in revenue to the businesses. She related on her visit to Key West, where they have an even larger parking problem, they designate "resident parking only," on the streets, and if there is no resident sticker, a ticket is issued. She thinks some of the problems could be eliminated in that way without so many "no parking" signs being put up that would be ugly. She stated the Pinellas County vacant lot at 2309 Gulf Boulevard is nice and green and would be a very nice place for people to park to not only go to the beach, but to the restaurants.

Ms. Newton asked for clarification regarding alcohol on the beach, and Mayor Johnson stated there is no legal drinking on the beach except during events where the City has permitted it.

Ms. Newton also suggested establishing tow away zones.

Judy Hoofnagle, 2 5th Avenue, commented that there are a lot of signs, but people use the 5th Avenue Beach Access, which is a pedestrian-only beach access, and it is a tiny access. She stated cars constantly go in and out of that beach access loading and unloading and dropping people off. Sometimes if she feels one car is going to be there long enough, she calls the PCSO, but usually the deputies are on a more serious call and having to make that call diminishes her quality of life, there is never any proactive activity on the issue, the onus is on the residents. There is a lack of accountability and a sense of entitlement by the visitors, and sometimes they are belligerent. She stated it is a very dangerous intersection (Gulf Boulevard and Walsingham Road). She stated regarding the 4th of July, she found that people coming to the beach are not going to the restaurants and businesses.

Nancy Obarski, 708 Beach Trail, #B, commented no one knows if the laws in place work because of the lack of enforcement on parking issues by the PCSO. She related an incident in front of her property at 2:00 a.m., with two cars blocking her driveway and the occupants went through her yard to the beach, so she called the PCSO. The PCSO came, ran the license tags, and called the people, and asked them to move the cars. She stated the people gave some story for the reason and no citations were issued. She expressed concern regarding the installation of parking meters and the effect on the surrounding areas. She stated she is also concerned with the parking problems on 7th Avenue and Beach Trail, stating that they park their vehicles on Beach Trail on the weekends and during holidays.

Diane Flagg, 2316 Gulf Boulevard, commented on the concerns for the traffic and trash on the beach, the excess traffic that has grown over the past few years. She stated she feels the City is past the ability to absorb the number of people who want to get to the beach. She stated visitors are encouraged, but what she has seen over the years is a trail of traffic with people fighting for parking spots and circling Beach Trail. She has traveled the back streets and made note of cars parking along the avenues when there are still paid parking spots available at the County Parking Lot. She suggested what is needed is control of what is coming in with restrictions, limitations, increased resident spaces, and extra enforcement. She stated the "day-trippers" could not care less about spending money in the community or preserving the quality of the beaches and City properties; they are here to party. She stated the word is out that Indian Rocks Beach is the free party beach, and she feels the City has the

obligation to protect the homeowners and quality of life and the beaches. She noted the trash is uncontrollable and commended the City employees who do a tremendous job cleaning up the trash and the residents who are picking up trash.

Ralph Montgomery, 2618 Gulf Boulevard, a 25-year resident, commented they have seen how the beach has changed, and they understand in the old days this was the beach party place to come and throw trash and enjoy, and it has come a long way since then. He agreed with establishing a citizens' committee to discuss the issue and come up with solid recommendations. He also agreed with the suggestions for volunteers with limited responsibilities for littering, parking, and resident stickers for side streets, and forcing visitors into the County Parking Lot where they should be parking.

Bill Dotson, 1 Windrush Boulevard, commented these issues can be handled by the Pinellas County Sheriff's Office through enforcement and working closely with the City. He reviewed some of the comments by residents this evening, and what he has heard from other residents, including that Indian Rocks Beach is not commercialized like other beaches, the City is marketed as low crime, so families come, there are many beach accesses, businesses, and restaurants in walking distance of the beaches, it is a friendly community, and quieter than most beach towns. He stated that tourism has increased in the past few years, and people are more exposed with the various events that people outside enjoy also.

Becky Griffin, 375 La Hacienda Drive, noted enforcement is a big part of the issue. She would like consideration of the non-beach parking streets and only allow parking on one side.

Mayor Johnson inquired what Ms. Griffin thought about the idea of having the no parking on one side of the street during the day.

Ms. Griffin stated it would probably be better, and commented it would concern her during the day, for example, if she had a repair truck come to her house during the day, and it was posted "residential parking only during the day," she would then have to park her car on the street and have the repairman park in her driveway. She stated there is one house on her street that has five cars, and they use the street as a parking lot at night.

Bob Griffin, 375 La Hacienda Drive, commented that Belleair Beach does not allow parking on the side streets; however, their beach accesses are limited to residents only, and in return, their beach does not get the renourishment. He noted that Clearwater Beach has been discussing parking problems for the past year, and it is multiplied by the large hotels with hundreds of employees with

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no place to park. He advised he interviewed the person with the cabanas on the beach in front of the Pinellas County Parking Lot who has been keeping a study of where people are from, and about 50% are not even from America or they are from other states; therefore, they are not necessarily coming from surrounding areas, and they are people who do not know anything about the City's beach rules, such as parking, drinking on the beach, littering, and so forth. He endorses the idea of having the County property, at 2309 Gulf Boulevard, turned into parking, and is not sure what the City's problem is with that. He commented on another idea of roping off streets, some people have taken the liberty of putting up bollards in their own yards, which has only forced people to the next street over. He noted that in April tourism was up 22%, according to the Convention and Visitors Bureau, and the BUD Tax Reports, and tourism has been up 10% per month ever since a couple of months after the oil spill.

Bert Valery, 447 18th Avenue, commented he does not agree with turning the County property at 2309 Gulf Boulevard into a parking lot, and noted that about seven businesses closed when the County purchased that property, and he does not like the idea of turning a green space into a parking lot. He likes the concept of volunteers to police parking, littering, and drinking on the beach. He expressed concern for the amount of time it might take to come up with solutions to the issues being discussed, and he would like to see the Pinellas County Sheriff's Office immediately directed to enforce the current laws and regulations.

Eric Meyer, 2316 Gulf Boulevard, commented the City has approximately 300 parking spaces dedicated to beach renourishment, which allows visitors to park freely. He has heard that people who are parking on the side streets are doing things on people's property that they should not be doing sometimes because there are no public facilities available including dumping their cigarette butts for the residents to pick up. He stated that coming up with a solution to keep people from parking on the side streets is the key, but parking on the beach accesses has been done for years, and that is part of the deal, but parking on the side streets has gotten out of hand throughout the year.

Ralph Montgomery, 2618 Gulf Boulevard, noted no one parks on 8th Avenue because of the bollards there and "no parking" signs.

Mayor Johnson closed the public comment session for this Agenda Item.

VICE MAYOR LABADIE MOVED AND COMMISSIONER HANNA SECONDED THE MOTION TO EXTEND THE MEETING TO 10:00 P.M.

UNANIMOUS APPROVAL BY ACCLAMATION.

ROLL CALL VOTE:	HAMILTON-WOLLIN	YES
	LABADIE	YES
	HANNA	YES
	KENNEDY	YES
	JOHNSON	YES

MOTION CARRIED UNANIMOUSLY.

11. RESOLUTIONS: None.

12. ORDINANCES, first reading: None.

13A. DISCUSSION OF beach parking.

(The sound system and the podium microphone were not working properly; therefore, the public comments were inaudible.)

City Manager Mims introduced the Agenda Item and reviewed there was previous discussion regarding the beach and beach parking. He briefed the City Commission on changes he has made, as City Manager, and discussed options going forward.

City Manager Mims stated pursuant to the City Code, the City Manager has the authority and responsibility to deal with traffic and the posting of no parking zones.

CHANGES ALREADY IMPLEMENTED

1. **Litter:** Beach is raked every Monday and Tuesday morning depending on the weather and how far the work gets done in lieu of the first week of each month.
2. **Solid Waste:** Additional removal of Solid Waste during the summer months and holidays (Saturday and Sunday evenings).
3. **Parking on vacant lots on the north end of the City:** Large vacant lots to be blocked to prevent beach parking. The owners of the majority of the property on the north end of Gulf Boulevard have hired a contractor to place posts around the perimeter of the property.

ADDITIONAL ITEMS FOR CONSIDERATION BY THE COMMISSION

4. **Beach Access Resident Only Parking:** Add three additional resident only parking spaces at each Beach Access with the exception of 3rd Avenue Access, only add two.
5. **Designate residential parking zones:** Adopt an ordinance to limit on street parking in certain zones from 8:00 to 5:00 p.m., to residents with parking decals. This has been done by other beach cities.

6. **No parking on one side of the street:** Designate no parking on one side of the street on most streets immediately adjacent to Gulf Boulevard. Parking on both sides of the street has already been addressed, based on the Fire District's concerns.
7. **Amend Code Section 62-31, Parking violation fines:** Change the fine from \$20.00 to \$40.00, and if not paid in 15 days the fine would be \$55.00. Forty dollars is on average with other beach communities.
8. **ADDITIONAL PART-TIME CODE ENFORCEMENT OFFICER:** Hire a part-time employee to work weekends to monitor the beach, enforce City Codes, including parking and litter. Additional duties include beach education and public relations. This was discussed during the budget process and included in the revised budget with funds set aside.
9. **NATURE PRESERVE:** The Nature Preserve was built with grant funding; therefore, there are limits on how far the City can go in that area. No parking on the south side of drive/bus lay bay area at the Nature Preserve, the area will be marked. No Parking signs will be posted along the first drive. The City does have the ability to post some signs particularly "Indian Rocks Beach Residents Only." However, he would not recommend an additional decal or permit for someone to park in the area because enough of those type of items are issued already.

ALCOHOL ON THE BEACH

City Manager Mims addressed the issue of alcohol on the beach, which has been brought up. He commented the reality is that it is on the beach, and in terms of enforcement, in the past, generally if someone has a red Solo cup with some beer or some wine and they are being reasonable, the deputies will not approach those people. But, if it is blatant and a lot of alcohol, the deputies will approach and tell the people to get rid of it. His suggestion for future consideration is for staff to amend the current ordinance to put in place what actually occurs on the beach. He explained, from past experience in working with law enforcement, that is selective enforcement, which can cause some legal difficulties.

Commissioner Kennedy inquired about a relative who, for example, stays for the weekend, and does not have a decal for resident-only parking.

City Manager Mims explained there is a provision under the current parking decal system where temporary guests can pick up a decal from the City and that can be accommodated.

Vice Mayor Labadie asked why from 16th to 10th Avenues, staff is not proposing anything to control the beach parking.

City Manager Mims explained he determined that the middle section, south

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of City Hall, there are no real beach parking issues, except for an area around 8th Avenue, which will have to be dealt with. He stated the main problems are north of City Hall and the area around 8th Avenue and the Nature Preserve, 903 Gulf Boulevard. He explained if an ordinance is implemented for resident-only parking zones, more streets can be added if problems occur.

Mayor Johnson commented that most streets on the east side of Gulf Boulevard, between 17th and 10th Avenues, have significant problems for various reasons. He noted there are problems on 12th Avenue on Saturdays and Sundays.

Mayor Johnson stated on 10th Avenue, there is parking on both sides of the street, and sometimes 10th Avenue is used as overflow parking for the Reef Club, 1000 Gulf Boulevard.

Mayor Johnson noted that 8th and 26th Avenues have a lot of pressure with beach parking lining up all around the block, which has been a problem for years.

Commissioner Hanna commented overall the suggestions are going in the right direction. He commented that some of the businesses might lose some revenue with the implementation of resident-only decals, but everything can be amended or added to.

Mayor Johnson related some observations he had made regarding Beach Access parking over the Labor Day Weekend between 2:00 and 3:00 p.m. He noted that for Beach Access parking, most parking spaces were used, but there was not total occupancy of the resident-only parking spaces, specifically at the 1st Avenue Beach Access. He has no problem with visitors utilizing all the available parking spaces on the west side of Gulf Boulevard; however, he does have issues with the east side in terms of the overflow exerting undue pressure on, for example, the 25th and 26th Avenues area where the beach is narrow. In terms of adding additional resident-only spaces, he does not feel that should go overboard, so that it cuts into the number of visitor spaces, possibly just one extra on some Beach Accesses.

Mayor Johnson stated he is very wary about adding three additional resident-only parking spaces on the Beach Accesses, as that would mean five resident-only parking spaces. He stated that, by adding that many to each Beach Access, the resident-only parking spaces probably would not be used. He noted that a resident can park in any space at any time, it just becomes an issue when all the regular spaces are filled or they need to park close. He stated the only time when the Beach Access parking is full is during

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holiday weekends and busy weekends.

Commissioner Kennedy commented that during season, it might be more difficult for residents, and agreed with at least one extra resident-only parking space at the Beach Accesses.

Mayor Johnson agreed not being in season is a good point, and noted the City Commission would have the flexibility to add resident-only spaces, if needed.

Mayor Johnson noted he has not observed the resident-only spaces being used by anyone other than someone with a decal.

Mayor Johnson opened the agenda item to public comment.

(The sound system and the podium microphone were not working properly; therefore, all public comments were inaudible.)

Deputy Dunham's comments were inaudible.

Mayor Johnson closed the agenda item to public comment.

Mayor Johnson stated the 8th, 26th, and 27th Avenue Beach Accesses are unique in that they are the first Beach Accesses when entering the City from the Walsingham Bridge and south off the Belleair Causeway. He stated there is a lot of jockeying for spaces, whether from visitors or residents in those areas, so he does see the need for additional resident-only parking spaces, and he does not see the need for additional spaces from south of the 4th Avenue Beach Access.

City Manager Mims clarified that he is not proposing that he is in favor of adopting an ordinance allowing alcohol on the beach. However, the reality is and based on how the enforcement has been handled, he is bringing this to attention of the City Commission to either prohibit it or not. He stated when the gray middle ground is hit, that is when there are enforcement problems that can lead to legal problems. He noted that either the ordinance has to be enforced or the City Commission needs to amend the ordinance. For the record, he is not pushing it one way or the other.

