

Introduced by: Council Member Chris Hoffman

1st Reading: October 19, 2020

2nd Reading: November 2, 2020

ORDINANCE NO. 2020-8154

AN ORDINANCE TO REVISE AND AMEND CHAPTER 6 “BEACHES AND BULKHEADS” OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CODE OF ORDINANCES TO MAKE CORRECTIONS AND ADD SECTIONS; TO PROVIDE CODIFIED LOCAL RULES, REGULATIONS, AND ENFORCEMENT PROVISIONS CONCERNING THE CITY’S BEACHES AND USE OF THE ATLANTIC OCEAN; AND PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach (“City”) has the authority to adopt this Ordinance pursuant to Article VIII, § 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes; and

WHEREAS, the City Code of Ordinances Chapter 6 “Beaches and Bulkheads” contains certain portions that are outdated, deficient, incorrect, or lack complete sections to properly address the protection of the natural environment, public property, public use, and public safety, health, and welfare issues concerning the City beach and Atlantic Ocean coast and waters; and

WHEREAS, the City Council directed the City Attorney to remove the revised Article III – Use of Atlantic Ocean Beach from the ordinance that creates a new Chapter 20 – Parks and Recreation, and rather, keep the new Article III in Chapter 6; and

WHEREAS, Chapter 6 was recently revised and updated with a new Sec. 6-8 – Sea turtle protection, through the enactment of Ordinance No. 2020-8140; and

WHEREAS, much of Chapter 6 needs revision and amendments in areas such as regulating trash, litter, glass, alcoholic beverages, vending and rentals, sale of foods and beverages, parking of sailboats and other vessels, certain prohibited activities, operation of jet skis, boats and other watercraft, use of floats, and removal of natural items, and enforcement provisions; and

WHEREAS, a revised and amended Chapter 6 will provide the City Parks and Recreation Department and Police Department with more substantial local regulations and rules to protect the general public, public property, and the environment; and it serves a public purpose to provide guests and citizens with hospitable, safe, and clean environments at the beach and ocean; and

WHEREAS, this Ordinance serves legitimate government purposes, it is a permissible exercise of the City’s powers and authority, benefits the health, safety, and welfare of the City of Jacksonville Beach citizens, and serves to protect and preserve the environment and City property for public benefit.

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified, correct and made a part of this Ordinance.

SECTION 2. CHAPTER 6, ARTICLE I, SECTION 6-1 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.¹

Sec. 6-1. - Bulkhead plat.

The plat on file in the office of the city engineer is approved as, and shall constitute, the official plat of the official bulkhead line of the city, for ocean front lots of lands, within the limits of the city and abutting the Atlantic Ocean.

SECTION 3. CHAPTER 6, ARTICLE I, SECTION 6-2 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-2. - Airplanes using beaches.

(a~~1~~) Use of beach. It shall be unlawful for any person to start or take off or alight from or on any part of the ocean beach within the city, in an airplane, except as hereinafter provided.

(b~~2~~) Permits. The city manager may grant permission in writing on extraordinary occasions for persons to start or take off or alight from or on any part of the ocean beach, provided each such permit shall authorize one flight only.

(c~~3~~) Government use. Nothing contained in this section shall be taken to prohibit the starting, taking off or landing of airplanes belonging to the United States Government, from or on such part of the ocean beach.

SECTION 4. CHAPTER 6, ARTICLE I, SECTION 6-3 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-3. - ~~Horses~~ Animals prohibited on beach ~~during certain months; exception for dogs.~~

It shall be unlawful for any person to ~~ride or exercise any horse~~ have or allow any animal to be on any portion of the public beach ~~east of the established bulkhead within the city limits, from April first of each year to October first of the same year.~~ Dogs are exempt from this prohibition to the extent expressly provided within the City's Code of Ordinances.

¹ ~~Strikethrough~~ text indicates deletions, underline text indicates additions.

