

Introduced by: Councilperson Christian
First Reading: December 15, 2008
Second Reading: January 20, 2009

ORDINANCE NO. 2008-7963

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; AMENDING CHAPTER 6, BEACHES AND BULKHEADS; ARTICLE 1, IN GENERAL; SECTION 6-5 (a) AND (b), SPECIAL PERMITS TO OPERATE BUSINESS ON BEACHES REQUIRED; TO UPDATE AND ADD REGULATIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach, Florida wishes to enumerate the conditions under which a business can receive a permit to operate a business on the beaches;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. That the stated section of Chapter 6, Article 1, Beaches and Bulkheads, Section 6-5 (a) and (b), of the Code of Ordinances of the City of Jacksonville Beach, Florida, shall be amended to read as follows:

Sec. 6-5 Special permits to operate business on beaches required.

(a) It shall be unlawful for any person to engage in, manage or conduct any business, profession or occupation upon any portion of the beach or shore of the Atlantic Ocean lying east of the bulkhead line for the city without first applying for, and obtaining, a permit ~~so to do from the City Council~~ the City Clerk, which shall be subject to being revoked for violation of this chapter or other laws applicable thereto, and no permit granted by the ~~city council~~ City Clerk shall be transferred or assigned without the approval of the ~~city council~~ City Manager: provided that section 6-6 shall prevail over this section.

(b) The application for a permit ~~shall be obtained from the City Clerk hereunder and shall be in writing on a form prescribed by the City and state the nature of the business or profession desired to be conducted with full particulars in regard thereto, together with the name of the person or persons to be interested in the operation or conduct thereof.~~ shall meet the following conditions:

- (1) The operator of the business shall have a current local business tax receipt on file with the City.

- (2) The operator shall have a place of business or agreement to operate from a place of business west of the bulkhead line on private property that abuts the beach, within the City of Jacksonville Beach, where they can conduct their operation. Said place of business shall be located in a zoning district where such an operation is permitted or approved as a conditional use. No business payment transactions shall be conducted directly on the beach east of the bulkhead line or on public property.
- (3) The operator shall maintain a minimum of \$1,000,000 in general liability insurance, sign and provide to the City a hold-harmless agreement, and add the City of Jacksonville Beach as an additional insured on all insurance policies.
- (4) No equipment or materials of any kind shall be stored east of the bulk head line before or after the approved hours of operation. After hours of operations, all equipment must be stored on private property.
- (5) The operator shall abide by the Code of Ordinances as they relate to surfing, rental boats, and floats; Sections 6-49, 6-51, 6-53.
- (6) Kite surfing, parasailing, jet skis, or any other motorized boats will not be rented.
- (7) The operator shall identify how they will transport their equipment and materials to the beach east of the bulkhead line, and obtain written permission from the City for same. The transport of equipment shall use City approved access points and shall not negatively impact the sand dunes.
- (8) The operator shall list the hours, days, and months of operation they will be open for business. The hours of operation shall be within the hours of 8:00 a.m. to 7:00 p.m.
- (9) The operator shall not advertise the business on the beach, nor place snipe or illegal signs anywhere within the City of Jacksonville Beach.
- (10) The operator shall identify where along the beach the business will be located and shall not interfere with any existing business or City approved special event.
- (11) Operator shall rent only the following equipment: chairs, umbrellas, body boards, skim boards, surfboards, kayaks, bikes, footballs, volley balls, and games such as horse shoes, Frisbees, bocce ball, and other similar equipment approved in writing by the City Manager.

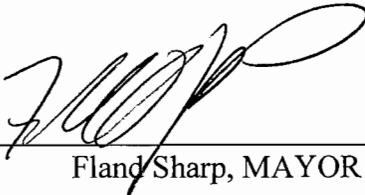
Upon obtaining a special permit to operate a business on the beach from the City Clerk, the owner/operator must have the permit renewed annually. The permit can be revoked at any time by the City Manager if the operation is found to be in conflict with the safe use of the beach, or there is a failure to follow the terms of the permit, or there is a violation of any City Ordinances. The City Manager's revocation of a permit may be appealed to the Special Magistrate.

SECTION 2. All ordinances or part of ordinances in conflict herewith are hereby repealed.

SECTION 3. Codification of this ordinance in the City Code of Ordinances is hereby authorized and directed.

SECTION 4. This ordinance shall take effect upon its passage and publication as required by law.

AUTHENTICATED THIS 20th DAY OF JANUARY, A.D., 2009.



Fland Sharp, MAYOR


~~Heidi Reagan, CITY CLERK~~
Judy L. Bullock, Asst. City Clerk

