

**ORDINANCE NO. 2022-1727**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING ARTICLE II, "PUBLIC BEACHES," OF CHAPTER 86, "WATERWAYS" OF THE TOWN'S CODE OF ORDINANCES RELATING TO BEACH FURNITURE AND PUBLIC BEACHES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on December 13, 2016, the Town of Surfside ("Town") adopted Ordinance No. 16-1658 amending, among other things, Article II, "Public Beaches," of Chapter 86, "Waterways" of the Town Code of Ordinances (the "Code"), to regulate beach furniture on the public beach in order to protect public access to the beach, prohibit obstructions that impact reasonable access to the beach by the public and emergency vehicles, and diminish impacts to native vegetation, sea turtles, and other wildlife; and

**WHEREAS**, on June 13, 2017, the Town adopted Ordinance No. 17-1662 further amending the beach furniture regulations of the Code to clarify terms and conditions, including beach furniture permit application and operational requirements; and

**WHEREAS**, on September 10, 2020, the Town adopted Ordinance No. 2020-1714 further amending the beach furniture regulations of the Code to modify terms and conditions, including increased limitations on beach furniture permit applications, and operational requirements; and

**WHEREAS**, after having had the benefit of the beach furniture permit requirements and process as operational since the adoption of Ordinance Nos. 2016-1658, 2017-1662 and 2020-1714, and after numerous public hearings and input from the public and hotel and condominium operators on the placement and storage of beach furniture on the public beach, the Town wishes to further amend the Code as provided herein; and

**WHEREAS**, the Town Commission finds that beachfront condominium and hotel beach furniture operations have been impacted by the restrictions in Ordinance No. 2020-1714, which resulted in a lawsuit challenging the current beach furniture regulations; and

**WHEREAS**, the Town Commission finds that such restrictions have impacted hotel and condominium beach furniture operations and may have impacted the Town's ability to compete with other beachfront destinations for tourism; and

**WHEREAS**, the Town Commission finds that Ordinance No. 2020-1714 established appropriate areas or location for the placement of beach furniture by beach furniture operators, but imposed additional and restrictive limitations on the numbers, staging and presetting of beach furniture, and on the use of any form of vehicle to transport beach furniture, over and above the limitations on placement; and

38           **WHEREAS**, the Town Commission held a special meeting on June 28, 2022 to discuss  
39 the parameters of an amendment to the beach furniture regulations contained in Chapter 86 of the  
40 Code and instructed the Town Attorney to prepare an ordinance based on its direction; and

41           **WHEREAS**, the Town Commission desires to continue to allow the public, hotel guests,  
42 and condominium residents and guests to utilize beach furniture on the public beach for their use  
43 and enjoyment; and

44           **WHEREAS**, the Town Commission seeks to modify regulations relating to beach furniture  
45 on the public beach by hotel and condominium beach furniture operators, while balancing the  
46 public's use of the beach and preservation of the environment, marine life and vegetation; and

47           **WHEREAS**, the Town Commission's intent is for beachfront hotels and condominiums  
48 to provide beach furniture services on a defined portion of the public beach largely on an as-  
49 needed, on-demand basis; and

50           **WHEREAS**, the Town Commission's intent is that the defined portion of the public beach  
51 provide authorized areas where beach furniture may be placed, without obstructing or impeding  
52 lifeguard towers, safety corridors, street ends, adjacent properties, or public beach access areas;  
53 and

54           **WHEREAS**, Section 150 of the Charter approved by referendum on March 15, 2022  
55 prohibits the overnight storage of privately-owned property on the beach; and

56           **WHEREAS**, the Town Commission seeks to continue to prohibit the overnight storage of  
57 beach furniture on the beach in accordance with the Charter and for the public health, safety, and  
58 welfare; and

59           **WHEREAS**, the Town Commission desires to maintain the prohibition on vehicular traffic  
60 and the operation of any vehicles on the public beach and dunes, with limited exceptions for Town  
61 operations, emergency vehicles, or for individuals with mobility impairments, but to allow limited  
62 use of low-speed carts (that are not designed to be ridden on) within the hardpack area only for  
63 assisting with the movement of beach furniture by beach furniture operators to and from the beach;  
64 and

