



Town of Surfside
Special Town Commission Meeting
AGENDA
Tuesday, June 28, 2022
5:30 PM
Commission Chambers

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once this capacity has been reached, people will be asked to watch the meeting from the first floor.

1. Opening

1.A Call to Order

1.B Roll Call of Members

1.C Pledge of Allegiance

2. Mayor, Commission and Staff Communication

2.A Business District Parking Alternatives - Andrew Hyatt, Town Manager [2022 - Parking Rates Surrounding Municipalities - Variable Rate Analysis.docx](#)

2.B Discussion Regarding Beach Furniture Ordinance - Vice Mayor Jeff Rose [Current Code Sec. 86-26.docx](#) [Ordinance No. 2020-1714 Beach Furniture.pdf](#)

3. Adjournment

Respectfully submitted,

Andrew Hayatt
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



**Town of Surfside
Special Town Commission Meeting
June 28, 2022**

DISCUSSION ITEM MEMORANDUM

Agenda #: 2.A

Date: June 28, 2022

From: Andrew Hyatt, Town Manager

Subject: Business District Parking Alternatives

Suggested Action: – Staff requests the Town Commission to review current and alternative parking systems for the Abbott Ave and and 94 St parking lots, then provide guidance.

Background/Analysis: – During the Budget Visioning workshop the Commission asked for the Municipal Parking Division to explore methods to offer validation to patrons of local businesses. The Town is looking at ways of changing the dynamics of the paid parking in both the Abbott Ave and 94th Street parking lots to better control the misuse of the parking lot. The new system will have a higher payment required unless an individual properly validates the parking ticket they obtain when entering the Abbott and 94th street parking lots. The parking lots will be redesigned with parking arms at the entrance and exit points. Each visitor would pull a ticket upon entering the parking lot, once they patronize a business within the 9400 and 9500 blocks of Harding Ave, the local business would have the ability to validate the ticket, thus lowering the parking rate to a reduced amount decided at the will of the commission. The Town would also procure permanent access cards renewable annually that would allow residents to access the business parking lots, continuing to receive free parking. Business Owners that currently purchase monthly parking permits would now purchase access cards in lieu of monthly parking hang tags. The vendor would require an annual subscription and maintenance agreement for the new system. The new parking alternative would have the ability to accept all parking payments, i.e., apple pay, android pay, credit cards and cash.



SURFSIDE POLICE DEPARTMENT

Parking Rates Analysis

Pursuant to a request from the Town Administration regarding Parking Rates for local jurisdictions or similar jurisdictions regarding variable rate parking areas the following information was obtained.

Surfside Current Parking Rates

On-Street Parking:

- The parking rate in the Town of Surfside is \$2.00 per hour for On-Street parking.
- There is a two-hour maximum time limit Monday to Friday from 6 AM to 3 PM
- There is a four-hour maximum time limit Monday to Friday from 3 PM to 6 AM
- There is a four-hour maximum time limit between Friday at 3 PM and Monday at 6 AM
- The Town offers various payment options, dependent on the location, as follows: multi-space meters, single-space meters, and Pay By Phone.

Off-Street Parking (Municipal Parking Lots):

- The parking rate in the Town of Surfside is \$2.00 per hour for parking in the six (6) Town Municipal Parking Lots.
- There is a two hour maximum time limit Monday to Friday from 6 AM to 3 PM
- There is a four-hour maximum time limit between Friday at 3 PM and Monday at 6 AM
- The Town offers various payment options, dependent on the location, as follows: multi-space meters, and Pay by Phone.

Business District On-Street Parking:

- The parking rate in the Town of Surfside Business District is \$4.00 per hour on Harding Ave from Monday to Friday, from 10:00 am to 4:00 pm, for on-street parking, with a two-hour maximum time limit.
- After the expiration of 2 hours, the parking space is non-renewable in the business district.
- Between the hours of 4:00 p.m. and 10:00 a.m., the rate is \$2 per hour. The rate on Saturday and Sunday is \$2.00 per hour all day.