Vice Mayor Labadie asked if there is any beach community that strictly enforces no alcohol on the beach.

City Manager Mims advised there is, and it is enforced aggressively in several cities to the south.

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Vice Mayor Labadie stated that the parking issue suggestions made by the City Manager are workable, and they can be implemented with a few exceptions as noted, 8th, 10th, and 12th Avenues. He agreed with increasing the parking violation fine.

Vice Mayor Labadie stated in terms of the alcohol, if the ordinance stays in place, then it will have to be enforced, which will take more manpower and there will be costs associated with that. He also stated consideration will have to be given to some of the City-supported events that bring alcohol to the beach, but those events do bring revenue to the City. He suggested consensus on moving forward with the parking issue suggestions by City Manager Mims.

Mayor Johnson asked if there is a preference by the City Commission for the resident-only parking zones, or for no parking on one side of street, or is there some other option.

Vice Mayor Labadie noted his concern on the parking issue is getting emergency vehicles down the street and that is the problem that has to be eliminated.

Commissioner Hamilton-Wollin stated her preference for no parking on one side of the street. She noted that she lives on a narrow lot, but there is a City right-of-way in the front, and she has learned to have her guests park head-in on that where there is plenty of room and the cars do not extend onto the street, and if necessary, she borrows that space from her neighbors. She agreed with Mayor Johnson regarding adding one resident-only space to the Beach Accesses to begin with, and then add others, if necessary. She supports the hiring of a part-time person to work on the beach with the authority to write tickets, as suggested by resident Ronald Sacra. She agrees with increasing the parking violation fines.

Commissioner Kennedy suggested more than one additional resident-only parking space will be needed on some Beach Accesses, including the 19th Avenue Beach Access, and suggested City Manager Mims bring that back showing which ones he feels would need more than one additional resident-only parking space. She agreed with increasing the parking fines.

Commissioner Kennedy stated she does have some concerns with the implication that it is only visitors that are causing the problems on the beach, littering, drinking, and so forth.

Commissioner Kennedy commented that if 10th and 12th Avenues are going to have parking on one side only, are there any other streets that would

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allow parking on both sides of the street. She stated by over regulating could become overpowering and discourage people from coming to the City.

Commissioner Kennedy commended City Manager Mims for all the work he has done on these issues.

City Manager Mims commented that the most conservative option is to implement no parking on one side of the street for the entire stretch of the beach. The next thing would be to enact an ordinance for either 7-days a week or on the weekends having the decal for streets designated for residents only. The first step, by consensus, would be to implement no parking on one side of the street that automatically limits where people can park and does not go to the next step with formal action for an ordinance and decals and so forth.

City Manager Mims stated he can bring forth amendments to the suggested number of resident-only spaces on the Beach Accesses for the October City Commission Meeting. He agreed with the comments regarding the south end of the City, which could be left alone, and focus on the north.

Commissioner Hanna agreed with most suggestions and particularly being flexible with the most important aspect of emergency vehicle access. He agreed with the one side of the street parking and with the increase in the parking violation fines.

Commissioner Hanna stated in terms of alcohol on the beach, he agreed the decision will have to be made to enforce it or not, and he feels a lot of people spoil it for others.

Mayor Johnson asked if any other streets, other than 8th Avenue on the east side of Gulf Boulevard north of Walsingham, where there is no parking on both sides of the road for the first block. City Manager Mims advised there are three blocks on the south and none on the north end.

Mayor Johnson stated he is leaning toward parking on one side of the street initially to see how it works. However, there is parking all the way down 25th and 26th Avenues and 1st Street mainly because there are no driveways and across the street are driveways. He wants to make certain that some of the hot spots are addressed, like 25th and 26th Avenues. He noted that this just might not be a one size fits all situation. Also, there is the consideration of just enforcing parking on weekends or all the time.

Commissioner Hamilton-Wollin commented that it becomes a problem with just a section here and there and sometimes and so forth, the emergency

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vehicle and safety issues are all the time.

Vice Mayor Labadie commented regarding just pushing people on to other streets.

MOTION MADE BY COMMISSIONER KENNEDY, SECONDED BY COMMISSIONER HAMILTON-WOLLIN SECONDED THE MOTION TO EXTEND THE MEETING TO 9:40 P.M.

UNANIMOUS APPROVAL BY ACCLAMATION

Commissioner Hanna noted that the parking on one side of the street can be adjusted beginning with weekends, and then change to seven days a week.

Commissioner Hamilton-Wollin reiterated the emergency vehicle and safety issue is every day on a general basis.

Mayor Johnson noted this particular discussion was not about the parking issues in general on all the neighborhood streets.

City Manager Mims commented that the resident-only parking zones on weekends or seven days a week would only apply if the City Commission enacted an ordinance. He stated it would be impossible to enforce parking on one side of the street parking for certain times and days. He stated the signs for parking on one side of the street can go up, and 10th Avenue can be reviewed as well as 12th Avenue. His understanding is that the majority of the City Commission is leaning toward implementing the full no parking on one side of the street and possibly a block where there is no parking on both sides of the street and that can be reviewed at a future meeting; if the City Commission wants to go with an ordinance, then that can be tweaked and brought back for consideration. He noted consensus for increasing the parking violation fines. He feels he can come back with a plan for adding one additional resident-only parking space for the beach accesses except for the south end. He suggested what the City Commission is left with is whether to go with the ordinance route or take the next step of no parking on one side on selective streets and no parking period and see how that works.

Commissioner Hamilton-Wollin noted there needs to be discussion regarding the Nature Preserve area.

Mayor Johnson commented City Manager Mims stated he already had signage posted for the lay over parking and he is sure he will be coming back with some other issues and that can be addressed then.

PARKING DISCUSSION & ACTION ITEMS
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City Manager Mims explained the grant that the City received for the construction of the Nature Preserve would have to be reviewed before designating resident-only parking.

14. CITIZEN PARTICIPATION. None.

15. OTHER BUSINESS. None.

16. ADJOURNMENT.

The plat will be filed before building permits are issued for the project.

STAFF RECOMMENDATION: Approve Resolution No. 2020-05 with the following conditions: (1) Provide an updated pdf of the plat when the City of Indian Rocks Beach easement is vacated, and (2) Furnish a current Plat Certification/Title Opinion/Property Information Report addressed to the City of Indian Rocks Beach with final plat submittal (after easement vacation).

[End of Staffing Report.]

City Attorney Mora read Resolution No. 2020-05 by title only.

Planning Consultant Harmon reviewed the Staffing Report.

There were no public or City Commission comments.

MOTION MADE BY VICE MAYOR-COMMISSIONER HANNA, SECONDED BY COMMISSIONER FLAGG, APPROVE RESOLUTION NO. 2020-05, AS SUBMITTED.

8A. DISCUSSION of on-street parking.

City Manager Mims stated a resident submitted a written letter concerning on-street parking, and the City Commission scheduled it for a City Commission Work Session Item.

City Manager Mims stated it would be appropriate to take input from the public for any ideas or concepts that they may have about on-street parking, which the City Commission can address at a later date.

Phil Wrobel, 112-13th Avenue, stated some years back when the Homeowners' Association had the Biggest Beach Party Ever, they had a post-meeting on the event with the City Manager, the Pinellas County Sheriff's Office, the Pinellas Suncoast Fire and Rescue District, and other offices. The City was advised that no parking signs on one side of the residential streets back into the neighborhood should be put up. Because during events like that and other times, there is no way a fire truck or other emergency vehicles can get through the neighborhoods because of the way cars are parked on the streets.

Mr. Wrobel stated on 12th Avenue, where there is a beach access, no parking signs were put up from Gulf Boulevard to 1st Street. He stated wherever there is a business area up and down Gulf Boulevard north of Walsingham; there is not enough parking. Indian Rocks Beach does not have enough parking.

Mr. Wrobel stated there should be no parking signs on one side of the residential streets from Gulf Boulevard to 1st Street throughout the City and maybe back to Bay Boulevard.

Jerry Newton, 438 Harbor Drive North, stated he agrees that there should be no parking on one side of the residential streets. He stated one of several reasons why he moved to

this City was the kind of freedom that residents have in IRB. The City can have rules that bring reason to it and common sense to it without restricting the residents that live here. He is concerned when emergency vehicles are unable to get through residential streets because of on-street parking. On-street parking issues are not just from Gulf Boulevard to 1st Street. There are also problems with the Harbor Drives. He suggested putting up signs that say *"Please do not block emergency vehicle access"* or something to that effect.

Commissioner Flagg asked if Mr. Newton's solution would be no parking on one side of the street.

Mr. Newton stated he does not think that would hurt anybody, and there has to be some kind of enforcement for this to work.

Rod Baker, 364 Bahia Vista Drive, stated the reasons why he left Island Estates was his family needed ample parking. One of the things he sees in the value of his house is that he has ample street parking. He would encourage the City Commission to think it through before doing anything. He stated the enforcement of the existing parking laws that are already in place would solve this problem, and he does not think there needs to be more no parking zones, especially not down on the peninsulas where he lives.

Darlene Kavanagh, 450 Harbor Drive South, stated she hates rules. She stated when she sees people not using their driveways, it is frustrating. On Harbor Drive, there are a lot of turns, and emergency vehicles are unable to get through when cars are parked on both sides of the street. She does not like the idea of no parking on one side of street because she does not want strange cars parked in front of her house either because it could become a security issue. She stated individuals on her street park on the street instead of parking in their driveways.

Beth McMullins, 481 Harbor Drive South, stated she used to live in Belleair Beach where there were very restrictive parking rules, and they were strictly enforced, and that is why they moved to Indian Rocks Beach. Her household has five cars, and usually, one car is moved on the street, and the City has been able to manage the on-street parking thus far.

Ms. McMullins stated she would like to see input from the Pinellas Suncoast Fire and Rescue District to see what they say about it, and maybe they have a different view on it. She stated perhaps they could give the City some input as to the difficulty they are having getting back to the neighborhoods and managing the cars parked on the streets. She does not want to see any no parking signs in her neighborhood.

Ron Sacra, 368 LaHacienda Drive, stated he is a retired fireman, and stated the on-street parking issue is a big problem, especially with emergency vehicles because the ambulances are getting bigger and the fire trucks are getting longer. He stated that having no parking on one side of the street would solve the problem. However, he does not like the idea of not being able to park in front of his house.

John Pfanstiehl, 448 Harbor Drive South, stated he agrees that he does not want parking restrictions like Belleair Beach has, and the City might not need one side parking to take care of some of the problems.

Mr. Pfanstiehl stated there are possibly some ways of doing it without making it one side only and without becoming like Belleair Beach in terms of parking.

Daryl Frahn, 317-10th Avenue, stated the whole top of the street of 10th Avenue has become mostly short-term rentals. Part of the problem is there is no restriction on the number of people that can occupy a home. In many cases, what is being seen is a large number of vehicles at these little houses.

Ms. Frahn asked if there is a way to restrict the number of vehicles that can be at a short-term rental. These little homes are being advertised that they sleep 16 to 18 people.

Ms. Frahn stated the 12th Avenue curve is also a dangerous area when cars are parked there.

Linda Newton, 430 Harbor Drive North, stated several residents on Harbor Drive North have taken the easement area and added pavers. It makes a difference because vehicles can pull off the road and not block any cars or emergency vehicles from either side.

Carol McGlaughlin, 115-21st Avenue, stated she lives in a commercial neighborhood, so she is used to cars being parked by short-term rentals. In her neighborhood, except for one house, they keep the vehicles in the parking lots. She was in the motel business up until a few months go for 47 years in Indian Rocks Beach. She always had enough parking on the premises for the renter's vehicles and their guest's vehicles. She thinks in terms of the short-term rentals that the City now has that have proliferated through the communities.

Ms. McGlaughlin suggested on-street parking for residents only that have the Indian Rocks Beach parking sticker, and it should be strictly enforced. However, during the day, people can use the side streets for beach parking, but overnight parking, a sticker is required.

Becky Griffin, 375 LaHacienda Drive, stated the driveways are empty on LaHacienda Drive with the cars being parked on the street. She would like to see no overnight parking on the side streets. She stated her cul-de-sac is so small that there should not be any street parking.

Ms. Griffin suggested no parking 25 feet from the stop sign on East Gulf Boulevard and the side streets.

Marie Heshmati, 315 LaHacienda Drive, stated she agrees with Ms. McGlaughlin regarding on-street parking for Indian Rocks Beach residents. She stated slowly the beachgoers are coming to park on LaHacienda Drive and Bahia Vista Drive when East Gulf Boulevard becomes full. She stated the parking is getting too much, and they do not want that.

Rebecca Sacra, 368 LaHacienda Drive, stated whatever the City Commission decides to do, there needs to be enforcement. She stated there are a lot of parking violations.

Carol McGlaughlin, 115-21st Avenue, stated a car must be 30 feet from a stop sign, and stated that law is not being enforced.

Jean Scott, 420 Harbor Drive South, stated the City needs to come up with some parking restriction Citywide that might have an impact on the short-term rentals, and strictly enforce the parking law.

Rod Baker, President of RecTec 314 10th Avenue, stated he is good with not allowing his tenants to park on the streets, and he thinks it is a great idea to enable residents to park on the streets. Still, VRBOs have to account for their own parking capacities.

City Manager Mims stated the City received only four complaints on illegal parking in 2019, and they are:

- **Parking of a boat on a curve in a cul-de-sac. Code Enforcement Officer asked the owner to move the boat, which they did.**
- **Two complaints about a short-term rental and the number of vehicles at the residence. No violation. The City has no ordinance that prohibits the number of vehicles or boat trailers.**
- **13th Avenue no parking signs were extended at the request of the neighborhood.**

City Manager Mims stated in 2014, the City Commission had a work session concerning the beach. As a result of that meeting, the City Commission:

- **Increased the number of decal resident parking at all the beach accesses.**
- **Increased the number of part-time Code Enforcement Officers from one to two. Currently, the City has one full-time officer.**
- **Restricted parking on either both sides or at least one side of the first block of the street at every intersection on Gulf Boulevard.**

City Manager Mims stated placing no parking signs on one side of street is a hard task because people do not want people parking on their side or visa-versa.