65           **WHEREAS**, the Town Commission finds that this Ordinance balances the public's access  
66 to the use, and enjoyment of the beach, the preservation of the public beach, environment, and  
67 marine wildlife and vegetation, and the public health, safety and welfare of the Town's residents,  
68 property owners and visitors, with the rights and expectations of condominium residents and hotel  
69 operators, and their respective guests; and

70           **WHEREAS**, the Town Commission held its first public meeting on this Ordinance on  
71 August 9, 2022, and, having complied with applicable notice requirements, approved it on first  
72 reading with modifications; and

73           **WHEREAS**, the Town Commission has conducted a second duly noticed public meeting  
74 on this ordinance on September 13, 2022, and further finds the proposed changes to the Code are

75 in the best interests of the community and promote the public health, safety and welfare of Town  
76 residents and property owners.

77 NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE TOWN  
78 OF SURFSIDE AS FOLLOWS:<sup>1</sup>

79 **Section 1. Recitals.** That the above-stated recitals are true and correct and are  
80 incorporated herein by this reference.

81 **Section 2. Town Code Amended.** That the Code of Ordinances of the Town of  
82 Surfside, Florida is hereby amended by amending Article II, “Public Beaches” of Chapter 86,  
83 “Waterways” as follows:

84 Chapter 86 – Waterways

85 \* \* \*

86 Article II. – Public Beaches

87 Division 1. – Generally

88 Section 86-26. - Definitions.

89 The following words, terms and phrases, when used in this article, shall have the meanings  
90 ascribed to them in this section, except where the context clearly indicates a different meaning:

91 *Beach furniture* includes, but is not limited to, any chair (including lounge chair), umbrella,  
92 tent or any other object that is used on the public beach.

93 *Beach furniture operator* is a hotel or condominium association located on the east side of  
94 Collins Avenue that provides beach furniture services to ~~its~~ its building residents and verified  
95 guests.

96 *Beach furniture setup* is the daily organized preplacement, ~~presetting or~~ ; pre-positioning ~~or~~  
97 ~~stacking~~ of beach furniture by a beach furniture operator or user on the beach in anticipation of  
98 use. Beach furniture setup shall not include beach furniture staging.

99 *Beach furniture staging* is the organized, daily and temporary placement or stacking of beach  
100 chairs by a beach furniture operator in preparation for as-needed, on-demand distribution to beach  
101 furniture users. Staging shall be limited to a designated staging area not to exceed one eight (8)  
102 foot by eight (8) foot portion of the public beach (located within the ~~b~~Beach f~~Furniture o~~Operation  
103 ~~a~~Allocation a~~Area 15-foot seaward of the vegetation line of the dune as set forth in Section 86-  
104 ~~30(g)(iii)), as defined in section 86-31(2)c.) for beach furniture operators with properties with less~~  
105 than 200 feet of beach frontage, and one twelve (12) foot by twelve (12) foot portion of the public  
106 beach within the Beach Furniture Allocation Area for beach furniture operators with properties  
107 with 200 feet or more of beach frontage, subject to per 100 feet of beach frontage of the beach  
108 furniture operator with a maximum permitted height of stacked chairs of 4.5 feet, in preparation  
109 for as-needed, on-demand distribution to beach furniture users.~~

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Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

110 *Beach furniture storage* is the daytime or overnight storage of beach furniture on the public  
111 beach.

112 *Beach furniture user* is an individual using any item of beach furniture while on the public  
113 beach. This applies to the general public, condominium residents and guests, and verified hotel  
114 guests.

115 *Exclusion zone* means all waters within the center line of 96th Street on the north and  
116 southward to the northerly line of 87th Terrace, including all improvements, recreational areas and  
117 property therein measured from the mean low water line; and that portion of the water area of the  
118 Atlantic Ocean, marked by regulatory markers, extended up to a maximum of 300 feet off shore  
119 from the mean high water line lying between the center line of 96th Street to the northerly line of  
120 87th Terrace, as described on Exhibit A. As the markers will move about their anchor location  
121 with the tides and currents, enforcement of the exclusion zone shall extend to the area defined by  
122 the markers at the water surface at the time of infraction.