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Miami Beach Parking Rates

All Parking (On-Street & Off-Street):

- The City of Miami Beach operates over 10,000 parking meters located throughout Miami Beach. Their parking rates are based on congestion pricing and vary by geographical area within their jurisdiction as follows:
 - South Beach: \$4.00 per hour (meter) and \$2.00 per hour (lots)
 - East Middle Beach: \$3.00 per hour (meter) and \$2.00 per hour (lots)
 - West Middle Beach: \$1.00 per hour (meter) and \$1.00 per hour (lots)
 - North Beach: \$1.00 per hour (meter) and \$1.00 per hour (lots)
- The Miami Beach parking rate structure allows for an enhanced parking rate fee for parking spaces in their entertainment areas and proximity to the beach.
- All Day Parking Rates are available in the Miami Beach Multi-Level Parking Garages for \$15.00 or \$20.00 per vehicle depending on the parking garage.

Fort Lauderdale Parking Rates

All Parking (On-Street & Off-Street):

- The City of Fort Lauderdale recently completed a study of their parking rates and locations and based on the study recommendations were made to:
 - Establish on-street parking rates greater than adjacent off-street public parking facilities to incentivize the use of off-street facilities and encourage turnover of visible on-street parking
 - Establish a commission-approved rate range of:
 - On-street: Minimum rate of \$1.50 and Maximum rate of \$4.00 per hour
 - Off-street: Minimum rate of \$1.00 and Maximum rate of \$4.00 per hour
 - Parking Rate Adjustment Premiums would be based on the Parking Facility Occupancy with Parking Facilities with 80% or greater average capacity charging higher adjusted parking rates.
- Fort Lauderdale also charges an adjusted parking rate for their Aquatic Complex Lot located at 501 Seabreeze Blvd (Swimming Hall of Fame):
 - \$3.00 per hour, Monday through Friday from 5 AM to 8:30 PM
 - \$3.00 per hour, Saturday and Sunday from 5 AM to 3:00 PM
 - \$1.75 per hour, after facility operating hours
- Arts & Science District Garage: \$3.00 per hour Max 12 hrs.
- Bridgeside Place Garage: \$4.00 per hour Max 24 hrs.
- City Hall Garage: \$3.00 per hour Max 5 hrs.



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- Las Olas Garage: \$4.00 per hour Max 10 hrs.
- Riverwalk Center \$3.00 per hour Max 6 hrs.

Hollywood Parking Rates

All Parking (On-Street & Off-Street):

- The City of Hollywood operates approximately 4,164 public parking spaces both on and off-street that include 20 surface parking lots and a 59-space Recreational Storage Facility Lot.
- The City of Hollywood parking rates are based on a geographical area pricing model within their jurisdiction as follows:
 - In-land Parking Garage:
 - \$1.00 per hour and \$15.00 Daily Rate (lots)
 - Beach Area Garage or Lots
 - \$3.00 per hour Monday through Thursday
 - \$4.00 per hour Friday through Sunday
 - Hollywood Residents may obtain a parking permit that allows them to pay one-half of the normal parking rate (\$1.50 per hour and 2.00 per hour) for the Beach Area Parking Facilities.

Sunny Isles Beach Parking Rates

All Parking (On-Street & Off-Street):

- The City of Sunny Isles Beach parking rates are based on a geographical area pricing model within their jurisdiction as follows:
 - Parking Lots: \$2.00 per hour at all times
 - Beach Area Lots: \$3.00 per hour at all times
 - There are two Beach Lots in Sunny Isles Beach:
 - Ellen Wynne Beach Access Lot
 - Pier Parking Lot.

Bal Harbour Parking Rates

- The Village of Bal Harbour has 57 paid parking spaces on Collins Avenue under the bridge by the Haulover Inlet. The parking rate is:



SURFSIDE POLICE DEPARTMENT

- \$ 2.00 per hour at all times
- The Village of Bal Harbour has 2619 paid parking spaces located within the Bal Harbour Shops Parking Structure.
- The parking rates for the Bal Harbour parking garage are:
 - \$2.00 per hour at all times
 - The shops parking structure does not allow overnight parking

Bay Harbor Islands Parking Rates

- The Town of Bay Harbor Islands operates more than 700 paid parking spaces throughout the town, consisting of an enclosed parking structure, on street, off-street and a municipal parking lot throughout the town.
- The parking rate for the Municipal Parking structure is:
 - \$1.00 per hour at all times
- The parking rate for main street parking in Bay Harbor is:
 - \$1.25 per hour at all times
- The parking rates for Bay Harbor Islands Municipal parking lots are:
 - \$.50 per hour at all times



**Town of Surfside
Special Town Commission Meeting
June 28, 2022**

DISCUSSION ITEM MEMORANDUM

Agenda #: 2.B

Date: June 28, 2022

From: Vice Mayor Jeff Rose

Subject: Discussion Regarding Beach Furniture Ordinance

Suggested Action: – The operational limits imposed by the Ordinance should be reviewed to ensure they better balance the need for public access and enjoyment of the beach with the operational requirements of oceanfront property owners or beach furniture operators that cater to visitors and residents alike.