City Manager Mims stated the City does not receive a lot of complaints about parking.

City Manager Mims stated he would not recommend any action by the City Commission to put any rules in place that singles out vacation rentals because that is what has led to some action in Tallahassee.

City Manager Mims stated whatever the City Commission decides it must be by ordinance, and the perfect sign needs to be put up to make the public aware that the City is going to cite them if they are parked in the wrong spot.

City Manager Mims stated on the Fourth of July, New Year's Eve, and the Boat Parade people are parked everywhere and stated there is no way to address parking on those days.

Mayor-Commissioner Kennedy asked how the City Manager would address the IRB decal for IRB resident parking only and how he would address the construction trucks and the lawn care maintenance trucks.

City Manager Mims stated an ordinance could be adopted to address IRB decal laying out restrictions and hours for the decals. But, if the concern is cars parking on the streets, those are still cars parking on the streets.

City Manager Mims stated unless there is a sign up on a City right of way that says no parking, anyone can park on the street. Legally, a vehicle cannot block a person's driveway. There is a provision in the City Code that after a certain number of days, the City can sticker it and tow it away. He stated this is not a real frequent event, either.

Commissioner Flagg stated the City needs to continue to have a couple more work sessions and see if there are some exact remedies the City can do without saying just either no parking or decals. Twenty people spoke tonight, and it would be nice to get more people's views on the parking solutions or what they see as a viable solution as the City goes forward. She would not make any recommendations now.

Commissioner Hanna stated there is not going to be an immediate cure-all. He would approach it in terms of looking at the City overall. Maybe what the City does is identify those areas and see how the City would solve that particular issue. He sort of likes the idea of the decal. It is selective enforcement if the City makes a rule that is going to affect short-term rentals; it has to affect everybody. The parking issue is going to take some additional work sessions and more from the citizens.

City Attorney Mora stated he is the attorney in another community that has wrestled with street and grass parking for two years, trying to find a perfect solution. At the last work session, it all concluded in why don't they just have the generic statement "*it shall be allowed unless otherwise posted or it shall be prohibited unless otherwise posted.*"

City Attorney Mora stated what the community concluded was that they only had a problem on four streets. Is it always best to take a comprehensive approach to solve a small problem? He does not know if that is the case here, that is for the City Commission to consider. He gives that as added insight.

City Manager Mims stated this issue would come before the City Commission again as a work session item.

9A. OTHER BUSINESS — DISCUSSION OF whether or not the City Commission authorizes staff to prepare a letter, to be signed by the Mayor-Commissioner

**FLORIDA STATUTES
PARKING VIOLATIONS**

Select Year: 2019 ▾

The 2019 Florida Statutes

Title XXIII
MOTOR VEHICLES

Chapter 316
STATE UNIFORM TRAFFIC CONTROL

[View Entire Chapter](#)

316.1967 Liability for payment of parking ticket violations and other parking violations.—

(1) The owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence, when required by this subsection, that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities an affidavit setting forth the name, address, and driver license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle. The affidavit submitted under this subsection is admissible in a proceeding charging a parking ticket violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle. The owner of a leased vehicle is not responsible for a parking ticket violation and is not required to submit an affidavit or the other evidence specified in this section, if the vehicle is registered in the name of the person who leased the vehicle.

(2) Any person who is issued a county or municipal parking ticket by a parking enforcement specialist or officer is deemed to be charged with a noncriminal violation and shall comply with the directions on the ticket. If payment is not received or a response to the ticket is not made within the time period specified thereon, the county court or its traffic violations bureau shall notify the registered owner of the vehicle that was cited, or the registered lessee when the cited vehicle is registered in the name of the person who leased the vehicle, by mail to the address given on the motor vehicle registration, of the ticket. Mailing the notice to this address constitutes notification. Upon notification, the registered owner or registered lessee shall comply with the court's directive.

(3) Any person who fails to satisfy the court's directive waives his or her right to pay the applicable civil penalty.

(4) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100 or the fine amount designated by county ordinance, plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

(5) Any provision of subsections (2), (3), and (4) to the contrary notwithstanding, chapter 318 does not apply to violations of county parking ordinances and municipal parking ordinances.

(6) Any county or municipality may provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data which is machine readable by the installed computer

system at the department, listing persons who have three or more outstanding parking violations, including violations of s. 316.1955. Each county shall provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data that is machine readable by the installed computer system at the department, listing persons who have any outstanding violations of s. 316.1955 or any similar local ordinance that regulates parking in spaces designated for use by persons who have disabilities. The department shall mark the appropriate registration records of persons who are so reported. Section 320.03(8) applies to each person whose name appears on the list.

History.—s. 1, ch. 77-456; s. 2, ch. 79-403; s. 3, ch. 80-316; s. 2, ch. 85-325; s. 1, ch. 88-246; s. 1, ch. 89-196; s. 1, ch. 90-48; s. 20, ch. 90-330; s. 1, ch. 91-180; s. 20, ch. 94-306; s. 898, ch. 95-148; s. 6, ch. 96-200; s. 2, ch. 2001-196; s. 36, ch. 2005-164.

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**CITY OF
INDIAN ROCKS BEACH**

PARKING VIOLATION CODES

Sec. 62-31. - Parking violation fines.

Any person who violates any parking laws, ordinances, or regulations within the city shall be subject to a fine for each such violation of not less than \$40.00. If the fine is not paid within 15 days of the day of the violation, the fine shall be \$55.00.

(Code 1980, § 12-12; Code 1989, § 13-10; Ord. No. 569, § 1, 9-21-1994; Ord. No. 2010-13, § 1, 8-25-2010; Ord. No. 2014-47, § 1, 10-31-2014)

Sec. 14-393. - Obstructions.

No vehicles of any kind shall park in front of or near any mailbox so as to impede mail delivery, and the area immediately surrounding the mailbox shall be kept free of shrubs or other obstructions by the occupant of the property.

(Code 1980, § 5-12; Code 1989, § 5-339)

**CITY OF
INDIAN ROCKS BEACH
AND
PCSO PARKING TICKETS
WRITTEN:**

**MAY/JUNE THROUGH
THE JULY 4TH WEEKEND**

194

**PARKING VIOLATION FINES
SURVEY**

JULY 2020

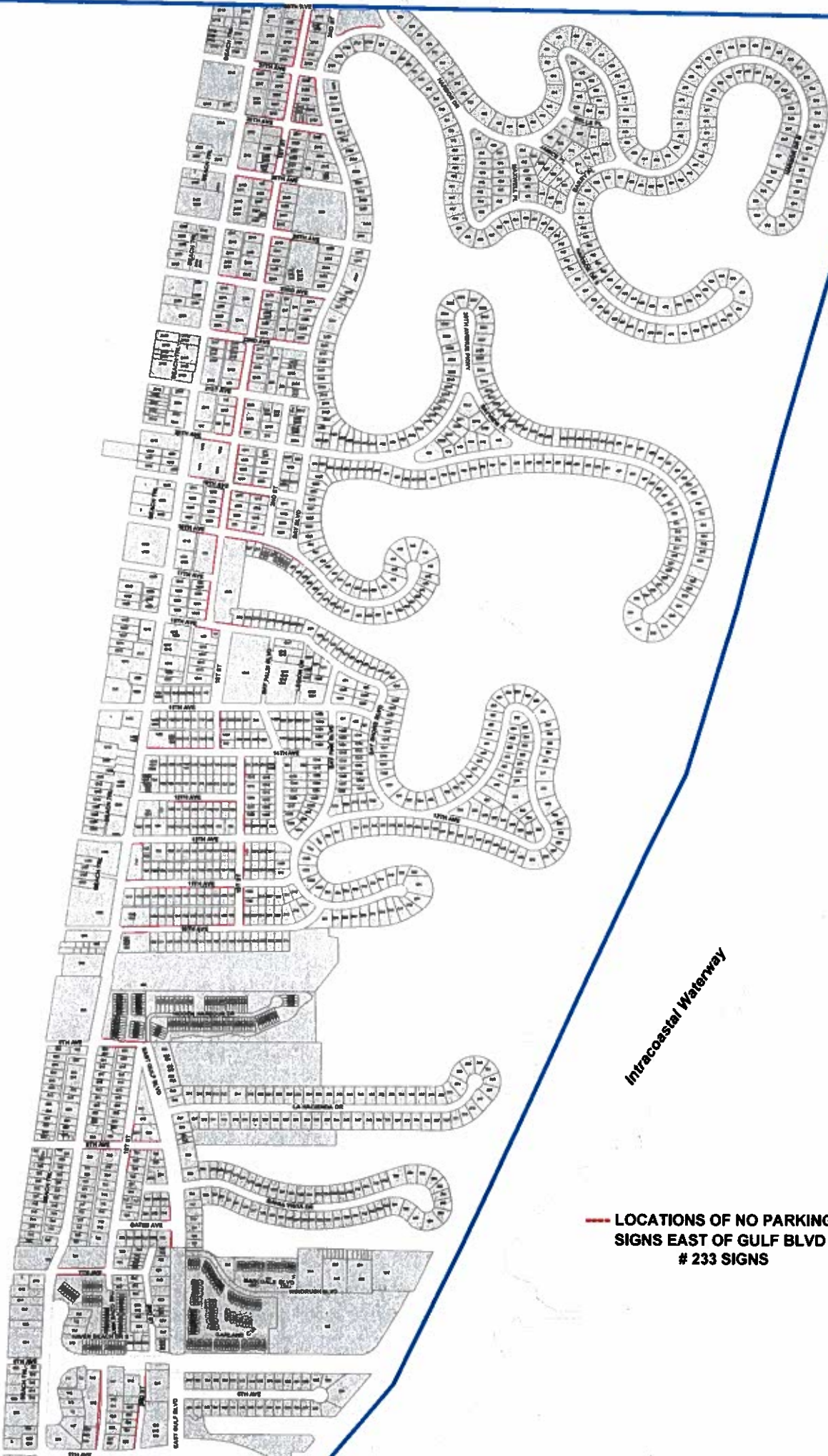
PARKING VIOLATION FINES

CITY		PARKING VIOLATION FINES
Belleair Beach		\$35.00 \$70.00 after 15 days
Clearwater		\$20.00
Indian Rocks Beach		\$40.00
Indian Shores		\$25.00 \$50 after 15 days
Redington Shores		\$50.00
North Redington Beach		\$50.00
Redington Beach		\$50.00
Madeira Beach		\$25/hr \$35 after 10 days
Treasure Island		\$60.00 to \$90.00 Depending on infraction
St. Pete Beach		\$50.00

/DOR

**EXISTING NO PARKING
ZONES**

5TH AVE TO 27TH AVE



Intracoastal Waterway

**--- LOCATIONS OF NO PARKING
SIGNS EAST OF GULF BLVD
233 SIGNS**

**BEACH ACCESS PARKING
AND
RESIDENT PARKING SPACES**

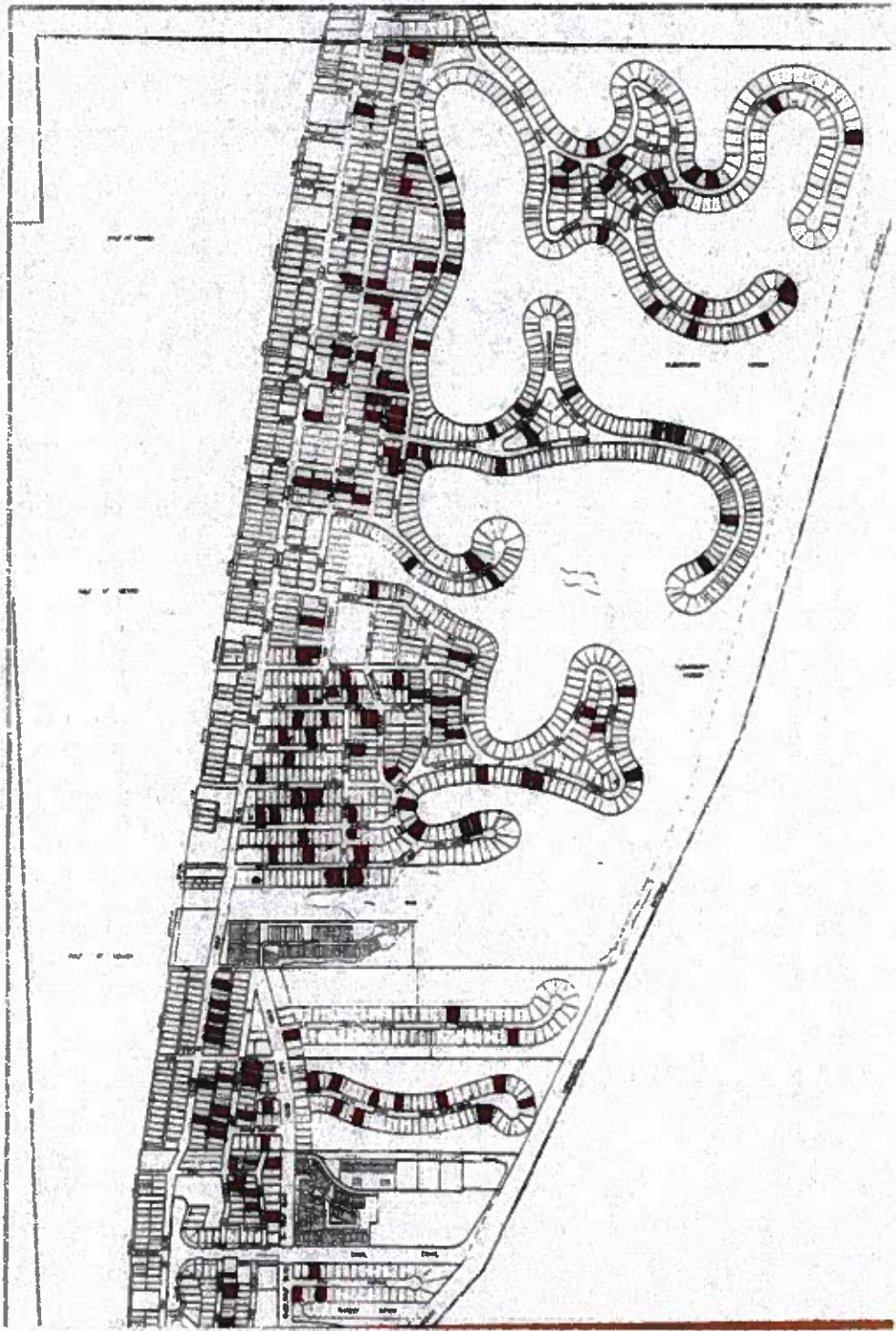
**BEACH ACCESS PARKING &
RESIDENT PARKING SPACES**

Beach Access	Total Parking	Handicap	Resident	Golf Cart
28th	0	No Parking Walkway		
27th	9	1	4	4
26th	17	1	4	0
25th	16	1	4	2
24th	18	1	4	0
23rd	17	1	4	0
22nd	18	1	4	4
21st	17	1	4	2
20th	15	1	4	3
19th	10	1	4	3
18th	0	No Parking - Exit County Park		
17th	0	No Parking - Entrance County Park		
16th	19	1	4	2
15th	16	1	4	1
12th	17	1	4	2
10th	0	No Parking Walkway		
9th	0	No Parking Resident Only		
8th	15	1	4	2
7th	0	No Parking Resident Only		
6th	0	No Parking Resident Only		
5th	0	No Parking Resident Only		
4th	10	1	3	0
3rd	5	1	0	0
2nd	12	1	2	0
1st	14	1	2	0
Central	9	1	2	0
Whitehurst	0	No Parking Resident Only		
	254	18	61	25