123 **Editor's note**— Exhibit A is not included herein but is available for public inspection at town  
124 offices.

125 *Idle speed/no wake* means a motorboat speed not greater than that necessary to maintain  
126 steerageway. A motorboat that is operating on a plane is not proceeding at idle speed/no wake.

127 *Motorboat* means any vessel, including personal watercraft, that is propelled or powered by  
128 machinery and that is used or capable of being used as a means of transportation on water.

129 *Operate* means to be in charge of, or in command of or in actual physical control of a  
130 motorboat in the exclusion zone.

131 *Personal watercraft* means a small class A-1 or A-2 vessel that uses an outboard motor or an  
132 inboard motor powering a water jet pump as its primary source of motive power and that is  
133 designed to be operated by a person sitting, standing, or kneeling on or being towed behind the  
134 vessel, rather than in the conventional manner of sitting or standing inside the vessel.

135 *Public beach* means land that is seaward of the erosion control line. It shall also include all  
136 easements and rights-of-way within the area that are utilized for public beach purposes.

137 *Regulatory marker* means any anchored or fixed marker in, on or over the water, or anchored  
138 platform on the surface of the water, and includes, but is not limited to, a bathing beach marker,  
139 speed zone marker, information marker, congested area marker or warning marker.

140 *Vessel* is synonymous with boat as referenced in Section 1(b), Article VII of the Florida  
141 Constitution and includes every description of watercraft, barge and airboat, other than a seaplane  
142 on the water, used or capable of being used as a means of transportation on water.

143 Sec. 86-27. - Intent of article.

144 It is the intent of the town commission to prohibit those activities by persons on the public beach  
145 of the town that adversely affect the attractiveness of the public beach or endanger citizens,  
146 residents and visitors who use its facilities. The town commission further finds and determines that  
147 motorboats that operate in the exclusion zone at excessive speeds or in a reckless and unsafe  
148 manner create a situation dangerous to the lives and property of persons using said waters within  
149 the exclusion zone; that excessive motorboat speed erodes shoreline property and destroys

150 bulkheads, seawalls, docks and piers; and that said excessive speed or the operation of motorboats  
151 in a reckless and unsafe manner reduces other available recreational uses for said waters. The town  
152 commission further finds and determines that because different size motorboats create different  
153 problems when they operate at the same speed, a flexible regulatory scheme is required.

154 \* \* \*

155 Section 86-30. - Limitations on beach furniture; prohibitions on beach and dune system.

156 (a) Beach furniture shall not inhibit access to or use of the public beach, nor obstruct  
157 reasonable access on the public beach for pedestrians and emergency vehicles, nor impact  
158 native vegetation, nor destroy or disturb sea turtles or other wildlife, including their  
159 habitats and nesting sites.

160 (b) Beach furniture setup shall be limited to pre-setting of 0.1 chairs and umbrellas per lineal  
161 foot of beach frontage ~~five (5) chairs~~ per beach furniture operator.

162 (c) Beach furniture storage shall be prohibited on the public beach in accordance with Section  
163 150 of the Town Charter. Limited daytime beach furniture setup and staging shall be  
164 permitted in accordance with the terms of this Article.

165 (d) Except for beach furniture setup and staging as permitted by this Article, ~~pre-set beach~~  
166 furniture, beach Beach furniture shall be removed from the public beach when not in use.  
167 Removal shall occur promptly after use of the beach furniture ceases.

168 (e) Beach furniture provided by a beach furniture operator or a user that is a hotel or  
169 condominium ~~for use by verified hotel guests or condominium residents or guests,~~ shall  
170 be clearly identified as to its ownership, maintained in good condition, free from evidence  
171 of deterioration, weather, and discoloration at all times.

172 (f) Storage boxes or similar shed-type structures on the public beach shall be prohibited.

173 (g) Beach furniture staging shall be limited to beach chairs and umbrellas ~~stair~~ stacked to a  
174 maximum height of 4.5 feet within the designated staging area.

175 (h) Placement of beach furniture on the public beach shall comply with the following  
176 regulations and restrictions:

177 i. Beach furniture shall not be placed within 12 feet of the perimeter of a lifeguard  
178 tower, or within a 12-foot-wide path (6 feet to the north and south of the center  
179 line) extending behind and in front of a lifeguard tower, from the erosion control  
180 line to the ocean to allow lifeguard or emergency personnel unobstructed view and  
181 access to the public beach or ocean.