Specifically, the following areas of the Ordinance should be considered:

1. Address the number of pre-set beach furniture each morning to ensure access to beachgoers from oceanfront properties. Currently, the Ordinance permits five (5) chairs to be pre-set per beach furniture operator, regardless of size of the beachfront property. Consideration may be given to increasing the number of pre-set beach furniture based on lineal footage or each beach furniture operator's beach frontage.
2. Address the operational realities of beach furniture staging, including numbers, worker safety, and daily transport of beach furniture. Currently, the Ordinance permits a beach furniture operator a staging area of 8' by 8' located 15 feet seaward of the vegetation line of the dune for as-needed on-demand distribution to beach users, limited to 10 chairs. Consideration may be given to increasing the size of the staging areas for beach furniture, as well as the permitted number of beach furniture that may be staged and ready for location on the beach. Also, to be addressed is the storage and transportation of beach furniture and towels by beach furniture operators, including consideration of a tent-like storage structure or table for shade for employees and storage and distribution of towels, to be removed at the end of each day. Consideration should also be given to allowing beach furniture operators to use a battery operated cart or similar vehicle for transportation of beach furniture.
3. Improve efficiency of code compliance efforts, by limiting total beach furniture for each beach furniture operator based on area of beach frontage rather than strict formulas.
4. Clarify or revise those areas where beach furniture can be placed in front of a beach operator's property to better ensure accessibility, compliance and improve monitoring.
5. Since compliance will be easier to monitor, increase fines for non-compliance and provide for suspension of permit for repeated noncompliance.
6. Consider beach furniture permit timeframes of 3-5 years, subject to compliance with applicable regulations and the Ordinance.

Balancing public and private needs in addressing the above issues should go a long way towards ensuring Surfside remains a top-notch tourist destination while providing all residents safe and convenient access to the beach. In addition, a better balance of measures is expected to moot the pending lawsuit or at least reduce the incentive for the Grand Beach Hotel to continue with it.

Background/Analysis: – The Beach Furniture Ordinance (Ordinance No. 2020-1714 adopted September 10, 2020), codified as Sections 86-26 through 86-41 of the Town Code, provides for strict limits on beach furniture, such as beach chairs and umbrellas. While portions of the Ordinance apply to all beachgoers, the Ordinance imposes specific limitations on oceanfront property owners that make up the hotels and condominium associations (“beach furniture operators”) which provide the Town with significant revenue in the form of tourist tax money and property taxes. These properties include some of Surfside’s signature developments and comprise some of the most valuable in Surfside that are crucial to the Town’s tourism and perception from the outside. They result in visitors flocking to Surfside to enjoy the best beach in Miami-Dade County as well as Surfside’s restaurants and businesses, providing an economic boost to the area. These visitors expect first class service, but the current Ordinance severely limits the operators and property owners from providing this level of service through its strict constraints on number of chairs, pre-setting of chairs, staging and other operational impediments. These limits have in turn exposed the Town to challenges and lawsuits, including litigation brought on by the Grand Beach Hotel, a case currently pending in the Miami-Dade County court system.

Sec. 86-26. Definitions.

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

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

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

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

Beach furniture staging is the organized, daily and temporary placement or stacking of beach chairs by a beach furniture operator in a designated staging area not to exceed eight feet by eight feet of the public beach (located within the beach furniture operation allocation area 15-feet seaward of the vegetation line of the dune as set forth in subsection 86-30(g)(iii)) in preparation for as-needed, on-demand distribution to beach furniture users.

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

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

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

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

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

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

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

Personal watercraft means a small class A-1 or A-2 vessel that uses an outboard motor or an inboard motor powering a water jet pump as its primary source of motive power and that 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.