**Nature Preserve
Keegan Clair**

3
3
67

TOTAL Resident Spaces



VACATION RENTALS

JULY 2020

DRAFT SIGN:

**NO PARKING DAYTIME
WITHOUT PERMIT**

**NO ON-STREET PARKING
8:00 A.M. TO 5:00 P.M.
WITHOUT IRB RESIDENT
PARKING DECAL.**

**VEHICLES *WITHOUT* VALID
DECAL WILL BE TICKETED
AND/OR TOWED AT THE
OWNER'S EXPENSE**

CITY CODE

**IRB CITY CODE
SEC 62-35**

- √ **RESIDENT DECALS**
- √ **TEMPORARY GUEST PARKING**
- √ **OTHER TEMPORARY PARKING
PERMITS**

Sec. 62-35. - Parking on beach accesses and 15th Avenue boat ramp.

- (a) *Purpose and intent.* The purpose and intent of this section is to regulate public parking, not to regulate the use of the public beach facilities in the city.
- (b) *Findings of fact.* The city commission, based on studies and reports conducted and completed by the city administration and upon the general knowledge of the operating costs connected with the maintenance of beach accesses within the corporate limits of the city, makes the following findings of fact:
- (1) The city is approximately 2½ miles long fronting on the west on the Gulf of Mexico with approximately 28 beach accesses which are in fact dedicated as accesses to the residents of the subdivision in which the access is located.
 - (2) Although the city commission recognizes that the beaches may be used by the general public subject to limitations of private property rights and restrictions of record contained in deeds and plats, all costs of maintenance and patrolling the beach accesses are borne by citizens of the city through the collection of taxes.
 - (3) Cost of maintaining the beach accesses is significant and includes road maintenance, law enforcement, garbage and trash collection, and general upkeep and beautification.
- (c) *Permit parking on beach accesses.* Permits for parking on beach accesses in the city shall be as follows:
- (1) All residents of the city shall, upon application and proof of automobile registration, be issued one resident permit per vehicle for parking on beach accesses and no fee shall be charged for such permit. Proof of residency within the corporate limits of the city shall be required for such permit. The city shall provide parking places on accesses designated for residents only where deemed feasible by the city manager. The resident parking permit decal must be permanently attached to the exterior rear of the vehicle in a visible location.
 - (2) The city manager may, upon request, issue temporary guest parking permits to motels/motor lodges, businesses or residences on the condition that business tax receipts, if applicable, are paid. No fee shall be charged for this permit. These temporary guest parking permits may not be used in the spaces designated for residents only. The parking permits used must be visible from the rear of the vehicle.
 - (3) Temporary parking permits are available for all other situations, requiring parking between the hours of 11:00 p.m. and 6:00 a.m. A fee will be required. The fee shall be \$3.00 per night for each parking permit and the permit shall not exceed a three-day maximum. Temporary parking permits may not be used in the spaces designated for residents only. All parking permits must be visible from the rear of the vehicle.
 - (4) Parking on the beach accesses between the hours of 11:00 p.m. and 6:00 a.m. shall be limited to motor vehicles with parking permits as set forth in this subsection.
 - (5) Replacement parking permits, in all categories, are \$10.00 each.
- (d) *General authority of city manager.* Nothing in this section shall prohibit the city manager from otherwise regulating parking on any public street, public right-of-way or public property in order to ensure public health, safety and welfare.
- (e) *Parking at 15th Avenue boat ramp.* Parking and use of the boat ramp at 15th Avenue shall be limited to city residents/property owners. Any

watercraft using the 15th Avenue boat ramp shall have an authorized city resident decal permit affixed to the vehicle launching the watercraft. No resident shall be allowed to park or use the boat ramp for longer than 30 minutes at one time and parking shall be limited to the hours of 8:00 a.m. to 9:00 p.m. There shall be no parking on 15th Avenue or the surrounding streets of the 15th Avenue boat ramp, including Bayshore Boulevard, for any trailers or vehicles with trailers. Any vehicle that violates the provisions of this subsection shall be subject to penalties as prescribed in this Code and Florida Statutes. Any vehicle, including trailers, that violates the provisions of this subsection shall be subject to a fine of \$25.00 per axle. If the fine is not paid within 30 days of the day of the violation, the fine shall be doubled.

(Code 1980, § 12-11; Code 1989, § 13-9; Ord. No. 568, § 1, 8-17-1994; Ord. No. 582, § 1, 2-15-1995; Ord. No. 97-23, § 1, 10-15-1997; Ord. No. 2015-16, § 1, 10-13-2015)

Cross reference— Parks and recreation, ch. 38; boats, § 74-31 et seq.; beaches, § 74-61 et seq.

**CITY OF
BELLEAIR BEACH
PARKING CODES**

Sec. 58-39. - Enforcement.

- (a) A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of this article shall issue a parking ticket on a form approved by the city manager and shall attach such ticket to the vehicle in a conspicuous place. Any person who is issued a parking ticket is deemed to be charged with a noncriminal violation and shall comply with the direction on the parking ticket.
- (b) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions on the parking ticket.
- (c) The law enforcement officer or parking enforcement specialist shall determine the registered owner of the vehicle for which a parking ticket has been issued and shall complete the parking ticket form. The original of the parking ticket form shall be forwarded to the finance officer within five days from the date of the issuance of the parking ticket.
- (d) A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of this article, which authorizes a vehicle to be towed, is hereby authorized to issue a parking ticket and to have the vehicle towed by a person regularly engaged in the business of transporting vehicles by wrecker or tow truck to recover, remove and store the unauthorized vehicle. Such vehicle shall be removed, transported and stored in such manner as to comply with all statutory requirements, allowing for a lien to attach upon the vehicle for towing, transportation and storage fees pursuant to F.S. § 713.78, or amended or successor statutes.
- (e) Any person who violates the provisions of section 58-32(a)(8) or 58-32(d) or 58-32(e) pertaining to parking on private property shall not be issued a parking ticket, but shall be issued a notice of violation of this article pursuant to section 2-261 of the City Code with penalties as set forth in section 2-266 of the City Code.

(Ord. No. 06-09, § 11, 10-2-2006; Ord. No. 18-04, § 1, 5-7-2018)

Sec. 58-35. - Exceptions.

The following exceptions shall apply to the parking restrictions set forth in this article:

- (1) An exception shall be automatically granted for emergency vehicles, breakdown of vehicles, vehicles owned by utilities which service the city and county and state vehicles on official business;
- (2) An exception shall be automatically granted to vehicles involved within the immediate area where construction or commercial work or service is in progress but only during the hours of actual construction or work in progress;
- (3) An exception shall be granted for social gatherings at a city resident's house, provided the resident informs the city manager or his designee in advance of such gatherings;
- (4) An exception shall be granted to vehicles which carry "DV," "HP" or wheelchair symbol licenses;
- (5) A nonconforming use shall be granted to existing parking lots of condominiums whose parking areas extend into or through the easement on the west side of Gulf Boulevard, but, provided, all vehicles shall be parked at least nine feet from the paved road. Such nonconforming use is not extended to future construction at undeveloped sites or to enlargement of existing facilities, and shall be subject to reappraisal at any time.

(Code 1981, § 24-18; Ord. No. 18-04, § 1, 5-7-2018)

GOLF CARTS LOW SPEED VEHICLES ATVs

JULY 23, 2020



CITY ATTORNEY MEMO

MARCH 24, 2020



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** Board Certified by the Florida Bar in
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MEMORANDUM

DATE: March 24, 2020

TO: Gregg Mims

FROM: Randy Mora, Esq., City Attorney

RE: Municipal Authority to Regulate Golf Carts, Low Speed Vehicles,
and Micromobility Scooters

You have asked for a review and analysis of current Florida statutory restrictions and regulatory limits regarding golf carts. As to better understand and analyze the issues raised by this inquiry, this memorandum also analyzes municipal authority relative to, Low Speed Vehicles ("LSV"), Micromobility scooters ("MM") and other alternative transportation.

I. EXECUTIVE SUMMARY

As detailed below, this seemingly easy inquiry is complicated by the patchwork tapestry of statutes used to regulate and make fine distinctions which are socially treated as being functionally the same.

Golf Carts are motorized four-wheeled vehicles with a maximum speed of 20 mph, do not require insurance, and do not require a driver's license to operate. Low speed vehicles are four-wheeled vehicles, which in some cases resemble golf carts, but are capable of a maximum speed of 25 mph, require insurance and registration, and require the operator to have a driver's license. Municipalities are limited in their ability to regulate golf cart operation, as they can only regulate unlicensed drivers and may not require anything further than state statute permits. Municipalities are empowered to regulate and prohibit LSVs. The City Code presently regulates golf carts, but aspects of the provision are likely invalid and unenforceable.

While the City Code is currently silent as to LSVs and MMs, the City does have statutory authority to enact ordinances that prohibit or regulate the operation of LSVs and MMs.

II. GOLF CARTS

Golf carts are motorized four-wheeled vehicles with a maximum speed of 20 miles per hour that are allowed to travel on certain roads with a posted speed limit of 30 miles per hour or less. By statute, golf cart operators must be at least 14 years old, but are not required to have a driver's license. Golf carts are not required to be registered or insured. State statute and Florida Attorney General opinions hold that while municipalities may regulate some operations of golf carts, these regulations may only apply to unlicensed drivers. Further, as there is no requirement that a golf cart operator have a driver's license, a municipality may not enact an ordinance that requires a driver's license to operate a golf cart, or even a seat belt.

A. FLORIDA STATUTE

Florida statute defines golf carts as, “[a] motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.”¹ Another section of Florida's Statutes also define golf carts as, “[a] motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 MPH.”²

A separate statutory provision addressing the operation of golf carts on certain roadways and general prohibitions and regulations of the operation of golf carts also offers relevant insight.³ While generally the operation of golf carts on public roadways is prohibited, “[a] golf cart may be operated only upon a county road that has been designated by a county, a municipal street that has been designated by a municipality, or a two-lane county road located within the jurisdiction of a municipality designated by that municipality, for use by golf carts.”⁴ Further, golf carts may only be operated on roads with a posted speed limit of 30 mph or less.⁵ According to Florida's statutes, golf carts may only operate on sidewalks under the following conditions: if provided by municipal ordinance, the sidewalks are eight feet wide, and if the top speed of golf carts on the sidewalk is 15 miles per hour.⁶

While golf carts are not required to be licensed or insured, a golf cart may not be operated on public roads or streets by any person under the age of 14.⁷

Continuing, golf carts may only be operated between sunrise and sunset, unless the county or municipality has determined that golf carts may be safely operated outside those hours **AND** the golf cart has headlights, brake lights, turn signals, and a windshield.⁸ Local governments may enact an ordinance relating to golf cart operation and equipment that is more restrictive than statute, but the ordinance may only apply to unlicensed drivers and the municipality must post signs regarding the more restrictive golf cart ordinance.⁹

¹ § 316.003 (26), Fla. Stat.

² § 320.01 (22), Fla. Stat. (emphasis added).

³ § 316.212, Fla. Stat.

⁴ § 316.212 (1), Fla. Stat.

⁵ § 316.2126 (1) (c), Fla. Stat.

⁶ § 316.212 (8), Fla. Stat.

⁷ § 316.212 (7), Fla. Stat.

⁸ § 316.212 (5), Fla. Stat. (emphasis added).

⁹ § 316.212 (8) (a), Fla. Stat.

Violations of Sec. 316.212, Fla. Stat. (golf cart operating statute) are considered noncriminal traffic infractions punishable as a moving violation.¹⁰ Violations of golf cart ordinances enacted pursuant to Sec. 316.212, Fla. Stat. are also punishable by local ordinance.

B. PERSUASIVE AUTHORITY: ATTORNEY GENERAL OPINIONS

Attorney General opinions are not binding legal precedent, but can offer valuable insight into how the executive branch of the state has interpreted the enforcement of various statutory provisions.

In Florida Attorney General Opinion 2016-07, the Attorney General's office responded to a series of inquiries on behalf of the City of Winter Garden. The Attorney General opined on several issues regarding the operation of golf carts within a municipality. Among other things, the Attorney General has held that a municipality may not prohibit the operation of a golf cart by an unlicensed driver. AGO 16-07.