182 ii. Beach furniture shall not be placed at or within a 12-foot-wide path (6 feet to the  
183 north and south of center line) extending from any street end or public beach access  
184 route to the ocean, or in the 12-foot area immediately adjacent to the street ends,  
185 to ensure clear and unobstructed access by the public and emergency and  
186 maintenance vehicles and personnel.

187 iii. Beach furniture, including staging, shall be placed no less than 15 feet seaward of  
188 the edge of the vegetation line of the dune to ensure clear and unobstructed access  
189 by the public and emergency and maintenance vehicles and personnel.

190 iv. Beach furniture shall not be placed at or within 20 feet of the high tide water's  
191 edge to provide for unobstructed access to the water and recreational use.

192 (i) In the event of a declared state of emergency, natural disaster, storm warning or severe  
193 weather alert, any beach furniture placed on the public beach shall be removed from the  
194 public beach within two (2) hours of the declared state of emergency, natural disaster,  
195 storm warning, or severe weather alert. Beach furniture shall not be placed on the public  
196 beach until such time as the beach is cleaned and/or raked after the emergency, natural  
197 disaster, storm, or severe weather event, and the Town Manager or designee advises that  
198 beach furniture may be placed on the public beach.

199 (j) A request to relocate or remove beach furniture in violation of this article from a code  
200 enforcement officer, police or law enforcement personnel, or lifeguard shall be complied  
201 with immediately.

202 (k) Motorized vehicular traffic and the operation of any motorized vehicles, whether engine,  
203 battery or electric-powered, is prohibited on the beach, upon a dune, in an area containing  
204 dune vegetation, or in the waters adjacent to the beach. The provisions of this subsection  
205 shall not apply to a person acting under authority of or with permission of the Town or  
206 other governmental agencies or entities for cleanup, maintenance, repairs, public safety,  
207 or emergencies, or to the use of any wheelchair or approved conveyance by an individual  
208 with a mobility impairment. To assist in the movement of beach furniture to and from the  
209 public beach, non-fuel powered motorized carts that can be pulled, pushed, or moved  
210 based on electric, battery or hydraulic power, that are not designed to be ridden on, and  
211 that do not exceed a maximum speed of three (3) miles per hour, may be used by a beach  
212 furniture operator only on the hardpack for the transportation of beach furniture to and  
213 from the public beach.

214 (l) ~~It is prohibited for any person or entity, including beach furniture operators, to sell, rent,~~  
215 ~~or conduct any business or commercial activity, or to enter into any type of arrangement~~  
216 ~~with other persons or entities including properties on the west side of Collins Avenue,~~  
217 ~~related to beach furniture on the beach, upon a dune, in an area containing dune vegetation,~~  
218 ~~or in the waters adjacent to a beach. Only beach furniture operators are permitted to~~  
219 ~~conduct beach furniture operations on the public beach for their residents and verified~~  
220 ~~guests, and no other person or entity may provide beach furniture services except as~~  
221 ~~permitted in this article. Notwithstanding, this subsection Ordinance Article shall not~~  
222 ~~prohibit a hotel or condominium, or the Town as the owner and operator of the Community~~  
223 ~~Center, either for itself or through a third party vendor, from providing its verified hotel~~  
224 ~~guests or building condominium residents or their guests, or Town residents, or any party~~  
225 ~~it contracts with, with beach furniture operations or service in accordance with the~~  
226 ~~provisions of this Article. The Town as the owner and operator of the Community Center~~  
227 ~~may, either for itself or through a third party vendor, provide Town residents with beach~~  
228 ~~furniture operations or service in accordance with the provisions of this Article.~~

229 Section 86-31. –Beach furniture operator permits and requirements

230 A beach furniture operator must obtain a permit for beach furniture services. A beach furniture  
231 operator must procure a local business tax receipt and comply with the regulations of section 70-  
232 41 of the Town of Surfside Code and all required licenses or permits from Miami-Dade County,

233 the State of Florida and federal entities. The term of a beach furniture operator permit shall be one  
234 (1) year, unless revoked for failure to comply with applicable regulations of this Article.

