

ORDINANCE NO. 664

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA; PROHIBITING OBSTRUCTIONS AND PERSONAL PROPERTY LEFT ON THE PUBLIC BEACHES OF THE CITY OF MEXICO BEACH, FLORIDA BETWEEN 7PM AND 7AM DAILY, AND TO BE COMMONLY REFERRED TO AS "THE CITY OF MEXICO BEACH LEAVE NO TRACE ORDINANCE;" FOR SAID POLICIES TO AMEND, BE CODIFIED AND BECOME PART OF THE CITY OF MEXICO BEACH LAND DEVELOPMENT REGULATIONS (LDR); PROVIDING FOR SEVERABILITY AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council finds that the health, safety, welfare of the citizens of, and visitors to, the City of Mexico Beach would be best protected by the regulation of recreational beach activities in the City; and

WHEREAS, the City Council finds that it is in the public's best interest to regulate beach related activities, and

WHEREAS, the City Council finds that it is in the best interest of the public to prohibit items that interfere with beach maintenance, nesting sea turtles, nesting shore birds, or emergency vehicles, from remaining on the beach overnight.

WHEREAS, items of personal property left on the public beach unattended or overnight are obstacles for maintenance crews, interfere with the public's use access, and enjoyment of the public beaches of the City of Mexico Beach and pose safety hazards, adversely affect the beauty of the beach, adversely affect tourism, adversely affects economic interests, and can be an obstruction for sea turtles and other protected species; and,

WHEREAS, the personal property left overnight on the public beaches of the City of Mexico Beach is neither "lost property" nor "abandoned property" as those terms are used in Section 705.101, Florida Statutes, because such property has neither been mislaid nor disposed of on the public beach in a wrecked or inoperative condition, and that the regulation of personal property left on the public beach overnight is not preempted by Chapter 705, Florida Statutes; and,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA;

SECTION 1 REGULATIONS OF USE AND CONDUCT ON THE BEACH AND WATER BODIES.

A. Obstructions on the beach.

1. It shall be unlawful for items generally used for swimming, sunbathing, or beach recreation to remain unattended on the beach between 7pm and 7am, except as otherwise permitted in this ordinance. As used in this section, the phrase "items generally used for swimming, sunbathing, or beach recreation" shall include, but not be limited to, beach chairs, umbrellas, tents (including tent frames), hammocks, picnic tables, beach toys, and coolers.
2. **State of Emergency:** All items, whether permitted or not, shall be removed from the beach within 24 hours of declaration of a state of emergency for Bay County or the City of Mexico Beach due to hurricane or other severe weather systems.
3. **Abandonment:** Any item generally used for swimming, sunbathing, or beach recreation which remains on the beach for more than the permitted time, shall be deemed abandoned and shall become the property of the City of Mexico Beach which may dispose of the item in any manner it sees fit.

B. Digging Holes on Beach

It shall be required that all holes dug on the beach are to be attended at all times and shall be completely filled and restored to their original level condition prior to leaving the beach the same day it is created.

SECTION 2 ENFORCEMENT

It shall be the duty and responsibility of the City of Mexico Beach to enforce all provisions of this ordinance.

SECTION 3 PENALTIES

Any person who shall violate any of the provisions of this Ordinance or amendments thereto; who shall fail, neglect or refuse to comply with order or notice or in pursuance and by authority of this Ordinance shall be subject to the loss of their property and could be guilty of a civil infraction punishable as provided by City Ordinances.

SECTION 4 CODIFICATION

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of the City of Mexico Beach. The sections of this ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION 5 SEVERABILITY

If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

SECTION 6 EFFECTIVE DATE

A copy of this Ordinance shall be filed in the office of the Secretary of State within ten (10) days of enactment and shall take effect upon said filing.

PASSED at the Special Referendum Election of the Residents of the City of Mexico Beach on the 21st day of February, 2017 with official votes of 255 yes and 179 no. Ratified at the Special Meeting of the City Council on the 28th day of February, 2017.

CITY OF MEXICO BEACH, FLORIDA



Tom Bailey, Mayor

ATTEST:



Adrian Welle, City Clerk