As explained in AGO 16-07, Sec. 316.212, Fla. Stat. previously had language that authorized local governments to enact more restrictive golf cart equipment and operation regulations than state law provides. However, during the 2005 Florida Legislative Session, House Bill 1697 (2005) was amended on the floor to add the term, "must apply only to an unlicensed driver." This limiting language was added on the floor without debate. Without much legislative history, the plain language of the amended statute indicates that any regulations imposed by municipal ordinance on the operation or equipping of a golf cart on municipal streets is limited to unlicensed drivers operating golf carts. AGO 16-07.

AGO 16-07 further interprets Sec. 316.212, Fla. Stat. by opining that state statute clearly authorizes unlicensed drivers to operate golf carts pursuant to Sec. 322.04(1)(e), Fla. Stat., and therefore precludes a municipality from enacting an ordinance prohibiting the operation of golf carts by an unlicensed driver.

The attorney general opinion does state that a person with a suspended or revoked driver's license would be considered an unlicensed driver under Florida statute. AGO 06-17, and therefore able to lawfully operate a golf cart.

In Attorney General Opinion 2003-58, the Attorney General's office responded to an inquiry from the City of Cedar Key regarding equipment and operation of golf carts on municipal streets. The Attorney General opined that the City could not require additional safety equipment, or require mandatory inspection of golf carts. AGO 03-58. The opinion further clarifies that municipalities are preempted from requiring a licensed adult to accompany operators under the age of 16, or from enacting more restrictive age or licensure requirements. AGO 03-58.

¹⁰ § 316.212 (9), Fla. Stat.

C. CITY CODE PROVISIONS

Presently, City Code regulates golf carts in Chapter 62, Article III, of the Code of Ordinances of the City of Indian Rocks Beach ("City Code"). City Code states that golf carts must be equipped with headlamps, stop lamps, turn signals, tail lamps, reflectors, brakes, rearview mirrors, windshields, and standard hip restraints. Sec. 62-40(1), City Code. Because the City allows golf carts to be operated between the hours of sunset and sunrise, this additional required equipment language is likely permissible under the City's authority found in Sec. 316.212(5), Fla. Stat.

City Code also requires that golf cart operators must possess a valid driver's license. Sec. 62-40(2), City Code. This section is preempted by state statute and likely unenforceable as noted above. AGO 16-07 in conjunction with Sec. 316.212, Fla. Stat. would prohibit the City from requiring driver's licenses or raising the minimum age of golf cart operators. It would be advisable to amend this section of City Code in light of statutory language and secondary legal authority.

III. LOW SPEED VEHICLES

Low Speed Vehicles are motorized four-wheeled vehicles with a maximum speed of 25 miles per hour that can often look very similar to golf carts. LSVs require a driver's license to operate, must be registered and insured, and may only operate on streets with a posted speed limit of 35 mph or less (and therefore not on sidewalks). Municipalities currently have the authority to prohibit operation of LSVs on any road under their jurisdiction.

A. FLORIDA STATUTE

Florida Statute defines a Low Speed Vehicle (LSV) as "any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 (federal safety standards) and Sec. 316.2122."¹¹

Section 316.2122, Fla. Stat., deals with the safety standards and operations of LSVs or mini trucks. Operations of LSVs are authorized on any road with the following restrictions:

(1) A low-speed vehicle or mini truck **may be operated only on streets where the posted speed limit is 35 miles per hour or less.** This does not prohibit a low-speed vehicle or mini truck from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. (emphasis added).

(2) A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

(3) A low-speed vehicle or mini truck must be registered and insured in accordance with Sec. 320.02 and titled pursuant to Chapter 319.

¹¹ Sec. 320.01(41), Fla. Stat. (emphasis and internal parenthetical added).

(4) Any person operating a low-speed vehicle or mini truck **must have in his or her possession a valid driver license.** (emphasis added).

(5) A county or municipality may prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

(6) The Department of Transportation may prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

As Sec. 316.2122, Fla. Stat. only authorizes the operation of LSVs on certain public roads, LSVs are not permitted to operate on sidewalks. The Florida Department of Highway Safety and Motor Vehicles also permits the conversion of golf carts to LSVs by allowing golf cart owners to modify their golf carts to comply with LSV statute restrictions, via the TL-63 procedure (enclosed).

B. ADDITIONAL LEGAL AUTHORITY

While there have been no AGOs interpreting the LSV statute, one Appellate Decision from the Eleventh Circuit has stated that, under Florida law, LSVs are not “cars” for purposes of automobile insurance. In State Farm Mut. Auto. Ins. Co. v. Baldassini, 545 Fed. Appx. 842 (11th Cir. 2013), an insurer brought action seeking declaration that an automobile policy did not cover accidents that occurred while the insured’s daughter was operating an LSV. The Eleventh Circuit held that, under Florida law, LSVs (and four-wheel electric vehicles) are not designed for main use on public roads and thus did not fall within the definition of “car” covered by insured’s automobile insurance policy.

C. CITY CODE PROVISIONS

Presently, the City Code does not define, regulate, or prohibit LSVs within the City.

As LSVs are separate and distinct from golf carts, it would be advisable for the City to amend City Code or enact a new ordinance to define, regulate, and enforce LSV operation. The City has the authority to outright ban LSVs on municipal roads, or it could regulate them within the confines of the statute by requiring a driver’s license to operate, requiring registration and insurance, and prohibiting their operation on any roads with a posted speed limit greater than 35 miles per hour.

IV. ALTERNATIVE TRANSPORTATION

A. MICROMOBILITY DEVICES & MOTORIZED SCOOTERS

The 2019 Florida Legislature passed House Bill 453 (2019) which was a comprehensive bill related to Micromobility devices (“MM”) and motorized scooters. Once signed into law, HB 453 created Chapter 2019-109, Laws of Florida, which amended various sections of Chapter 316, Florida Statutes, (the Florida State Uniform Traffic Control laws) that deal with MMs and scooters.

MMs are defined as: “[a]ny motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.”¹²

Section 316.003(45), Fla. Stat. By comparison, the statutory definition of a “motorized scooter,” includes MMs within its scope, encompassing : “[a]ny vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground.”

HB 453 also amended section 316.2128, Fla. Stat. which is now titled “Micromobility devices, motorized scooters, and miniature motorcycles, requirements.” Section 316.2128, Fla. Stat. states that MM and scooter operators have all the rights and duties of bicycle riders except those found in Sec. 316.2128(1), Fla. Stat. (child safety restraint requirements). Further, local governments are expressly authorized to adopt ordinances governing the operation of MM and motorized scooters on, “streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction.”¹³

Similar to golf carts, MMs and scooters are not required to be registered or insured.¹⁴ Operators of MMs and scooters are not required to have a driver’s license.

The First District Court of Appeal recently issued an opinion regarding MMs in Panama City Beach, holding that a City may prohibit the daily rental of MM without outright banning all MMs. In Classy Cycles, Inc. v. Panama City Beach, 44 Fla. L. Weekly D2729 (Fla. 1st DCA Nov. 13, 2019), a Motorized scooter vendor brought action against the City, challenging the validity of the City’s ordinances which prohibited motorized scooter rentals. The Circuit Court granted summary judgment in favor of city and the vendor appealed. The First District affirmed the lower court’s ruling holding that the municipal ordinances which prohibited night rentals of motorized scooters, and which imposed a general prohibition against all motorized scooter rentals after a certain date, were not arbitrary or unreasonable for only prohibiting rental rather than operation of scooters, and therefore the ordinances were valid pursuant to rational basis analysis. Id.

The City Code does not presently define, regulate, or prohibit micromobility devices or scooters. It may be advisable for the City to address MM or scooters, whether generally or in the daily rental scheme.

¹² § 316.003 (38), Fla. Stat.

¹³ § 316.2128(1), Fla. Stat

¹⁴ § 316.2128(2), Fla. Stat.

B. MOTOR ASSISTED BIKES & ELECTRIC BICYCLES

Currently, electric bicycles (“e-bikes”) fall under the statutory definition of a bicycle. State statute defines a bicycle as: “[e]very vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.”¹⁵

Recently, the 2020 Florida Legislature passed House Bill 971 related to Electric Bicycles. HB 971 separately defines e-bikes as a “bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts.” If signed into law, HB 971 would create regulations governing the operation of e-bikes and provide that an e-bike or an operator of an e-bike must be afforded all the rights and privileges of a bicycle. The bill authorizes an e-bike to operate where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, and bicycle lanes. However, local governments are authorized to regulate the operation of e-bikes on the prescribed areas. The bill is now awaiting the Governor’s signature. Its effective date, if signed, is October 1, 2020.

V. CONCLUSION

While golf carts and LSVs are similar in look and design, state statute treats them distinctly and municipal authority over each is varied. Municipalities are limited in their ability to regulate golf cart operation, as they can only regulate unlicensed drivers and may not require anything further than statute permits. Municipalities are empowered to regulate and prohibit LSVs and MMs. The City Code presently regulates golf carts, but aspects of the provision are likely invalid and unenforceable. The City Code is currently silent as to LSVs and MMs, but the City does have authority to prohibit LSVs and MMs, or regulate them within the confines of state statute.

Encl:

Florida Department of Highway Safety and Motor Vehicles Low Speed Vehicles guide
Florida Department of Highway Safety and Motor Vehicles TL-63 LSV conversion procedure

¹⁵ § 316.003(3), Fla. Stat.

AGENDA ITEM NO. 2

**DISCUSSION OF
GOLF CART ORDINANCE.**

**CITY OF
INDIAN ROCKS BEACH**

**CITY CODE SEC 62-40
GOLF CARTS**

ARTICLE III. - OPERATION OF GOLF CARTS

Sec. 62-40. - Golf carts.

Golf carts equipped in the manner prescribed by this section may travel on or cross the public roads or streets within the geographic boundaries described in this section, considering factors including the speed, volume, and character of motor vehicle traffic using these roads or streets, and the use of golf carts is hereby permitted in the city with the stipulations to include the following provisions:

- (1) *Required equipment.* A golf cart shall include headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, a rearview mirror, a windshield, and standard hip restraints for all passengers.
- (2) *Golf cart operators.* The golf cart operators must possess a valid driver's license pursuant to F.S. § 322.03.
- (3) *Designated areas.* The "designated areas" encompassed by this authorization are the municipal streets of the city and the following Gulf Boulevard intersections:

8th Avenue

12th Avenue

15th Avenue

16th Avenue

17th Avenue

18th Avenue

19th Avenue

20th Avenue

21st Avenue

22nd Avenue

23rd Avenue

24th Avenue

25th Avenue

26th Avenue

27th Avenue

- (4) *Golf cart defined.* The golf carts authorized for use are incapable of exceeding 20 miles per hour.
- (5) *Hours of operation.* Golf carts may be operated during the hours between the sunset and sunrise as well as during daylight hours in the designated areas only.
- (6) *Penalties.* Violations of this article shall be enforced pursuant to or otherwise consistent with the provisions of F.S. § 316.212, F.S. § 322.03, and city ordinances by a law enforcement officer or city code enforcement officer as such officer's legal authority and jurisdiction allows. Code enforcement officers shall have the right to enforce all matters having to do with golf cart required equipment, the streets upon which golf carts may be operated, and all other matters not exclusively within the jurisdiction of and lawful authority of law enforcement officers.
- (7) *Territory embraced.* This section shall apply only to the designated municipal-owned streets and Gulf Boulevard intersections identified in subsection 62-40(3) within the territorial jurisdiction of the city.
- (8) *Pinellas County approval.* The city shall obtain the advance approval of Pinellas County for all golf cart crossings on Gulf Boulevard under county jurisdiction and any related traffic control devices needed for safety purposes. No golf cart travel shall be allowed along Gulf Boulevard.

(Ord. No. 2009-01, § 2, 2-10-2009; Ord. No. 2011-08, § 1, 5-10-2011; Ord. No. 2017-03, § 1, 4-11-2017)

Mims, Gregg

From: Randy Mora <Randy@cityattorneys.legal>
Sent: Wednesday, July 15, 2020 3:25 PM
To: Mims, Gregg
Cc: Patrick Perez
Subject: IRB | ATV Inquiry

Gregg,

During a call earlier this week you inquired about the laws governing All Terrain Vehicles. See below for some informative bullet points on the matter.

As we enter the workshop the challenge of this discussion will be the way that terms like "golf cart," "low speed vehicle," and "ATV," are commonly used – as opposed to how the law treats them.

- Florida law defines an "ATV" as any motorized off-highway or all-terrain vehicle 55 inches or less in width which has a dry weight of 1,500 pounds or less, is designed to travel on three or more nonhighway tires, and is manufactured for recreational use by one or more persons.
- Florida law states that all-terrain vehicles (ATV) may only be operated on unpaved roadways where the posted speed limit is less than 35 MPH and only during daylight hours. Anyone under the age of 16 operating an ATV on public land must be under the supervision of an adult and must have proof of completion of a Department of Agriculture and Consumer Services (DACS) approved safety course. ATV operators and riders under the age of 16 must wear a USDOT approved safety helmet and eye protection.
- ATVs are titled, but not registered, and are not required to be insured with PIP and PDL coverage.
- See generally, sections 261.20, 316.2074, 316.2123, and 317.003 Florida Statutes).

Please let me know if there are more particularized issues you would like me to review.

Regards,

Randy D. Mora, Esq., B.C.S.



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AGENDA ITEM NO. 3

**DISCUSSION OF
ITEMS LEFT OF THE BEACH.**

ITEMS LEFT ON THE BEACH

JULY 23, 2020



CITY CODES
ITEMS ON THE BEACH

Sec. 74-65. - Tents, canopies, and volleyball nets.

