

ORDINANCE NO. 2010-4

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING ARTICLE VII OF THE CODE OF ORDINANCES ENTITLED "BEACHES" OF CHAPTER 106 ENTITLED "WATERWAYS" BY ENACTING SECTION 106-90 TO BE ENTITLED "UNATTENDED OR ABANDONED UMBRELLAS, CANOPIES, VOLLEYBALL NETS, ETC., ON BEACH" TO PROHIBIT UMBRELLAS, CANOPIES, VOLLEYBALL NETS, ETC., ON TOWN BEACHES AND PARKS BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M.; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE UNIFORM NUMBERING SYSTEM OF THE INDIAN SHORES CODE.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES:

Section 1: Section 106-90 of the Code of Ordinances is hereby enacted as follows:

Sec. 106-90. Unattended or abandoned umbrellas, canopies, volleyball nets, etc., on beach.

(a) Intent. It is the intent of the Town Council to preserve and protect the beauty of beaches and parks within the Town for use by residents, visitors and tourists and to eliminate or reduce the danger to the public's safety posed by unattended or abandoned items of property being left on the Town's beaches and parks.

(b) Findings. The Town Council makes the following findings of fact:

(1) Beaches and parks within the Town attract and are enjoyed by a significant number of residents, visitors and tourists.

(2) Because the Town is a recreational and tourist community, beaches and parks within the Town are a valuable asset and serve to attract recreational visitors and tourists to the Town.

(3) The Town has experienced a significant incidence of umbrellas, canopies, volleyball nets, unsecured chairs and lounges, tents, and other such items being left unattended overnight or for significant lengths of time on beaches and parks within the Town or being abandoned or discarded on beaches and parks within the Town.

(4) The presence of such items on beaches and parks within the Town detracts from the appearance and beauty of the beaches and parks and makes them less attractive to residents, visitors and tourists.

(5) The presence of unattended or abandoned umbrellas, canopies, volleyball nets, unsecured chairs and lounges, tents, and other such items on beaches and parks within the Town creates a risk of harm to persons using the beaches and parks and to persons and structures located near beaches and parks. In times of high wind or extreme weather, such items can become airborne missiles capable of harming persons and property.

(6) Preserving the beauty and attractiveness of beaches and parks within the Town and reducing the danger caused by unattended or abandoned property left on beaches and parks within the Town promotes the public health safety and welfare.

(c) Definition of beach. As used in this ordinance, “beach” shall mean the zone of loose or unconsolidated sand that extends landward from the waters of the Gulf of Mexico to the line of permanent vegetation or improvements.

(d) Prohibition.

(1) It shall be unlawful for any person to place or cause to be placed umbrellas, canopies, volleyball nets, chairs, lounges, tents, and other such items on any beach or public park within the Town between the hours of 10:00 p.m. and 6:00 a.m. It is not unlawful for upland property owners to have chairs or lounges placed on the beach between the hours of 10:00 p.m. and 6:00 a.m. provided:

a. The chairs or lounges are located on the upland owner’s property or on the beach between westward extension of the north and south property lines of the owners property; and

b. The chairs or lounges are securely fastened, anchored or weighted in a manner that prevents them from becoming a hazard in times of high wind.

(2) It shall be unlawful for any person to discard or abandon umbrellas, canopies, volleyball nets, chairs, lounges, tents, and other such items on beaches and parks within the Town.

(e) Penalty.

(1) The penalty for a first violation of this ordinance shall be a written warning to the offender.

(2) The penalty for a repeat violation of this ordinance shall be a fine equal to a Class III fine under the Uniform Fine Schedule for local ordinance violations established by the Circuit Court for the Sixth Judicial Circuit in and for Pasco and Pinellas Counties.

(3) If the offender cannot be located or ascertained, a notice shall be posted on the property left on any beach or park within the Town in violation of this ordinance instructing the violator to cease the violation. Any property left on any beach or park within the Town in violation of this ordinance remaining on any beach or park within the Town in excess of twenty-four (24) hours after the property is posted, shall be considered abandoned property.

(f) Rights of littoral owners. This ordinance shall not be construed to restrict or effect the littoral rights of property owners.

Section 2: All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any section of this ordinance is declared invalid, all other provisions of this ordinance shall remain valid and enforceable.

Section 4: This ordinance shall become effective immediately upon adoption.

Section 5: The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the Town of Indian Shores, Florida, as additions or amendments to the Code, and shall be renumbered to conform to the uniform numbering system of the Code of Ordinances.

Passed on First Reading: _____

Passed on Second Reading: _____

ENACTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES,
FLORIDA, THIS _____ DAY OF _____, _____.

ATTEST:

JAMES J. LAWRENCE
Mayor

MARCIA GRANTHAM, CMC
Town Clerk