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

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

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

(Ord. No. 1416, § 2, 5-8-01; Ord. No. 1658, § 3, 12-13-16; Ord. No. 17-1662, § 2, 6-13-17; Ord. No. 20-1714, § 2, 9-10-20)

40 **WHEREAS**, the Town Commission seeks to regulate the placement of beach furniture on
41 the public beach by hotels and condominiums without demand and in anticipation of use by an
42 individual beach furniture user by specifically prohibiting the organized preplacement, presetting,
43 or pre-positioning of beach furniture by a hotel or condominium; and

44 **WHEREAS**, the Town Commission’s intent is to retain beach furniture operator permits
45 for beach front hotel and condominium properties; and

46 **WHEREAS**, the Town Commission’s intent is for hotels and condominiums to assist
47 verified hotel guests and condominium residents and guests with placement of beach furniture on
48 the public beach on an as-needed, on-demand basis; and

49 **WHEREAS**, the Town Commission’s intent is to establish authorized areas where beach
50 furniture may be placed, without obstructing or impeding lifeguard towers, safety corridors, street
51 ends, adjacent properties, or public beach access areas; and

52 **WHEREAS**, the Town Commission seeks to continue to prohibit the daytime and
53 overnight storage of beach furniture on the beach and finds that storage may constitute a nuisance
54 and is contrary to the public health, safety, and welfare; and

55 **WHEREAS**, the Town Commission desires to prohibit vehicular traffic and the operation
56 of any vehicles on the public beach and dunes, with limited exceptions, such as when needed by
57 the Town or other governmental agencies or entities for cleanup, maintenance, repairs, public
58 safety, or emergencies, or by an individual with a mobility impairment; and

59 **WHEREAS**, the Town Commission seeks to prohibit business or commercial activities on
60 the public beach, such as the sale, vending, or rental of beach furniture, equipment, goods, and
61 services; and

62 **WHEREAS**, the Town Commission seeks to designate the Town’s code compliance
63 officers to administer the provisions of Chapter 705, Florida Statutes, which pertain to lost or
64 abandoned property; and

65 **WHEREAS**, the Town Commission finds that this Ordinance is necessary to conserve and
66 ensure the public’s access to, use, and enjoyment of the beach; the preservation of the public beach,
67 environment, and marine wildlife and vegetation; and the public health, safety and welfare of the
68 Town’s residents, property owners and visitors.

69 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE TOWN**
70 **OF SURFSIDE AS FOLLOWS:**¹

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

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

76 Chapter 86 – Waterways

77 * * *

78 Article II. – Public Beaches

79 Division 1. – Generally

80 Section 86-26. - Definitions.

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

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

85 *Beach furniture operator* is a hotel or condominium association located on the east side of
86 Collins Avenue that provides beach furniture services to its residents and verified guests-

87 *Beach furniture setup* is the daily organized preplacement, presetting, pre-positioning or
88 stacking of beach furniture by a beach furniture operator or user in anticipation of use. Beach
89 furniture setup shall not include beach furniture staging.

90 *Beach furniture staging* is the organized, daily and temporary placement or stacking of beach
91 chairs by a beach furniture operator in a designated staging area not to exceed 8’ by 8’ of the public
92 beach (located within the beach furniture operation allocation area 15-foot seaward of the
93 vegetation line of the dune as set forth in Section 86-30(g)(iii)) in preparation for as-needed, on-
94 demand distribution to beach furniture users.

95 *Beach furniture storage* is the daytime or overnight storage of beach furniture on the public
96 beach.

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

100 *Exclusion zone* means all waters within the center line of 96th Street on the north and
101 southward to the northerly line of 87th Terrace, including all improvements, recreational areas and
102 property therein measured from the mean low water line; and that portion of the water area of the
103 Atlantic Ocean, marked by regulatory markers, extended up to a maximum of 300 feet off shore
104 from the mean high water line lying between the center line of 96th Street to the northerly line of
105 87th Terrace, as described on Exhibit A. As the markers will move about their anchor location
106 with the tides and currents, enforcement of the exclusion zone shall extend to the area defined by
107 the markers at the water surface at the time of infraction.

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

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

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

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

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

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

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

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

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

129 It is the intent of the town commission to prohibit those activities by persons on the public beach
130 of the town that adversely affect the attractiveness of the public beach or endanger citizens,
131 residents and visitors who use its facilities. The town commission further finds and determines that
132 motorboats that operate in the exclusion zone at excessive speeds or in a reckless and unsafe
133 manner create a situation dangerous to the lives and property of persons using said waters within
134 the exclusion zone; that excessive motorboat speed erodes shoreline property and destroys
135 bulkheads, seawalls, docks and piers; and that said excessive speed or the operation of motorboats
136 in a reckless and unsafe manner reduces other available recreational uses for said waters. The town
137 commission further finds and determines that because different size motorboats create different
138 problems when they operate at the same speed, a flexible regulatory scheme is required.