235 *Application.* A beach furniture operator shall apply or provide annual supporting  
236 documentation to the Town annually by August 1 for a beach furniture operator permit on a form  
237 prepared by the Town with the applicable permit application fee. Beach furniture operator permits  
238 shall be valid annually from October 1 through September 30, unless revoked sooner for failure to  
239 comply with applicable regulations of this Article.

240 (1) Beach furniture operator permit applications shall include the following:

- 241 a. An application fee of \$500.00 for hotels and \$250.00 for condominiums;
- 242 b. Beach furniture operations plan, including specifications on setup, storage, staffing  
243 and clean-up, and an evacuation plan, in the event of a natural disaster such as a  
244 tropical storm or hurricane, specifying a storage area during the natural disaster;
- 245 c. Signed and sealed survey of the beach furniture operator's property, which shall  
246 depict the dimension of beach frontage; and
- 247 d. Compliance with indemnification and insurance requirements pursuant to section 86-  
248 32 of the Town of Surfside Code. ~~Updated documentation demonstrating compliance~~  
249 ~~with indemnification and insurance requirements shall be provided in August of~~  
250 ~~every year.~~

251 (2) A beach furniture operator:

- 252 a. Shall place beach furniture directly seaward of the beach furniture operator's property  
253 and only within an area that is 10 feet north of the seaward extension of the southern  
254 boundary and 10 feet south of the seaward extension of the northern boundary of the  
255 beach furniture operator's property in order to allow corridors to the ocean for use,  
256 safe access, and enjoyment by the general public.
- 257 b. Shall provide trash receptacles to support beach furniture operations and remove all  
258 garbage, trash, litter, and debris contained therein when full. Trash receptacles must  
259 be removed from the public beach by the end of the beach operation day. A beach  
260 furniture operator shall continuously maintain and inspect the ~~conduct at least three~~  
261 ~~inspections of the beach, as needed, a minimum of three hours apart,~~ to remove any  
262 garbage, trash, litter, or debris generated by the beach furniture operator's activity.
- 263 c. ~~Shall have no more than 0.30 chairs per lineal foot of beach frontage and 0.15~~  
264 ~~umbrellas per lineal foot of beach frontage~~ only place beach furniture within the  
265 allowable beach furniture operation allocation area of the public beach at any one  
266 time, as depicted on **Exhibit A** attached hereto (graphic on Beach Furniture  
267 Operation Allocation Area), as amended and on file and available for inspection at  
268 the Town Clerk's office.
- 269 d. ~~Notwithstanding the foregoing, in no event shall a beach furniture operator have more~~  
270 ~~than the maximum number of chairs and umbrellas on the public beach at any one~~  
271 ~~time as specified herein and in **Exhibit B** attached hereto (Maximum Beach Furniture~~  
272 ~~Allocation Chart), as may be amended by the Town from time to time, and on file~~  
273 ~~and available for inspection at the Town Clerk's office, unless additional beach~~

274 furniture is approved by the Town Manager or designee upon a finding in his/her  
275 discretion that the beach furniture operator has made written application in advance  
276 that demonstrates increased demand for a specified time period and that the additional  
277 beach furniture can be reasonably placed within the Beach Furniture Operation  
278 Allocation Area.

279 e. Shall be permitted to conduct beach furniture (chair) operations, including setup  
280 together with beach furniture setup and staging of stacked chairs to a height not to  
281 exceed 4.5 feet within a designated staging area up to 10 chairs maximum at any one  
282 time between the hours of 8:00 A.M. sunrise and sunset the hours of 8:00 AM to 6:00  
283 PM, after which time the staging area must be completely broken down and all beach  
284 furniture (chairs) must be removed and stored on private property daily. The staging  
285 area shall be kept in a compact and orderly configuration, with all beach  
286 furniture/chairs stacked to the maximum permitted height of 4.5 feet when not in use.

287 (3) Exemption. Nothing in this article shall require a permit from a beach furniture user to  
288 place beach furniture on the public beach for personal use on an as needed basis.