SECTION 5. CHAPTER 6, ARTICLE I, SECTION 6-4 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-4. - ~~Possession of g~~Glass bottles or containers prohibited on ocean beach ~~area~~.

It shall be unlawful ~~and a municipal offense, punishable as provided in this Code, for any person or legal entity to at any time while on the ocean beach area deliver, exchange to own, possess, have on his or her possession, dump, cause to be dumped, place or cause to be placed, use or otherwise have in his or her possession or control any food container made of any glass bottle or beverage glass container made of glass or other disposable container made of glass on the ocean beach.~~

SECTION 6. CHAPTER 6, ARTICLE I, SECTION 6-5 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

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

(a1) 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 from 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 clerk shall be transferred or assigned without the approval of the city manager, provided that ~~s~~Section 6-6 shall prevail over this section.

(b2) The application for a permit shall be obtained from the city clerk and shall be in writing on a form prescribed by the city and shall meet the following conditions:

- (1)a. The operator of the business shall have a current local business tax receipt on file with the city.
- (2)b. 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 and 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)c. The operator shall maintain a minimum of one million dollars (\$1,000,000.00) 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)d. No equipment or materials of any kind shall be stored east of the bulkhead line before or after the approved hours of operation. After hours of operations, all equipment must be stored on private property.
- (5)e. The operator shall abide by the Code of Ordinances as they relate to surfing, rental boats, and floats; ~~s~~Sections 6-49, 6-51, 6-53.

- (6)f. Kite surfing, parasailing, jet skis, or any other motorized boats will not be rented.
- (7)g. 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)h. 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)i. The operator shall not advertise the business on the beach, nor place snipe or illegal signs anywhere within the City of Jacksonville Beach.
- (10)j. 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)k. Operator shall rent only the following equipment: chairs, umbrellas, body boards, skim boards, surfboards, kayaks, bikes, footballs, volleyballs, 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 7. CHAPTER 6, ARTICLE I, SECTION 6-6 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-6. - Vending food and food products from vehicles prohibited.

(a1) It shall be unlawful for any person to engage in, or manage the business of vending, hawking, peddling, selling or offering for sale at retail to consumers, ~~in the city,~~ from any truck, ~~wagon mobile vending cart, trailer,~~ automobile, or other vehicle whether driven by power or otherwise, ~~within the city,~~ any article of food, food products, or soft drink, over, on or upon ~~the hereinafter mentioned and designated streets and highways of the city, to wit: All~~ that part of the Ocean Beach from the bulkhead line on the west to the Atlantic Ocean on the east, and extending to the city limits on the north and the south. ~~All of the territory being within the limits of the city.~~

(b2) For purposes of this section, A vendor, peddler, hawker, or seller of food, food products or soft drink for the purposes of this section is hereby defined as a person who sells or offers for sale sandwiches, hot dogs, ice cream, cake, popcorn, peanuts, soda, water, ~~lemonade,~~ food snacks, drinks, or other article items of food, or food product, packaged or unpackaged, to any person ~~within the city,~~ from a ~~wagon mobile vending cart, trailer,~~ truck, automobile, or other vehicle operated or propelled.

SECTION 8. CHAPTER 6, ARTICLE I, SECTION 6-7 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-7. - Removal of shell, sand, or coquina, natural items is prohibited.

It shall be unlawful for any person to excavate, bulldoze, or remove The removal of shell, sand, or coquina, rock, vegetation, or soil from the beaches is hereby prohibited within the corporate limits of the City, and any of the above conduct shall be unlawful regardless of ownership of the adjacent or abutting property by such person. However, the above provisions shall not apply to incidental or minor use, digging, or shoveling by children and other individuals as part of the reasonable recreational use of the beaches.

SECTION 9. THAT THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA IS HEREBY AMENDED BY ADDING TO THE TITLE OF CHAPTER 6, ARTICLE III AND ADDING SECTIONS WITHIN SAID ARTICLE TO BE NUMBERED 6-44 THROUGH SECTION 6-46, WHICH SAID ARTICLE AND SECTIONS SHALL READ AS FOLLOWS.

