



## STAFF REPORT

**Meeting Date: March 3, 2014**  
**Agenda Item #: 6 b**

**TO: Mayor and Town Council**

**FROM: Lisa Anglin, Town Clerk**

**THRU: Susan Parker, Town Administrator**

**TITLE: BEACH TOPICS – CHAPTER 95**

---

### Summary:

The Council reviewed and amended the proposed Chapter 95 titled Beach Stand, Waterway, Channel and Canal Regulations during the February 18, 2014 Annual Retreat Work Session. The “Escarpment” definition was not removed because it appears in the Public Beach Access definition. Attorney Isenberg recommended that Ordinance 95.16 Public Nudity and the definition for “Expose Her Breasts” remain as written. Concerning Shading Devices, Attorney Isenberg advised that the Council can prohibit them completely or regulate them by size, location, hours, etc. but the Council can’t regulate by a manner of ownership. Ordinance 95.99 Fines and Penalties contain Staff recommended amounts.

### Council Action:

1. Council is requested to adopt of Chapter 95.
2. If Chapter 95 is enacted, some existing ordinances will need to be repealed. This repeal doesn’t mean the regulation is being deleted just that it has been relocated to Chapter 95.  
 Ordinances to Repeal:
  - 71.08 Driving or Riding on Sand Dunes Prohibited
  - 71.09 Beach Strand Closed to Vehicular Traffic and Ridden Animals
  - 92.40 (B) Open Burning on the Beach Strand
  - 96.31 Sea Turtle Sanctuary
  - 96.32 Pets on Beach Strand
  - 130.06 Certain Activities Prohibited in Ocean, Canals and Waterway
  - 130.08 Obstruction of Canals, Establishment of Navigational Channel for Feeder Canal; Construction of Piers
  - 130.09 Holes on Beach Strand
  - 130.10 Glass Containers Prohibited on Beach Strand
  - 130.11 Regulating and Controlling Debris and other Materials resulting from Boating Accidents
  - 130.15 Shading Devices and Sporting Equipment on Beach Strand
  - 130.99(B)(C)(D) Penalty