289 (4) Review of beach furniture operator permit application. A permit shall be granted upon  
290 the submittal of a completed application and the required fee in compliance with this  
291 article, as determined by the town manager or designee.

292 (5) A beach furniture operator permit is revocable if the applicant does not meet the  
293 requirements as specified in this article. A beach furniture operator permit shall not be  
294 renewed if open violations of this article or the beach furniture operator permit exist at  
295 the time of renewal.

296 (6) Appeals. If a beach furniture operator permit is denied or revoked by the town manager  
297 or designee, the beach furniture operator may, within 30 days of the decision, file a notice  
298 of appeal to the town commission. The appeal shall be heard as a quasi-judicial matter.

299 Section 86-32. - Indemnification and insurance.

300 (a) The beach furniture operator agrees to indemnify, defend, save and hold harmless the town,  
301 its officers and employees from any and all claims, liability, lawsuits, damages and causes of  
302 action which may arise out of the permit and/or the beach furniture operator's activity on the  
303 public beach.

304 (b) The beach furniture operator agrees to obtain and maintain for the entire permit period, at its  
305 own expense, the following requirements:

306 (1) Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence  
307 for bodily injury and property damage. The town must be named as an additional insured  
308 on this policy, and an endorsement must be issued as part of the policy reflecting  
309 compliance with this requirement.

310 (2) Workers' compensation and employers' liability as required by the state.

311 (c) All policies must be issued by companies authorized to do business in the state and rated  
312 B+:VI or better per Best's Key Rating Guide, latest edition.



- 313 (d) The town must receive 30 days' written notice prior to any cancellation, non-renewal or  
314 material change in the coverage provided.
- 315 (e) The beach furniture operator must provide and have approved by the town an original  
316 certificate of insurance as evidence that the requirements set forth in this section have been  
317 met prior to commencing operations.
- 318 (f) Failure to comply with these requirements shall be deemed to be operating without a valid  
319 permit and shall cause an immediate suspension or revocation of the permit.

320 Section 86-33. - Violations, civil fines and penalties.

321 Any person or entity found to be in violation of any condition of this article issued herein shall  
322 first be issued a warning. Failure to correct the violation within 24 hours following the beach  
323 furniture operator's receipt of a warning shall result in the issuance of a civil violation notice as  
324 provided in section 15-10 of the Town Code.

325 Violations of this section shall be subject to the following fines:

- 326 (1) If the violation is the first violation—\$100.00
- 327 (2) If the violation is the second violation of the original violation for which a \$100 fine  
328 was paid within the preceding 12 months—\$250.00
- 329 (3) Any subsequent violation after the second violation of the original violation within the  
330 preceding 12 months—\$500.00
- 331 (4) After the third violation for the same violation, a beach furniture operator shall be  
332 suspended from beach furniture operations for a period of one year from the date of  
333 violation.

334 Sec. 86-34. – Lost or Abandoned Beach Furniture.

335 Whenever a code compliance officer or law enforcement officer shall ascertain that an article of  
336 lost or abandoned beach furniture is present on the public beach, the officer shall follow the  
337 procedures set forth in Chapter 705, Florida Statutes, as may be amended from time to time.  
338 Notwithstanding, a code compliance officer may also enforce the provisions of this section in  
339 accordance with Section 86-33 of this article. Code compliance officers are designated to  
340 administer the provisions of this section and Chapter 705, Florida Statutes, as may be amended  
341 from time to time, pertaining to lost or abandoned property. For the purpose of ascertaining  
342 whether unattended beach furniture has been lost or abandoned, any beach furniture left unattended  
343 for more than 24 hours shall be presumed to be lost or abandoned property.

344 Section 86-35. - Reserved.

345 \* \* \*

346 Division 2. – Conduct

347 Sec. 86-36. - Scope.

348 The provisions of this division apply to any of the areas within the corporate limits of the town  
349 which by virtue of law or through municipal ownership or common usage are determined and  
350 considered to be public beaches.

351 Sec. 86-37. - Soliciting for commercial photography.

352 No person shall solicit for a commercial photographer or to take pictures in connection with  
353 commercial photography unless invited to do so by the person desiring that the picture be taken.