ARTICLE III. - USE OF ATLANTIC OCEAN BEACH

Sec. 6-44. – Atlantic Ocean beach defined.

As used in this article, the term “Atlantic Ocean beach” shall mean that portion of the City contiguous to the Atlantic Ocean dedicated to the use of the public for recreation and extending from the easterly-ocean bluff line west to the City limits. As used herein, the “ocean bluff line” is the easternmost projection of the top edge of the natural vegetated ocean bluff or dune which meanders along the shore of the Atlantic Ocean, or as established by a United States Coast and Geodetic Survey. In the absence of a clearly defined or recognizable bluff or dune, the City may elect to establish an ocean bluff line by measuring west or westerly a distance of 60 feet (60’) from the full moon high tide.

Sec. 6-45. – Prohibited activities and items on Atlantic Ocean beach.

- (1) No nudity is allowed. Appropriate attire and body coverings are required.
- (2) No glass.
- (3) No camping or sleeping from sunset to sunrise without first receiving permission from the City Manager.
- (4) No swimming or bathing except between such hours of the day as shall be designated or posted by the Department of Parks and Recreation for such purposes.
- (5) No disobeying rules posted by the City, Ocean Rescue, or the City Manager or designee, or instructions or directions from a law enforcement officer.
- (6) No illegal drugs, alcoholic beverages (in any type of container or other means of consumption), or unpermitted weapons.
- (7) No open fires, campfires, grills, or other cooking or heating devices.

(8) No fireworks, as defined by Section 791.01, Florida Statutes, with the exception of City authorized and permitted public displays of fireworks.

(9) No unauthorized person shall climb upon, sit on, mount, interfere with, loiter upon, enter, occupy, or use in any manner any lifeguard stand, station, or other City lifesaving equipment at any time.

(10) No persons or pets shall wash or be washed, with soap or other cleaners, in any swimming area or any other public waters, including but not limited to beaches, public showers, storm water, lakes or streams.

(11) No unleashed dogs at any time. Dogs on leashes are permitted to be on the beach at any hour from October 1 through March 31; and during the hours of 5:00 P.M. through 9:00 A.M., from April 1 through September 30.

(12) No person shall place or deposit, or permit to be placed or deposited, any human waste on the Atlantic Ocean beach.

(13) No pet feces are allowed on the Atlantic Ocean beach. A dog's owner or handler shall immediately remove any feces from the Atlantic Ocean beach and properly dispose of the feces in a public trash receptacle.

(14) Unless permitted by the City, no person shall park, propel, operate, or drive any motor vehicle on the Atlantic Ocean beach. This prohibition excludes authorized City and emergency vehicles including but not limited to ocean rescue, police, fire department, ambulance and lifeguard vehicles. This section shall not apply to helicopters when authorized to land upon the Atlantic Ocean beach by the department of public safety personnel. It shall also not apply to any other vehicle that obtained permission from the public safety department.

(15) It shall be unlawful for any person to operate a sand sailer or sand sailboat (a sailing device on wheels propelled by the force of the wind) on the Atlantic Ocean beach.

(16) It shall be unlawful for any person to operate a motorized scooter, motorcycle, micromobility device, motorized bicycle, or any other motorized device on the Atlantic Ocean beach.

Sec. 6-46. – Trash and litter.

(1) It is unlawful for any person to deposit, discard, throw, place, or pile any trash, litter of any type, whether organic or inorganic, including but not limited to paper, garbage, cans, cartons, bottles, cigarette butts, filters, products containing tobacco or used for consuming tobacco products, or other waste or discard materials on the Atlantic Ocean beach except in public trash receptacles, in authorized private receptacles for collection.

(2) It is unlawful to deposit, leave, or bury any fish or other marine life carcasses, remains, or waste on or near the Atlantic Ocean beach.