139 * * *

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

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

145 (b) Beach furniture setup shall be limited to five (5) chairs per beach furniture operator.

146 (c) Beach furniture storage shall be prohibited.

147 (d) Beach furniture shall be removed from the public beach when not in use. Removal shall
148 occur promptly after use of the beach furniture ceases.

- 149 (e) Beach furniture provided by a beach furniture operator or a user that is a hotel or
150 condominium for use by verified hotel guests or condominium residents or guests, shall
151 be clearly identified as to its ownership, maintained in good condition, free from evidence
152 of deterioration, weather, and discoloration at all times.
- 153 (f) Storage boxes or similar shed-type structures on the public beach shall be prohibited.
- 154 (g) Placement of beach furniture on the public beach shall comply with the following
155 regulations and restrictions:
- 156 i. Beach furniture shall not be placed within 12 feet of the perimeter of a lifeguard
157 tower, or within a 12-foot-wide path (6 feet to the north and south of the center
158 line) extending behind and in front of a lifeguard tower, from the erosion control
159 line to the ocean to allow lifeguard or emergency personnel unobstructed view and
160 access to the public beach or ocean.
- 161 ii. Beach furniture shall not be placed at or within a 12-foot-wide path (6 feet to the
162 north and south of center line) extending from any street end or public beach access
163 route to the ocean, or in the 12-foot area immediately adjacent to the street ends,
164 to ensure clear and unobstructed access by the public and emergency and
165 maintenance vehicles and personnel.
- 166 iii. Beach furniture, including staging, shall be placed no less than 15 feet seaward of
167 the edge of the vegetation line of the dune to ensure clear and unobstructed access
168 by the public and emergency and maintenance vehicles and personnel.
- 169 iv. Beach furniture shall not be placed at or within 20 feet of the high tide water's
170 edge to provide for unobstructed access to the water and recreational use.
- 171 (h) In the event of a declared state of emergency, natural disaster, storm warning or severe
172 weather alert, any beach furniture placed on the public beach shall be removed from the
173 public beach within two (2) hours of the declared state of emergency, natural disaster,
174 storm warning, or severe weather alert. Beach furniture shall not be placed on the public
175 beach until such time as the beach is cleaned and/or raked after the emergency, natural
176 disaster, storm, or severe weather event, and the Town Manager or designee advises that
177 beach furniture may be placed on the public beach.
- 178 (i) A request to relocate or remove beach furniture in violation of this article from a code
179 enforcement officer, police or law enforcement personnel, or lifeguard shall be complied
180 with immediately.
- 181 (j) Motorized vehicular traffic and the operation of any motorized vehicles, whether engine,
182 battery or electric-powered, is prohibited on the beach, upon a dune, in an area containing
183 dune vegetation, or in the waters adjacent to the beach. The provisions of this subsection
184 shall not apply to a person acting under authority of or with permission of the Town or
185 other governmental agencies or entities for cleanup, maintenance, repairs, public safety,
186 or emergencies, or to the use of any wheelchair or approved conveyance by an individual
187 with a mobility impairment.
- 188 (k) It is prohibited for any person or entity, including beach furniture operators, to sell, rent,
189 or conduct any business or commercial activity, or to enter into any type of arrangement
190 with other persons or entities including properties on the west side of Collins Avenue,

191 related to beach furniture on the beach, upon a dune, in an area containing dune vegetation,
192 or in the waters adjacent to a beach. Only beach furniture operators are permitted to
193 conduct beach furniture operations on the public beach for their residents and verified
194 guests, and no other person or entity may provide beach furniture services except as
195 permitted in this article. Notwithstanding, this subsection shall not prohibit a hotel or
196 condominium, either itself or through a third party vendor, from providing its verified
197 hotel guests or condominium residents or guests with beach furniture in accordance with
198 the provisions of this article.

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

200 A beach furniture operator must obtain a permit for beach furniture services. A beach furniture
201 operator must procure a local business tax receipt and comply with the regulations of section 70-
202 41 of the Town of Surfside Code and all required licenses or permits from Miami-Dade County,
203 the State of Florida and federal entities.