354 ~~Sec. 86-38. - Picnicking.~~

355 ~~No person shall picnic or eat or consume food on the beaches coming under this division.~~

356 Sec. 86-39. - Drinking alcoholic beverages.

357 No person shall drink or consume alcoholic beverages on the beaches coming under this division.

358 Sec. 86-40. - Build fires; Cooking.

359 No person shall build or maintain a fire or cook on any beach coming under this division.

360 Sec. 86-41. - Peddling; Prohibition on Commercial Operation or Business on the Public Beach.

361 No person, firm or entity (other than the Town of Surfside) shall sell, or rent goods or services,  
362 or carry on any commercial operation or business on the public beaches coming under this division  
363 Article, except that licensed beach furniture operators that are in good standing shall be permitted  
364 to provide food and beverage services only to their residents and/or verified guests.

365

366 \* \* \*

367 **Section 3. Codification.** It is the intent of the Town Commission that the provisions  
368 of this ordinance shall become and be made a part of the Town's Code of Ordinances, and that the  
369 sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may be  
370 changed to "section," "article," "regulation," or such other appropriate word or phrase in order to  
371 accomplish such intentions.

372 **Section 4. Severability.** The provisions of this Ordinance are declared to be severable  
373 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be  
374 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,  
375 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the  
376 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

377 **Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of  
378 resolutions, in conflict herewith, are repealed to the extent of such conflict.

379 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon  
380 final adoption on second reading.

381 **PASSED** on first reading on the 10th day of August, 2022.

382 **PASSED AND ADOPTED** on second reading on the 13th day of September, 2022.

383 **First Reading:**

384 Motion by: Commissioner Meischeid

385 Second by: Vice Mayor Rose

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388 **Second Reading:**

389 Motion by: Vice Mayor Rose

390 Second by: Commissioner Meischeid

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394 **FINAL VOTE ON ADOPTION**

395 Commissioner Fred Landsman Yes

396 Commissioner Marianne Meischeid Yes

397 Commissioner Nelly Velasquez Yes

398 Vice Mayor Jeffrey Rose Yes

399 Mayor Shlomo Danzinger Yes

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406 **ATTEST:**

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410   
Sandra N. McCready, MMC

411 Town Clerk

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414 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**

415 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

416

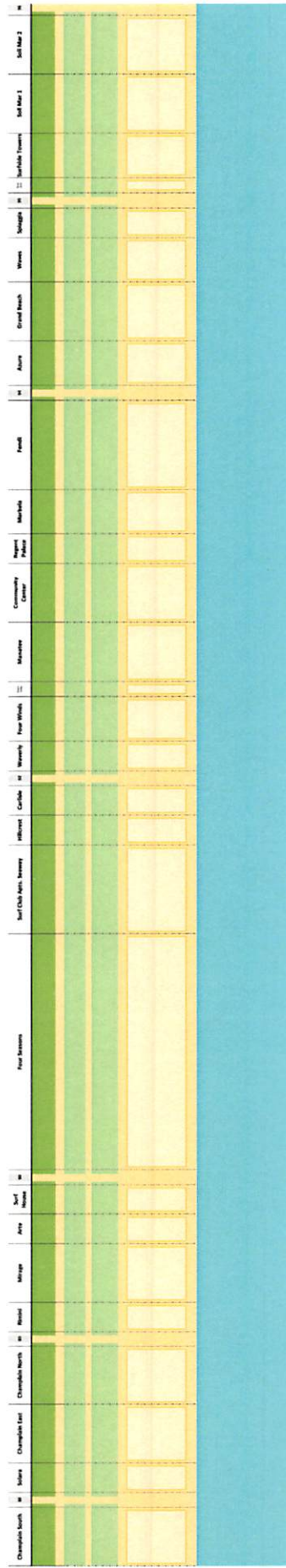
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Weiss Serota Helfman Cole & Bierman, P.L.

420 Town Attorney

  
Shlomo Danzinger, Mayor



- Street End
- Bulkhead Line
- Rear Yard
- Property Line
- Hand Pick
- Dune
- Walking Path
- Dune
- 15' Corridor
- Boundaries of Operator Placement
- Property Line Extended
- Street End Corridor
- 20' Corridor
- High Tide Line
- Ocean

**LEGEND**