SECTION 10. CHAPTER 6, ARTICLE III, SECTION 6-48 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-48. - Swimming prohibited when person intoxicated or impaired.

Swimming in the Atlantic Ocean is prohibited when a person is impaired in any manner that jeopardizes his or her safety, or the safety of others. This includes, but is not limited to, impairment caused by medical conditions and intoxication by beverages, drugs, and/or substances.

It shall be unlawful for anyone to swim or bathe in the Atlantic Ocean within the corporate limits of the city while under the influence of or while consuming intoxicating beverages, drugs, and/or substances.

SECTION 11. CHAPTER 6, ARTICLE III, SECTION 6-49 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-49. - Surfing and swimming prohibited in certain designated areas.

(a1) Surfing:

- (1)a. Surfing or the use or riding of surfboards in the Atlantic Ocean within the corporate limits of the city shall be allowed at any location except it will be unlawful for anyone to surf or to use or ride surfboards within a ~~three hundred~~ 300 foot radius of the fishing pier presently extending into the Atlantic Ocean from the foot of ~~Sixth Avenue South~~ Fourth Avenue North.
- (2)b. For reasons of public safety or necessity, the city manager shall have the authority to regulate, restrict, limit or prohibit surfing or the use or riding of surfboards within the areas described in this subsection.
- (3)c. It shall be unlawful for any person to surf or use or ride a surfboard in the surf adjacent to the beach within the corporate limits of the city at any time and at any location unless such surfboard has securely fastened to it a tether not exceeding eight (~~8~~) feet in length, the free end of which must be securely bound to either the ankle or wrist of the surfer.

(b2) Swimming: It shall be unlawful for anyone to swim, bathe, or wade at any time within a ~~three hundred~~ 300 foot radius of the fishing pier presently extending into the Atlantic Ocean from the foot of ~~Sixth Avenue South~~ Fourth Avenue North.

SECTION 12. CHAPTER 6, ARTICLE III, SECTION 6-51 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-51. - Operation of boat prohibited within certain distance of shoreline.

It shall be unlawful for any person to operate a boat parallel to the shoreline within ~~two hundred~~ (200) yards of the shoreline.

SECTION 13. CHAPTER 6, ARTICLE III, SECTION 6-53 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-53. – ~~Same~~ Floats and float boats —Use prohibited during winds of specified velocity, when beach and ocean closed, within designated distance of piers, without safety ropes, by minors under ~~twelve~~ 12.

No float or float boat shall be rented or used in the Atlantic Ocean within the corporate limits of the city during west winds having a wind velocity of over ~~twenty~~ (20) miles per hour, and no child under the age of ~~twelve~~ (12) years shall be allowed or permitted to rent or use any float or float boat within the corporate limits unless accompanied by his or her parents or his or her guardian, and the use of floats and float boats shall be prohibited in the Atlantic Ocean within the corporate limits of the city when the beach and ocean has been closed for swimming purposes by order of the city manager, and no float or float boat shall be used at any time within ~~one hundred~~ (100) yards of any ocean pier extending into the Atlantic Ocean in the city. No float or float boat shall be rented for use in the Atlantic Ocean within the corporate limits of the city, unless the same shall be equipped with safety ropes, such safety ropes to extend around the perimeter of the float or float boat and securely fastened at each corner in such a manner as to be easily grasped by swimmers.

SECTION 14. CHAPTER 6, ARTICLE III, SECTION 6-54 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-54. - Fishing with seine or net.

(a~~1~~) It shall be unlawful for any person to use or employ the use of any seine or net in excess of ~~two hundred~~ (200) feet in length for the catching of fish or other forms of marine life out of the waters of the Atlantic Ocean between the city limit line on the north and the city limit line on south as extended easterly into the Atlantic Ocean.

(b~~2~~) This section shall not be construed to authorize any use of seines or nets which may be prohibited by the laws of the state.