204 *Application.* A beach furniture operator shall apply annually by August 1 for a beach furniture
205 operator permit on a form prepared by the Town with the applicable permit application fee. For
206 the fiscal year beginning October 1, 2020 and ending September 30, 2021, a beach furniture
207 operator shall apply no later than September 15, 2020 for a beach furniture operator permit. Beach
208 furniture operator permits shall be valid annually from October 1 through September 30.

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

- 210 a. An application fee of \$500.00 for hotels and \$250.00 for condominiums;
- 211 b. Beach furniture operations plan, including specifications on setup, storage, staffing
212 and clean-up, and an evacuation plan, in the event of a natural disaster such as a
213 tropical storm or hurricane, specifying a storage area during the natural disaster;
- 214 c. Signed and sealed survey of the beach furniture operator’s property, which shall
215 depict the dimension of beach frontage; and
- 216 d. Compliance with indemnification and insurance requirements pursuant to section 86-
217 32 of the Town of Surfside Code.

218 (2) A beach furniture operator:

- 219 a. Shall place beach furniture directly seaward of the beach furniture operator’s property
220 and only within an area that is 10 feet north of the seaward extension of the southern
221 boundary and 10 feet south of the seaward extension of the northern boundary of the
222 beach furniture operator’s property in order to allow corridors to the ocean for use,
223 safe access, and enjoyment by the general public.
- 224 b. Shall provide trash receptacles to support beach furniture operations and remove all
225 garbage, trash, litter, and debris contained therein when full. Trash receptacles must
226 be removed from the public beach by the end of the beach operation day. A beach
227 furniture operator shall conduct at least three inspections of the beach, a minimum of
228 three hours apart, to remove any garbage, trash, litter, or debris generated by the
229 beach furniture operator’s activity.

230 c. Shall have no more than 0.30 chairs per lineal foot of beach frontage and 0.15
231 umbrellas per lineal foot of beach frontage within the allowable beach furniture
232 operation allocation area of the public beach at any one time, as depicted on **Exhibit**
233 **A** attached hereto (graphic on Beach Furniture Operation Allocation Area) on file
234 and available for inspection at the Town Clerk's office.

235 d. Notwithstanding the foregoing, in no event shall a beach furniture operator have more
236 than the maximum number of chairs and umbrellas on the public beach at any one
237 time as specified herein and in **Exhibit B** attached hereto (Maximum Beach Furniture
238 Allocation Chart), as may be amended by the Town from time to time, and on file
239 and available for inspection at the Town Clerk's office, unless additional beach
240 furniture is approved by the Town Manager or designee upon a finding in his/her
241 discretion that the beach furniture operator has made written application in advance
242 that demonstrates increased demand for a specified time period and that the additional
243 beach furniture can be reasonably placed within the Beach Furniture Operation
244 Allocation Area.

245 e. Shall be permitted to conduct beach furniture (chair) staging up to 10 chairs
246 maximum at any one time between the hours of 8:00 AM to 6:00 PM, after which
247 time the staging area must be completely broken down and all beach furniture (chairs)
248 must be removed and stored on private property daily. The staging area shall be kept
249 in a compact and orderly configuration, with all beach furniture/chairs stacked when
250 not in use.

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

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

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

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

263 Section 86-32. - Indemnification and insurance.

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

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

- 270 (1) Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence
271 for bodily injury and property damage. The town must be named as an additional insured
272 on this policy, and an endorsement must be issued as part of the policy reflecting
273 compliance with this requirement.
- 274 (2) Workers' compensation and employers' liability as required by the state.
- 275 (c) All policies must be issued by companies authorized to do business in the state and rated
276 B+:VI or better per Best's Key Rating Guide, latest edition.
- 277 (d) The town must receive 30 days' written notice prior to any cancellation, non-renewal or
278 material change in the coverage provided.
- 279 (e) The beach furniture operator must provide and have approved by the town an original
280 certificate of insurance as evidence that the requirements set forth in this section have been
281 met prior to commencing operations.
- 282 (f) Failure to comply with these requirements shall be deemed to be operating without a valid
283 permit and shall cause an immediate suspension or revocation of the permit.