Intent. It is the intent of the city commission to preserve and protect the beauty of the city's beaches, parks, and other public property for use by residents and tourists. In furtherance of such purpose, the city commission makes the following findings of fact:

- (1) The city has a significant tourist and county resident day use visitor population that utilizes its beaches, parks, and other public property.
- (2) Being a largely recreational and tourist community, the city's beaches, parks, and other public property are a very valuable asset.
- (3) The city has a significant occurrence of structures left on the beaches, parks, and other public property and the city has incurred significant cost in removing the structures.
- (4) Permitting the structures to remain on the beaches, parks and other public property overnight has a negative effect on the appearance of the beach areas and upon the city's tourism industry.
- (5) Leaving unattended tents, canopies, or volleyball nets on the beach, exposes a risk of harm to others and the natural beauty of the beach.
- (6) Prohibiting tents, canopies, or volleyball nets to remain on the beaches, parks, and other public property overnight will promote the public health, safety, and welfare.
 - a. *Prohibition.* It shall be unlawful for any person to place upon the public beach any tent, canopy, or volleyball net between the seawall and the west edge of the dune area, and west of the dune area between 10:00 p.m. and 6:00 a.m.
 - b. It shall be unlawful for any person placing or causing to be placed any tent, canopy, or volleyball net or equipment upon the public beach to allow such to remain upon such public beaches, parks, and other public property between 10:00 p.m. and 6:00 a.m.
 - c. *Penalty.* Any tent, canopy, or volleyball net left on the beaches, parks, and other public property overnight will be considered abandoned property and will be subject the provisions under section 26-131.
 - d. This section shall not effect or in any way restrict the riparian rights of property owners.

(Ord. No. 2007-03, § 1, 6-12-2007; Ord. No. 2007-12, § 1, 10-17-2007)

Sec. 26-131. - Confiscation of abandoned property.

The designated law enforcement agency is hereby authorized and directed to confiscate any and all abandoned personal property within the city, subject to the following terms and conditions:

- (1) Such abandoned personal property, unless perishable, shall remain in the possession and custody of the designated law enforcement agency for a period of two weeks before being thus confiscated, and during such period of time a representative of the designated law enforcement agency shall use reasonable diligence in an effort to locate the owner of the property. If the owner is located he shall be given five days' notice requesting that he pay all charges, fees, fines, damages and expenses due to the city, and stating that, upon his failure to pay such amounts, such personal property shall be forthwith confiscated.
- (2) In the confiscation of any personal property a representative of the designated law enforcement agency is hereby authorized and directed to forthwith dispose of the property in accordance with directions of the city manager.

(Code 1980, § 13-10; Code 1989, § 8-101; Ord. No. 97-14, § 9, 8-20-1997)

The Florida Senate

2012 Florida Statutes

<u>Title XL</u> REAL AND PERSONAL PROPERTY	<u>Chapter 705</u> LOST OR ABANDONED PROPERTY <u>Entire Chapter</u>	SECTION 103 Procedure for abandoned or lost property.
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705.103 Procedure for abandoned or lost property.—

(1) Whenever a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it can be easily removed, the officer shall take such article into custody and shall make a reasonable attempt to ascertain the rightful owner or lienholder pursuant to the provisions of this section.

(2) Whenever a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: (setting forth the date of posting of notice), signed: (setting forth name, title, address, and telephone number of law enforcement officer).

Such notice shall be not less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, she or he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15(1). On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any. If, at the end of 5 days after posting the notice and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, the following shall apply:

(a) For abandoned property, the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state

agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

(b) For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period.

1. If the agency elects to retain the property for use by the unit of government, donate the property to a charitable organization, surrender such property to the finder, sell the property, or trade the property to another unit of local government or state agency, notice of such election shall be given by an advertisement published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the property was found if the value of the property is more than \$100. If the value of the property is \$100 or less, notice shall be given by posting a description of the property at the law enforcement agency where the property was turned in. The notice must be posted for not less than 2 consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

2. If the agency elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the nearest suitable place to that where the lost or abandoned property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to sale. Notice of the agency's intended disposition shall describe the property in a manner reasonably adequate to permit the rightful owner of the property to identify it.

(3) If the property is sold at public sale pursuant to subparagraph (2)(b)2., the agency shall deduct from the proceeds the costs of transportation, storage, and publication of notice, and any balance of proceeds shall be deposited into an interest-bearing account not later than 30 days after the date of the sale and held there for 1 year. The agency shall provide a bill of sale clearly stating that the sale is subject to any and all liens. The rightful owner of the property may claim the balance of the proceeds within 1 year from the date of the above stated deposit by making application to the agency. If no rightful owner comes forward with a claim to the property within the designated year, the balance of the proceeds shall be deposited into the State School Fund.

(4) The owner of any abandoned or lost property who, after notice as provided in this section, does not remove such property within the specified period shall be liable to the law enforcement agency for all costs of removal, storage, and destruction of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer shall notify the owner, if known, of the amount owed. In the case of an abandoned vessel or motor vehicle, any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such vessel or motor vehicle, or any other vessel or motor vehicle, until such costs have been paid. The law enforcement officer shall supply the Department of Highway Safety and Motor Vehicles

with a list of persons whose vessel registration privileges or whose motor vehicle privileges have been revoked under this subsection. Neither the department nor any other person acting as agent thereof shall issue a certificate of registration to a person whose vessel or motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

(5) Whoever opposes, obstructs, or resists any law enforcement officer or any person authorized by the law enforcement officer in the discharge of her or his duties as provided in this section upon conviction is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any law enforcement officer or any person authorized by the law enforcement officer is immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this section.

(7) The rightful owner shall be liable for the law enforcement agency's costs for transportation and storage of lost or abandoned property and the agency's cost for publication of notice of disposition of lost property. If the rightful owner does not pay such costs within 30 days of making claim to the property, title to the property shall vest in the law enforcement agency.

History.—s. 3, ch. 87-82; s. 1, ch. 90-307; s. 12, ch. 94-241; s. 471, ch. 94-356; s. 1, ch. 97-51; s. 791, ch. 97-102; s. 29, ch. 2000-197; s. 10, ch. 2006-309.

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**CITY OF
INDIAN SHORES**

NO TRACE ORDINANCE

ARTICLE V. - LEAVE NO TRACE

NO TRACE

Sec. 34-119. - Purpose and title.

The purpose of this article is to ensure the public beach and beach access areas are free from any obstruction by any item of personal property in order to protect public ingress, egress and use of the public beach, promote public safety, and to protect endangered sea turtles. This article may be referred to as the "Leave No Trace Ordinance."

(Ord. No. 2018-04, § II, 4-9-19)

Sec. 34-120. - Definitions.

Beach means the zone of unconsolidated material that extends landward from the mean low water line to either the place where there is a marked change in material or physiographic form: the line of permanent vegetation, which is usually the effective limit of storm waves; or constructed bulkheads or other coastal protection structures.

Beach access areas means those public beach access points in the town, identified by appropriate signage, including associated boardwalks, walkways, and dedicated parking areas, and the area on the public beach beginning at the entrance of the beach access point perpendicular with the applicable road right-of-way to the water's edge.

Dune means a mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying landward of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation, and is subject to fluctuations in configuration and location. In the absence of a discernible dune, the seaward boundary of a dune will be deemed to be the line of native vegetation.

Person includes a natural person and all artificial entities, such as, but not limited to, corporations, limited liability companies, partnerships, limited partnerships, associations, trustees, receivers, legal representatives and organizations.

Personal property means all types of personal property, including by way of example and not limitation, tents (including tent frames), canopies, cabanas, umbrellas and other shading devices, picnic tables, tiki huts, volleyball nets, tents, hammocks, beach chairs and other furniture, kayaks, canoes, catamarans, floats, sailboards, surfboards, kites, jet skis, sailboats, water cycles and other watercraft.

Public beach means any beach area, whether publicly or privately owned, extending inland from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico to which the public has acquired the right of use or easement to or over the area by prescription, dedication, presumption, or has retained a right by virtue of continuous right in the public since time immemorial, as recognized in law and custom.

(Ord. No. 2018-04, § II, 4-9-19)

Sec. 34-121. - Digging holes on beach.

Holes dug on the beach are required to be attended and shall be filled prior to leaving the public beach.

(Ord. No. 2018-04, § II, 4-9-19)

Sec. 34-122. - Obstructions on the beach and beach access areas prohibited.

(a) It shall be unlawful for any person to leave an item of personal property unattended on any portion of the

public beach located in the town from 10:00 p.m. until 6:00 a.m. daily, except as otherwise permitted in this article.

- (b) It shall be unlawful for any person to leave an item of personal property unattended at anytime within any public beach access area located in the town.
- (c) Any items of personal property that remain on the beach in violation of this article shall be deemed a nuisance and abandoned by the owner and shall be removed by the town police department, public works staff or code enforcement officer. Any personal property so removed shall be stored in an area designated by the town. After 90 days of impoundment, as required by F.S. § 705.103, the town may dispose of any item(s) removed pursuant to this section. The town may, by resolution, enact an impoundment fee to be collected at the time any item(s) are retrieved from impoundment by the party claiming the item(s).
- (d) From 10:00 p.m. until 6:00 a.m. daily on the beach, items of personal property that are relocated as close to, but not on, the toe of the dune or native vegetation, or where there are no dunes or native vegetation, are relocated as close as practicable to an existing permanent structure or the line of buildings, will not be considered discarded by the owner, abandoned or a violation of this article, provided:
 - (1) Such items shall not be placed on the dune or on native vegetation.
 - (2) Such items shall be stored in a neat and orderly manner.
 - (3) Such items shall not inhibit access to the public beach from the nearest public access areas, nor obstruct access on the public beach, nor impact native vegetation, nor significantly affect sea turtles.
 - (4) Private property owners may store items under or adjacent to their private dune walkovers, boardwalks, or permanent structure.
 - (5) Items shall not be placed on any public beach access point or within 20 feet of any public trash receptacle.
- (e) Unattended items of personal property in violation of this article shall be removed from the public beach by any law enforcement officer, code enforcement officer, or town public works staff.
- (f) Unattended or abandoned items of personal property, and unattended, unfilled holes on the beach, are in violation of this article and are a public nuisance.

(Ord. No. 2018-04, § II, 4-9-19)

Sec. 34-123. - Exceptions.

The prohibitions contained herein do not apply to:

- (1) Trash containers;
- (2) Signs placed by a governmental agency;
- (3) Items placed by persons acting under authority of the chief of police, the town administrator, or other governmental agency;
- (4) Structures, including without limitation boardwalks, decks, and dune walkovers constructed and permitted by the town, county or the state;
- (5) Items placed on the beach by persons who have authorization or a permit to engage in marine turtle nesting research issued by the United States Fish and Wildlife Service or the state.

(Ord. No. 2018-04, § II, 4-9-19)

Sec. 34-124. - Permits.

- (a) Permits may be issued by the building official or their designee for activities otherwise prohibited by this article for such periods of time and under such conditions as the building official deems reasonably appropriate under the circumstances that are found to be necessary for:
- (1) Reasonable accommodation of persons with disabilities;
 - (2) Adjunct to a lawfully existing activity;
 - (3) For the conduct of a governmental, civic or educational activity;
 - (4) For the conduct of scientific research;
 - (5) For special events; or
 - (6) For a beach amusement, beach business, or beach service.
- (b) There shall be no fee for obtaining this permit. Such permit shall include the following:
- (1) Name and contact information of the owner or person in possession and control of the item;
 - (2) Description of the item;
 - (3) Location of the item;
 - (4) Duration of time the item will remain in such location; and
 - (5) Acknowledgement that the owner or person in possession and control of the item will be liable for any impacts to federally protected species.
- (c) This article is not intended to authorize any violation of F.S. § 379.2431, or any of the provisions of the Endangered Species Act. The town will not be liable for any impacts to federally protected species resulting from persons leaving items of personal property on the beach and such liability will rest with the owner of such item.

(Ord. No. 2018-04, § II, 4-9-19)

Sec. 34-125. - Fires prohibited.

It shall be unlawful to start, maintain or otherwise ignite an open fire on the beach or sand within the town and as otherwise prohibited in chapter 38—Fire Prevention and Protection.

(Ord. No. 2018-04, § II, 4-9-19)

**CITY OF
GULF SHORES, ALABAMA**

NO TRACE ORDINANCE

ORDINANCE NO. 1792

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
ADOPTED JULY 24, 1989, AT CHAPTER 6, BEACHES, BOATS, AND WATERWAYS,
ARTICLE I. IN GENERAL, AT SECTION 6-13 TO FURTHER REGULATE ERECTION OF
TENTS AND SHELTERS AND ABANDONMENT OF BEACH EQUIPMENT ON THE
PUBLIC BEACH AND CERTAIN OTHER PORTIONS OF GULF FRONT BEACHES,
DIGGING OF HOLES ON SUCH BEACHES, AND SOLICITATION AND RELATED
ACTIVITIES ON SAND AREAS OF THE PUBLIC BEACH, AND TO PRESCRIBE
METHODS OF ENFORCEMENT AND PENALTIES FOR VIOLATIONS**

WHEREAS, the City of Gulf Shores has established and maintains a beach project on its Gulf front beaches pursuant to Ala. Code §§ 11-47-250-252 on all areas lying seaward of the Construction Control Line ; and

WHEREAS, pursuant to Ala. Code § 11-47-251 the City has the specific power and authority to maintain, regulate and protect the beach project and to make and enforce rules and regulations governing the use of and activities upon the areas included within the beach project; and

WHEREAS, pursuant to Ala. Code § 11-45-1 the City has the general power and authority to enact ordinances to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the inhabitants of the municipality, and to enforce obedience to such ordinances; and

WHEREAS, the City Council has determined that further provision should be made to regulate the use of and activities upon the areas included within the beach project and upon public beaches generally,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 26, 2015, as follows:

Section 1. That Article I of Chapter 6, Beaches, Boats, and Waterways of the *Code of Ordinances*, adopted July 24, 1989, be and it is hereby amended by the amendment of Section 6-13 to read in its entirety as follows:

Sec. 6-13. - Erection of tents and shelters and abandonment of beach equipment on public beaches and certain other portions of Gulf front beaches prohibited; digging of holes on Gulf front beaches and the public beach regulated; solicitation and related activities on sand areas of the public beach prohibited; methods of enforcement and penalties for violations prescribed.