SECTION 15. CHAPTER 6, ARTICLE III OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED 6-55 WHICH SAID SECTION SHALL READ AS FOLLOWS.

Sec. 6-55. – ~~Reserved~~ Parking of sailboats, catamarans, and vessels prohibited.

(1) It shall be unlawful for any person to park or leave unattended a sailboat, catamaran, or other vessel on the beach. A sailboat, catamaran, or vessel shall only be allowed to be parked or left on the beach, if granted written approval by the city manager. At no time will any sailboat, catamaran, or other vessel be allowed to park west of the dune line, on a beach access, or public right-of-way, or on a beach dune.

(2) Before the city manager or his designee gives permission for the owner of a sailboat, catamaran, or other vessel to be parked or left on the beach, the owner must provide proof of ownership, description, serial number, hull number or other identification number, and the location desired for parking same. Permission to park, and the location requested, is at the sole

discretion of the city manager. The manager may develop additional rules to protect public safety and public property.

(3) Any person who parks a sailboat or catamaran or other vessel in violation of this section is subject to having such sailboat, catamaran, or other vessel towed or removed at the owner's expense.

SECTION 16. CHAPTER 6, ARTICLE III, SECTION 6-56 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-56. - Operation of jet skis and personal watercraft.

(a1) Definitions.

(1)a. Personal watercraft. For the purposes of this section, a personal watercraft is defined as a small class A-1 or A-2 vessel which uses either an outboard motor, or an inboard motor powering a water jet pump, as its primary source of motor power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(2)b. Jet ski. For the purposes of this section, a jet ski has the same definition as a personal watercraft.

(b2) Operation generally. The operation of a jet ski or personal watercraft in the Atlantic Ocean within the corporate limits of the city shall be allowed outside of three hundred (300) feet from the water's edge as hereinafter provided:

(1)a. The hours of operation of personal watercraft or jet skis shall be from the hours of 9:00 a.m. until 5:00 p.m. in the winter months and from 9:00 a.m. until 7:00 p.m. in the summer months. The winter months are those months from October 1 until March 31 and the summer months shall be from April 1 until September 30.

(2)b. A person operating a personal watercraft or jet ski equipped by the manufacturer with a lanyard type engine cutoff switch must attach such lanyard to his person, clothing, or personal flotation device as is appropriate for the specific vessel. If the specific vessel is not equipped by the manufacturer with a lanyard type engine cutoff switch, then the vessel must be equipped with a manufacturer installed device which automatically operates to cause the vessel to reduce to an idle speed and then into a continuous circle upon the operator or passenger losing control of or being thrown from the vessel so that the operator may readily retrieve the vessel. It shall be unlawful to operate a jet ski or personal watercraft without one of the aforementioned manufacturer installed safety devices.

(3)c. All personal watercraft or jet skis shall be operated with the manufacturer's muffler intact.

(e3) Launching. For the purposes of ingress and egress only, ~~launched and personal watercraft or jet skis may be launched and operated within a corridor as defined by extending eastward the right-of-way boundaries of at Beach Boulevard and 8th Avenue North to the personal watercraft or jet ski operation area as previously defined.~~ During such ingress and egress ~~within~~

~~the corridor~~, the operator must not exceed an idle speed unless other speed is dictated by the wave or ocean conditions at the time.

SECTION 17. CHAPTER 6, ARTICLE III OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED 6-57, WHICH SAID SECTION SHALL READ AS FOLLOWS.

Sec. 6-57. – Enforcement; citation form; hearing; penalties.