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

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

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

- 290 (1) If the violation is the first violation—\$100.00
- 291 (2) If the violation is the second violation of the original violation for which a \$100 fine
292 was paid within the preceding 12 months—\$250.00
- 293 (3) Any subsequent violation after the second violation of the original violation within the
294 preceding 12 months—\$500.00
- 295 (4) After the third violation for the same violation, a beach furniture operator shall be
296 suspended from beach furniture operations for a period of one year from the date of
297 violation.

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

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

308 Section 86-35. - Reserved.

309 * * *

310 Division 2. – Conduct

311 Sec. 86-36. - Scope.

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

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

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

318 Sec. 86-38. - Picnicking.

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

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

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

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

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

324 Sec. 86-41. - Peddling.

325 No person, firm or entity (other than the Town of Surfside) shall sell, or rent goods or services,
326 or carry on any business on the beaches coming under this division.

327 * * *

328 **Section 3. Codification.** It is the intent of the Town Commission that the provisions
329 of this ordinance shall become and be made a part of the Town’s Code of Ordinances, and that the
330 sections of this Ordinance may be renumbered or relettered, and the word “ordinance” may be
331 changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to
332 accomplish such intentions.

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

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

340 **Section 6. Expiration of Beach Furniture Permit.** The beach furniture operator
341 permit approved by the Town Commission on November 14, 2017 pursuant to Resolution No. 17-
342 2470, shall expire on September 30, 2020 at 11:59 p.m. As of October 1, 2020, no beach furniture
343 operator permits shall be authorized, renewed, or issued unless done in accordance with this
344 Ordinance.

345 **Section 7. Effective Date.** This Ordinance shall become effective immediately upon
346 final adoption on second reading.

347 **PASSED** on first reading on the 25th day of August, 2020.

348 **PASSED AND ADOPTED** on second reading on the 10th day of September, 2020.

349 **First Reading:**

350 Motion by: Vice Mayor Paul

351 Second by: Commissioner Salzhauer

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354 **Second Reading:**

355 Motion by: Mayor Burkett

356 Second by: Commissioner Velasquez

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359 **FINAL VOTE ON ADOPTION**

360 Commissioner Charles Kesl Absent

361 Commissioner Eliana R. Salzhauer Yes

362 Commissioner Nelly Velasquez Yes


363 Vice Mayor Tina Paul Yes

364 Mayor Charles W. Burkett Yes

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Charles W. Burkett
Mayor

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ATTEST:

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Sandra N. McCready, MMC
Town Clerk

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383 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**
384 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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387



388 _____
Weiss Serota Helfman Cole & Bierman, P.L.

389 Town Attorney

Maximum Beach Furniture Allocation Chart

Name	Property Address	Frontage	Rate	Condo Chairs	Hotel Chairs	Umbrellas
1 Champlain Towers South Condo		200	0.3	60		30
2 Solara Surfside Condo/Hotel		100	0.3		30	15
3 Champlain Towers East Condo		200	0.3	60		30
4 Champlain Towers North Condo		200	0.3	60		30
5 Rimini Beach Condo		100	0.3	30		15
6 Mirage Condo		200	0.3	60		30
7 Arte Condo	8955 Collins	100	0.3	30		15
8 Surfhouse Condo		90	0.3	27		13
9 Four Seasons Hotel	9001-9111 Collins	200	0.3		60	30
9 Surf Club Condos		575	0.3	172		86
10 Surf Club Apartments		200	0.3	60		30
11 Seaway Villas Condo/Hotel		150	0.3	45		22
12 Hillcrest by the Sea Co-op Apt.		100	0.3	30		15
13 Carlisle on the Ocean Condo		100	0.3	30		15
14 Waverly at Surfside Condo		100	0.3	30		15
15 Four Winds Condo		150	0.3	45		22
16 Seaside Terrace Condo		50	0.3	15		7
17 Manatee Condo		200	0.3	60		30
18 Town of Surfside (Community Center)		215	0.3		64	32
19 Regent Palace Condo		100	0.3	30		15
20 Marbella Condo		150	0.3	45		22
21 Chateau Ocean Condo		300	0.3	90		45
22 Azure Condo		150	0.3	45		22
23 Beach House Hotel		200	0.3		60	30
24 The Waves Condo		150	0.3	45		22
25 Spiaggia Ocean Condo		100	0.3	30		15
26 Ocean Seven Condo		50	0.3	15		7
27 9500 Oceans Condo		150	0.3	45		22
28 Solimar Condo		400	0.3	120		60
Total:				1279	214	742