(a) **Definitions:** As used in this section 6-13, the following terms shall have the following meanings:

Beach equipment shall mean any personal items that are designed or manufactured for use, or actually used, on the beach or in adjacent waters. Examples include, without limitation, chairs, loungers, umbrellas, tents or shelters of any size, horseshoes and stakes, kayaks, paddle vessels, sailboards, surf boards, fishing gear, sporting equipment, rafts, flotation devices, beach toys, baskets, bags, towels, coolers, and other personal effects and items. Beach equipment shall not include chair setups or permitted storage facilities as defined in Section 8-8(e) of the Code of Ordinances maintained on its licensed site by a duly licensed beach chair rental business or personal watercraft, towables, or permitted storage facilities as defined in Section 8-8(e) of the Code of Ordinances maintained on its licensed site by a duly licensed beachfront recreational business.

Lucido and Oliver Line shall mean the mean high tide line designated on that certain Mean High Tide Line Survey Base Map recorded in the Probate Records of Baldwin County, Alabama at Slides 2015E, 2015F, 2016A, 2016B, 2016C, 2016D, and 2016E. Appropriate markers designating the location of such line as determined by the city shall be installed by the city prior to the issuance of any separate citation under subsection (f) below for violation of subsection (b)(1) below. The enforcement

of subsection (g) below shall commence immediately without regard to whether the installation of such markers has yet taken place.

Public beach shall mean any area included within any of the following areas:

- (1) An area bounded on the north by the south right-of-way line of Alabama Highway 182, on the east by the east right-of-way line of East First Street, on the south by the Gulf of Mexico, and on the west by the west right-of-way line of West 2nd Street.
- (2) An area three hundred (300) feet wide extending southward from the south right-of-way line of Alabama Highway 182 to the Gulf of Mexico, bounded on the east by the west right-of-way line of West 2nd Street and bounded on the west by a line which lies three hundred (300) feet west of and parallel to the west right-of-way line of West 2nd Street.
- (3) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 4th Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico.
- (4) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 5th Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico.
- (5) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 6th Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico.
- (6) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 10th Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico.
- (7) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 12th Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico.
- (8) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 13th Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico.
- (9) The public area at Little Lagoon Pass north of the north right-of-way line of Alabama Highway 182 to Little Lagoon and south of the south right-of-way line of Alabama Highway 182 to the Gulf of Mexico, being a strip approximately one hundred (100) feet wide on the south side of Alabama Highway 182, centered on the centerline of the channel, and on the north side of Alabama Highway 182, a strip approximately two hundred (200) feet wide centered on the extended centerline of the channel, and extending in a northerly and southerly direction from the Gulf of Mexico to Little Lagoon.
- (10) An area north of the north right-of-way line of Alabama Highway 182 (three hundred thirty (330) feet frontage on West Beach Boulevard) extending to Little Lagoon, bounded on the west by the pass from Little Lagoon into the Gulf of Mexico, the shape being irregular and containing approximately 4.1 acres; and an area south of the south right-of-way line of Alabama Highway 182 to the Gulf of Mexico consisting of Lots 3 and 4 of Resubdivided Lots 24, 25, and 26 of Unit 6.
- (11) An area consisting of 3.83 acres more or less bounded on the north by the south right-of-way line of Alabama Highway 182, on the south by the Gulf of Mexico, on the west by East 1st Street, and consisting of part of Lots 1 and 2, and all of Lots 3, 4, 5, and 6, Block 9, Unit 1 adjacent on the west to land occupied by Pink Pony Pub and Phoenix All Suites.

Tent or shelter shall mean any tent, shelter, canopy, cabana, windscreen, or other supported ground cover or enclosure and shall also mean the frame, support poles, guy lines, and other support features for a tent or shelter when the covering is not attached; provided, however, that the term shall not include any folding beach umbrella supported by a single pole; any umbrella or shade attached solely to a beach chair, to a child's stroller, or to a wheel chair designed for beach use by handicapped persons; or any pop-up type freestanding tent or shelter designed for beach use having no length or width dimension greater than seven (7) feet and no height dimension greater than four (4) feet.

Beach Project Fencing shall mean the sand stabilization fencing installed and maintained by the City as part of the Beach Project established on the Gulf front beaches within the corporate limits of the City of Gulf Shores under the authority of Article 11 of Chapter 47 of Title 11 of the Code of Alabama.

Construction Control Line shall mean the Construction Control Line as defined in Section 7-121(a) of the Code of Ordinances as now or hereafter in effect.

(b) Prohibited and regulated activities

(1) Areas where tents and shelters strictly prohibited. No tent or shelter shall at any time be erected (1) on any public beach or (2) south of the Lucido and Oliver line on any Gulf front beach within the corporate limits of the City of Gulf Shores.

(2) Areas where no beach equipment may be erected, utilized or stored. No item of beach equipment shall at any time be erected, utilized, or stored within the area north of the Beach Project Fencing and south of the Construction Control Line on any Gulf front beach within the corporate limits of the City of Gulf Shores; provided, however, that this subsection (b)(2) shall not prohibit the erection, utilization, or storage of beach equipment on any portion of such area lying beneath any habitable structure existing south of the Construction Control Line.

Any item determined by a law enforcement officer or beach inspector to be erected, utilized, or stored in violation of this subsection (b) may be impounded and stored by the City if the owner or permitted user of the item fails or refuses to remove the item after being directed by the officer or inspector to effect such removal or if the owner or permitted user cannot be immediately identified and notified by the officer or inspector.

(3) Digging of holes regulated.

(A) No person shall dig any hole within the area north of the Beach Project Fencing and south of the Construction Control Line on any Gulf front beach within the corporate limits of the City of Gulf Shores.

(B) No person shall dig any hole to a depth greater than twelve (12) inches on any public beach or on any portion of any Gulf front beach within the corporate limits of the City of Gulf Shores lying south of the Beach Project Fencing.

(C) Any hole dug on any public beach or on any portion of any Gulf front beach within the corporate limits of the City of Gulf Shores lying south of the Beach Project Fencing shall at all times be attended by a responsible person over the age of sixteen (16) years or well and appropriately marked so as to prevent injury from the presence of the hole.

(D) Any hole dug on any public beach or on any portion of any Gulf front beach within the corporate limits of the City of Gulf Shores lying south of the Beach Project Fencing shall be properly filled to a condition level with the adjacent sand upon abandonment of the use of the hole and in all events by not later than thirty (30) minutes prior to sunset.

(4) Solicitation and related activities prohibited on sand areas within public beach.

Without addressing all issues relating to the entirety of the area included within the public beach as defined, the City Council of the City of Gulf Shores finds and confirms that the sand areas within the public beach as defined are now and have historically been set aside only for the restorative and recreational enjoyment of the public and that such sand areas do not constitute a forum for public communication by tradition or designation. Except as may be otherwise specifically authorized by the City in a public assembly permit for a franchised festival activity at the public beach, it shall be unlawful for any person to solicit, peddle, canvass, beg, panhandle, proselytize, picket or demonstrate for any purpose, commercial or noncommercial, while on the beach sand areas of the public beach.

(c) Beach items to be removed daily; items not removed by owner or user subject to removal and disposal by city.

Except as otherwise specifically authorized by the City in a special events or assembly permit with respect to the erection and use of tents and temporary shelters, no item of beach equipment not otherwise prohibited under subsection (b) shall be placed or remain (1) on any public beach or (2) any portion of any Gulf front beach within the corporate limits of the City of Gulf Shores lying south of the Beach Project Fencing before sunrise. Each item of such beach equipment shall be removed by its owner or permitted user from any public beach or any portion of any Gulf front beach within the corporate limits of the City of Gulf Shores lying south of the Beach Project Fencing by one hour after sunset. Any item of such beach equipment found on any public beach or any portion of any Gulf front beach within the corporate limits of the City of Gulf Shores lying south of the Beach Project Fencing between one hour after sunset and sunrise may be treated by the City as abandoned property and removed and disposed of by the City as abandoned property.

(d) Failure or refusal to comply with instructions of officer or inspector.

(1) No person shall fail or refuse to remove an item of beach equipment erected, owned, stored, or in use by such person in violation of subsection (b) or (c) above after being directed to effect such removal by a law enforcement officer or beach inspector.

(2) No person shall fail or refuse to discontinue activities in violation of subsection (b)(4) above after being directed to cease such activities by a law enforcement officer or beach inspector.

(e) Enforcement by beach inspectors. In addition to enforcement by law enforcement officers of the city, the mayor shall appoint a sufficient number of city employees as beach inspectors to ensure proper enforcement of this section. Such beach inspectors shall not be law enforcement officers or peace officers within the meaning of state law and shall not have authority as officers of the city to make arrests. Such beach inspectors shall be authorized only to direct compliance with this section, to issue citations for violations of this section, to impound items determined by them to be prohibited property pursuant to subsection (b) above, and to remove and dispose of items determined by them to be abandoned property pursuant to subsection (c) above.

(f) Penalty for violation of subsection (b) or (c). Any person violating subsection (b) or (c) of this section, or both, shall be guilty of an offense and, upon conviction, shall be punished for each offense by a fine of fifty dollars (\$50.00). In addition, costs of two dollars (\$2.00) shall be taxed for each contested disposition of an offense defined in subsection (b). Such offenses and fine and cost amounts are hereby made a part of the schedule of municipal offenses, fines, and costs authorized under Alabama Rules of Judicial Administration 20(c).

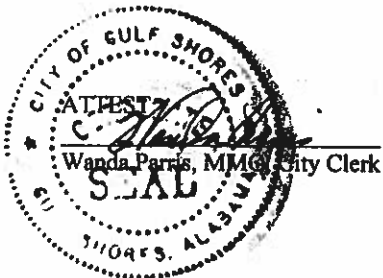
(g) Penalty for violation of subsection (d). Any person violating subsection (d) of this section shall be guilty of an offense and upon conviction, shall be punished for each offense by a fine of not more than five hundred dollars (\$500.00), imprisonment for a period not exceeding six (6) months, or both.

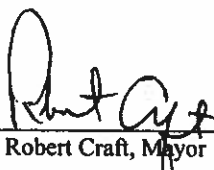
Section 2. That this Ordinance shall not be interpreted to repeal any other ordinance of the City of Gulf Shores or any provision of the law of Alabama adopted by operation of Section 1-8 of the City's Code of Ordinances.

Section 3. That the provisions of this Ordinance are severable and a determination of the invalidity of any portion of this Ordinance shall not affect the validity and enforceability of the remainder of the Ordinance.

Section 4. That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 26th day of October, 2015.




Robert Craft, Mayor

CERTIFICATE

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1792 (prepared by City Clerk), which Ordinance was duly and legally adopted at a regular meeting of the City Council on October 26, 2015, and the same was duly published as required by law.



City Clerk



LEAVE ONLY FOOTPRINTS

We know you love our beach!

Each of us is responsible for protecting and preserving it, and the cities of Gulf Shores and Orange Beach strive to provide a safe, clean, family-friendly environment for everyone visiting. To help you do your part, here are some tips for enjoying our coast responsibly, along with some rules, regulations and resources.

Beach Rules & Regulations

The following are regulated by local, state or federal laws or ordinances that are enforced on our beaches. Enjoying our coastline responsibly ensures a more positive experience for you and helps ensure the safety of all our visitors and the sustainability of our natural resources.



Any structures or equipment left on the beach an hour after sunset will be removed and disposed of by beach patrol (except for permitted beach services).



Individual lodging properties and land owners may allow tents and shelters in designated areas during the day. Learn the rules for your stretch of beach.



These items are not allowed on our beaches:

- X Glass containers
- X Metal shovels or excessive digging
- X Litter
- X Tents or structures larger than 10' X 10'
- X Overnight camping
- X Fireworks
- X Firearms
- X Fires
- X Pets
- X Vehicles



Keep off the dunes. Staying off the dunes will help us to preserve our dune system and the habitat it provides. Use beach walkovers and boardwalks where provided.



Observe and obey the Beach Warning Flag System. (See right.) Double red flags mean the waters are closed for your safety.



Be respectful of private property beyond the bounds of your lodging property.

**Call 251-968-TIDE (8433)
or 251-981-SURF (7873)
for current
surf conditions.**

Beach Warning Flag System



Low Hazard
Calm Conditions,
Exercise Caution



Medium Hazard
Moderate Surf and/or
Currents



Dangerous
Marine Life



High Hazard
High Surf and/or
Strong Currents



Water Closed
to the Public

For more sustainability resources, information on updated city rules and regulations and the latest from www.cleanisland.org. Leave only footprints!



LEAVE ONLY FOOTPRINTS



Preserving Our Resources

We want to preserve the incredible beauty and health of our beaches so we can all enjoy our coastal resources for years to come. While you are here, you can help to protect the Island by doing the following during your stay:



Dispose of all your trash and garbage properly. You can even pick up others' trash along the way. Fish, birds, sea turtles and mammals can become entangled in fishing line. Plastic bags floating in the water resemble jellyfish; sea turtles can mistakenly eat them. You could even plan a visit during the Annual Coastal Cleanup each September. Help keep our beaches clean.



Recycle – Put your recyclable items in the blue recycling cans, where provided.



Avoid walking on vegetation; plant roots hold the fragile dunes together.



Explore away from bird nesting areas. Human presence can frighten adult birds causing them to leave their young unattended. Nests may be located in the ground and camouflaged to resemble the surrounding environment; you can easily step on them.



Invest in a reusable bag to carry your shopping purchases to avoid using plastic bags. You'll be stylish and create less waste!



Keep the natural ecosystem intact by not digging holes and by avoiding the removal of shells, driftwood or other items you may find during your island explorations.

AGENDA ITEM NO. 4

**DISCUSSION OF
PARK HOURS.**

PARK HOURS

JULY 23, 2020



CITY CODE PARK HOURS

CITY CODE

ARTICLE II. - PARKS

Sec. 38-31. - Park hours; special events.