(1) Enforcement. Any City of Jacksonville Beach law enforcement officer is authorized to issue a civil citation to any violator of this chapter. The citation shall indicate the penalty established herein for violation of this chapter. A person cited for a violation of this chapter shall sign and accept a citation indicating his/her receipt of a copy of the citation. Citations issued for violation of any provision of this chapter shall be enforced in proceedings under the Special Magistrate hearing procedures of Chapter 2, Article VI of the City Code of Ordinances and are solely within the power, authority, and jurisdiction of the City's Special Magistrate. The City's Special Magistrate shall have jurisdiction and authority to hold hearings for contests to citations, receive and evaluate evidence, to make a determination based upon the preponderance of the evidence as to whether the violations(s) listed in the citation were committed, and impose fines and fees against the violator consistent with this chapter. The decision of the Special Magistrate shall be the final action by the City. Formal rules of evidence shall not apply at the hearing and any relevant evidence may be admitted as deemed by the Special Magistrate. The hearing shall be conducted in a manner to ensure that procedural and substantive due process is afforded to both parties.

(2) Citation Form. The citation form shall contain language providing notice of the following:

- a. Name of person alleged to have violated this section.
- b. Description of the alleged violation.
- c. Date, time and place of the alleged violation.
- d. Witnesses, if any.
- e. Name of officer charging the violation.
- f. The date, time and location of the scheduled Special Magistrate hearing on the offense charged.

The citation shall also contain a space where the alleged violator of this section may sign to indicate that he/she received a copy of the citation and shall also indicate the penalty established herein for violation of this section.

(3) Penalties. Any person found guilty of violating this chapter shall be guilty of a misdemeanor punishable by charged a fine not to exceed \$50.00. Any person who willfully refuses to accept and sign a citation shall be assessed an additional \$200.00 fine. Any person charged with violation of this chapter may:

- a. Pay the penalty set forth in the citation, either by mail or in person, within 10 days of the date of receiving the citation, made payable to City of Jacksonville Beach, and paid at the City of Jacksonville Beach Police

Department or utility billing office on the first floor of City of Jacksonville Beach City Hall; or

b. Appear at the scheduled Special Magistrate hearing to contest the charge.

If the person cited elects to pay the penalty set forth in a. above, he/she shall be deemed to have admitted the violation and to have waived his/her right to a hearing on the issue of violation of this section. Each day any violation of any provision of this section occurs shall constitute a separate offense that may be fined. Violation fees must be paid at the City of Jacksonville Beach Police Department or at the utility billing office on the first floor of City of Jacksonville Beach City Hall.

(4) Hearing. If the alleged violator elects to not pay the citation fine and opts to request a hearing before the Special Magistrate, then the violator must provide written notification of such request to the City of Jacksonville Beach Police Department and the City Attorney, no later than 30 days from the date of the citation. Failure to timely submit the written request shall constitute waiver of the hearing option by the alleged violator and the City may proceed with enforcement and collection of the penalty. Upon receipt of the request for a hearing, the City Clerk's office shall issue a notice of hearing date to the person that requested the hearing. Any person who requests a hearing and does not appear in accordance with the notice shall be sent notice by the Police Department to pay within 10 days the doubled fine plus \$10.00 for the cost of administrative services. After the requested hearing, the Special Magistrate shall make a determination as to whether a violation has been committed and may impose a fine in accordance with this section and Florida law, plus court costs. An election to request a hearing constitutes a waiver of the right to pay the penalty indicated on the citation, and the Special Magistrate, after the hearing and upon making a determination that a violation has been committed, may impose a fine, plus court costs for each violation.

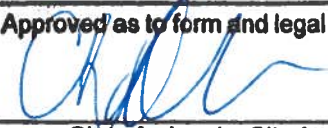
SECTION 18. CONFLICTING ORDINANCES AND ACTS. All ordinances and resolutions previously adopted or entered into by the City that are in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 19. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 20. CODIFICATION. The City Council intends that this Ordinance will be made a part of and codified in the City of Jacksonville Beach Code of Ordinances.

SECTION 21. EFFECTIVE DATE. This Ordinance will immediately take effect upon its adoption by the City Council.

AUTHENTICATED THIS 2nd DAY OF November, A.D., 2020.

Approved as to form and legal sufficiency:

Chris Ambrosio, City Attorney


William C. Latham, Mayor


Laurie Scott, City Clerk