- (a) All parks in the city, with the exception of the Indian Rocks Beach Nature Preserve and the Indian Rocks Beach Skate Facility, but including Kolb Park, Keegan Clair Park and Brown Park, shall be closed from the hours 11:00 p.m. to 6:00 a.m. daily. The city will erect appropriate signs that will provide the hours of park usage. For the purpose of this subsection, "park" shall mean all parks and athletic fields, and all grounds used by the city for park or playground purposes. The operating hours for special uses facilities may vary, as further described in this chapter.
- (b) The city may authorize an extension of park hours for special events for which a permit has been issued and approved by the city manager.

(Code 1989, § 18-92; Ord. No. 549, § 1(18-80), 4-20-1994; Ord. No. 01-07, § 1, 6-26-2001; Ord. No. 2002-08, § 1, 6-25-02)

Secs. 38-32—38-50. - Reserved.

ARTICLE III. - SKATE FACILITY

Sec. 38-51. - Hours of operation.

The skate facility at Kolb Park shall be open in accordance with the following schedule:

Monday through Saturday	10:00 a.m. to 9:00 p.m.
Sunday	1:00 p.m. to 9:00 p.m.

The city may authorize an extension of hours for special events for which a permit has been issued and approved by the city manager.

(Ord. No. 2015-15, § 1, 12-8-2015)

Sec. 38-52. - Usage regulations.

- (a) All persons shall recognize that skateboarding, inline skating, and skating are inherently

dangerous and risky activities which may result in injury or damage to persons or properties. All persons engaging in such activities shall recognize that they must know their own abilities and that they will be skating at their own risk.

- (b) A valid permit shall be necessary for skating in the skate facility for anyone under the age of 17 years. Anyone under the age of 17 years may not engage in any skateboarding, inline skating, and skating until the governmental entity has obtained written consent, in a form acceptable to the governmental entity, from the child's parents and/or guardians as per F.S. 5 316.0085. Persons under the age of 17 years found skating or possessing skate equipment inside the skate facility without a valid permit shall be considered trespassers. Skaters under the age of 17 shall wear a helmet. Spectators of any age who are not skating and do not possess skate equipment may enter without a permit but shall be subject to the same rules of conduct as permit holders.
- (c) Allowable skate equipment shall be limited to:
 - (1) Skateboards.
 - (2) Roller blades.
 - (3) Roller skates.
 - (4) Scooters (self-propelled).
- (d) The skate facility shall be closed when it is raining and when ramp surfaces are wet.
- (e) The skate facility may not be used by the general public when reserved for a special recreational program, or when a special time period has been designated for beginners or special age categories.
- (f) The following are prohibited within and around the vicinity of the skate facility:
 - (1) Food and beverages (except in designated areas).
 - (2) Glass containers.
 - (3) Smoking.
 - (4) Profanity.
 - (5) Amplified sound, including, but not limited to, radios and cassette/CD players. Radios, tape/CD players and similar audio equipment may be used when the sound is limited to headsets.
 - (6) Ramp or obstacle equipment not provided by the city.
 - (7) Moving obstacle or other equipment.
 - (8) Waxing skateboards or other equipment on city premises.
 - (9) Unnecessary noise.
 - (10) Chewing gum or tobacco.
 - (11) Climbing fences.

- (12) Graffiti, stickers, posters and defacing of property.
 - (13) Skateboarding is prohibited on the tennis, basketball and/or racquetball/handball courts.
 - (14) Non-skaters are prohibited from sitting on obstacles within the facility.
 - (15) Bicycles.
- (g) Users of the skate facility shall immediately comply with any instructions given by city staff, code enforcement officers or law enforcement officers.

(Ord. No. 2015-15, § 1, 12-8-2015)

Sec. 38-53. - Consent form/permit.

- (a) All persons under the age of 17 years desiring to utilize the skate facility must sign a consent form and provide a photograph authorizing such usage.
- (b) Persons under the age of 17 years wishing to use the skate facility shall complete a written consent form signed by a parent or legal guardian.
- (c) Permits are not transferable and shall be used only by the person to whom they are issued.
- (d) The applicant shall sign a skate facility usage agreement attesting that they:
 - (1) Have read and will abide by all of the previously described notices and regulations pertaining to the skate facility; and
 - (2) Agree that a violation of any of the previously described regulations may result in the revocation of the permit; and
 - (3) Possess and will wear an appropriate safety helmet at all times while using the skate facility; and
 - (4) Permit decal shall be applied to the front of the safety helmet.
- (e) Both the applicant and a parent or legal guardian must sign the skate facility usage agreement.
 - (1) The city manager is empowered to authorize, and revoke the authorization of, civic organizations and business establishments to issue skate facility usage permits in accordance with this article. The city manager is authorized to develop procedures for providing consent forms and permits.

(Ord. No. 2015-15, § 1, 12-8-2015)

Sec. 38-54. - Penalties for violation of article.

Any person willfully violating the provisions of this article shall, upon conviction by a court, be fined not more than \$500.00, or be subject to the revocation of his/her permit, or both such fine and revocation, for each and every violation.

(Ord. No. 2015-15, § 1, 12-8-2015)

Secs. 38-55—38-99. - Reserved.

ARTICLE IV. - NATURE PRESERVE

DIVISION 1. - GENERALLY

Sec. 38-100. - General.

- (a) The Indian Rocks Beach Nature Preserve shall be closed from the hours of 10:00 p.m. to 7:00 a.m. daily.
- (b) The city may authorize an extension of the nature preserve hours for special events for which a permit has been issued and approved by the city manager.
- (c) Fires and fireworks are prohibited. Grills for cooking may be used in designated areas.

(Ord. No. 2002-08, § 9, 6-25-2002)

Secs. 38-101—38-115. - Reserved.

DIVISION 2. - BOARDWALK

Sec. 38-116. - Usage regulations.

- (a) The boardwalk shall be open during all park operating hours. The following are prohibited on the boardwalk:
 - (1) Bicycles.
 - (2) Skateboards, roller blades, skates or scooters.
 - (3) Pets.
 - (4) Leaving the boardwalk to enter the wetlands or Intracoastal Waterway.
 - (5) Tying up, entering, or leaving watercraft.
 - (6) Littering.

(Ord. No. 2002-08, § 11, 6-25-2002)

Sec. 38-117. - Penalties for violation of division.

Any person willfully violating the provisions of this article shall, upon conviction by a court, be fined not more than \$500.00 for each and every violation.

(Ord. No. 2002-08, § 12, 6-25-2002)

Secs. 38-118—38-130. - Reserved.

DIVISION 3. - DOG PARK

Sec. 38-131. - Usage regulations.

- (a) Hours of operation for the dog park shall be between 7:00 a.m. and dusk.
- (b) Dogs shall be the only animals permitted in the dog park. A maximum of two dogs per handler shall be permitted. Dogs shall be properly licensed and documented by having the dog license tag affixed to the dog collar.
- (c) Dogs shall be attended by a handler and under voice control at all times. Dogs shall be well behaved and barking shall not be excessive. Dogs that are not under such control shall be removed.
- (d) Handlers shall pick up and dispose of dog droppings in provided containers. Handlers shall be responsible for any damages to any person or property resulting from usage of the dog park.
- (e) The city has made this dog park available for the convenience of the public. Use of this facility is at your own risk. The city reserves the right to close the park for maintenance at any time.
- (f) Users of the facility shall behave in a courteous manner and refrain from littering, smoking, using profanity, using radios or amplified sound, excessive noise, or any other behavior that could be considered a nuisance.
- (g) Dogs shall be on a leash held by a handler at all times when outside the fence area of the dog park.
- (h) Users of the dog park shall immediately comply with any instructions given by city staff, code enforcement officers, or law enforcement officers.
- (i) Handlers must stop their dog(s) from digging and are responsible for filling any holes their dog(s) make(s).
- (j) Children under age of 12 are not permitted to enter the dog park without a responsible adult.
- (k) No food permitted within the fenced area.

(Ord. No. 2002-08, § 14, 6-25-2002; Ord. No. 2016-02, § 2, 5-10-2016)

Sec. 38-132. - Reserved.

Editor's note— Ord. No. 2016-02, § 3, adopted May 10, 2016, repealed § 38-132 in its entirety. Former § 38-132 pertained to permits and derived from Ord. No. 2002-08, § 15, adopted June 25, 2002.

Sec. 38-133. - Penalties for violation of division.

Any person willfully violating the provisions of this article shall, upon conviction by a court, be fined not more than \$500.00 for each and every violation.

(Ord. No. 2002-08, § 16, 6-25-2002; Ord. No. 2016-02, § 4, 5-10-2016)

Secs. 38-134—38-139. - Reserved.**ARTICLE V. - KEEGAN CLAIR BOAT DOCKS****Sec. 38-140. - Hours of operation.**

The Keegan Clair Boat Docks shall be open for use Sunday through Saturday 7:00 a.m. through 9:00 p.m.

(Ord. No. 2011-02, § 2, 2-8-2011)

Sec. 38-141. - Rules and regulations.

- (a) It is required that boat owners, their crew, and guests abide by the following rules and regulations:
- (1) The area is frequented by manatees, especially in the winter months. Be especially watchful for these gentle creatures. Harming or molesting a manatee is a criminal offense. Report immediately any accidents and alert medical specialists.
 - (2) The docks are for transient vessels only, no overnight or after-hours dockage is permitted.
 - (3) The docks shall not be used for any commercial purposes.
 - (4) All boats utilizing the docks shall have a valid/current registration.
 - (5) Boats utilizing the docks must be kept in a safe and clean condition. Boats shall conform to all federal, state, and city regulations concerning boat safety devices and equipment and be capable of moving under their own power.
 - (6) All boats utilizing the docks shall proceed at idle, no wake speed, so as to prevent injury or damage to persons or property, and observe all rules of the road. No wake is defined as reducing engine speed to complete idle so that the stern of the vessel rises to normal at-rest height and no waves are created. Boats shall not anchor in the entrance or channels near the docks.
 - (7) The discharge of untreated sewage, oil, or petroleum products or other pollutants into

the Intracoastal Waterway is prohibited.

- (8) Trash and garbage should be placed in the dumpster or proper waste receptacles.
- (9) Docks and piers shall be kept clear of stored materials, and hoses and electric current lines shall not run across the docks.
- (10) Boat owners shall be responsible for the removal/relocation of all boats as deemed necessary by the City of Indian Rocks Beach during times of inclement weather.
- (11) The extent of boat repairs and maintenance permitted at dockside is at the discretion of the City of Indian Rocks Beach.
- (12) No fuel of any kind will be dispensed/pumped/transferred to boats unless specifically authorized by the City of Indian Rocks Beach or law enforcement.
- (13) For sale, for rent, or other solicitation signs will not be displayed on any boat utilizing the docks.
- (14) Fishing and netting are prohibited from docks, piers, or walkways.
- (15) Fish cleaning is prohibited at the docks.
- (16) Recreational swimming is prohibited in the waters near the docks.
- (17) Pets are permitted only if they do not disturb others, and may only transverse the distance between the boat and mainland back.
- (18) Birds and marine animals shall not be fed, handled, or disturbed in any way.
- (19) Fireworks of any kind are not permitted anywhere on City of Indian Rocks Beach grounds, docks, or piers.
- (20) The City of Indian Rocks Beach reserves the right to refuse use of the docks to anyone at any time without notice at its sole discretion.

(Ord. No. 2011-02, § 3, 2-8-2011; Ord. No. 2015-06, § 1, 4-14-2015)

Sec. 38-142. - Penalties for violation of article.

- (a) Any person willfully violating the provisions of this article shall, upon conviction by a court, be fined not more than \$500.00, or be subject to the revocation of use of the Keegan Clair Boat Docks, or both such fine and revocation, for each and every violation.
- (b) Should use be revoked by any officer of the city, the boat owner may appeal the revocation to the city manager or designee by filing a letter of intent with the city clerk.
- (c) Behavior or conduct that might injure another party, cause damage to property or disturb the other tenants may lead to revocation of use of the Keegan Clair Boat Docks.

(Ord. No. 2011-02, § 4, 2-8-2011)

Secs. 38-143—38-149. - Reserved.

ARTICLE VI. - TOBACCO-FREE PARKS**Sec. 38-150. - Cigarettes, cigars and tobacco products prohibited.**

- (a) The use of cigarettes, cigars or any tobacco product and smoking as defined in F.S. § 386.203(10) shall be prohibited in and around the immediate area of any Indian Rocks Beach youth athletic field or facility and children's outdoor play areas. More specifically, this prohibition shall include:
- (1) All of Kolb Park including Campalong Field, the Skate Park, tennis courts and its three children's playgrounds;
 - (2) Brown Park including its children's playground;
 - (3) 10th Avenue park including its children's playground;
- (b) Such prohibited areas shall be posted and all signage shall reference this article.

(Ord. No. 2012-17, §§ 1, 2, 10-9-2012)

AGENDA ITEM NO. 5

**DISCUSSION OF
RESIDENTIAL CONSTRUCTION
REVIEW FEE.**

RESIDENTIAL DEVELOPMENT REVIEW FEE

JULY 23, 2020



Sec. 15-21. - Site development plan review fees.

The following fees shall be paid in addition to any other fees where an application is filed requiring site development plan review services. The appropriate fees, costs, and other charges specified shall be submitted with, and paid at the time of, initial application submission or other initial document submission except otherwise specified in this Code.

- (1) Initial site development plan review \$800.00
- (2) Subsequent submittals to initial site development plan review 400.00
- (3) Site development plan amendment 400.00
- (4) Lot line adjustment (dividing an existing lot into two conforming lots) 200.00
- (5) Violation of the approved site development plan, conditions of approval, or installation of improvements, clearing, or other land alteration not depicted on or otherwise authorized as part of the approved plan, per violation 2,400.00
- (6) When legal counsel and/or a consultant are required by the city, actual cost of legal and consulting fees shall be paid by the applicant within 30 days after final site plan approval or prior to the issuance building permits.

(Ord. No. 2003-16, § 33, 11-25-2003)

AGENDA ITEM NO. 6
ADJOURNMENT.