

**ORDINANCE NO. 609**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING CHAPTER 1, SECTION 1-3 OF THE CODE OF ORDINANCES TO PROVIDE REVISED DEFINITIONS OF VEHICLE AND MOTOR VEHICLE; AMENDING CHAPTER 62, ARTICLE II, SECTIONS 62-26 THROUGH 62-29 AND 62-31 THROUGH 62-33 OF THE CODE OF ORDINANCES TO PROVIDE FOR REGULATIONS ON BEACHES WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Ocean Ridge Code of Ordinances, Chapter 1, Section 1-3 provides definitions of “vehicle” and “motor vehicle;” and

WHEREAS, the Town of Ocean Ridge Code of Ordinances, Chapter 62, Article II, Sections 62-26 through 62-32 provide for regulations on the beaches within the town; and

WHEREAS, a portion of Chapter 62 regulates the use of vehicles and motor vehicles on beaches; and

WHEREAS, the Town Commission deems it appropriate to more specifically define vehicle, and motor vehicles for more effective enforcement of beach regulations; and

WHEREAS, the Town Commission has determined that it is necessary and appropriate to develop more comprehensive and effective beach management provisions in order to provide recreational opportunities for the public on public beaches while balancing these needs with the rights of beach front property owners; and

WHEREAS, the Town Commission has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:**

**Section 1. Findings of Fact.** The WHEREAS clauses set forth above are adopted herein as findings of fact.

**Section 2. Amendment.** The definition of “motor vehicle” found Chapter 1, Section 1-3 is hereby amended to read as follows:

*Motor vehicle* means and includes any wheeled conveyance propelled by motor, battery, electricity, or any means other than solely by human effort. Motor vehicle shall not include vehicles utilized for the purpose of transporting physically disabled persons.

**Section 3. Amendment.** The definition of “vehicle” found in Chapter 1, Section 1-3 is hereby amended to read as follows:

*Vehicle* means any wheeled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance, including but not limited to bicycles and motor vehicles. Vehicle shall not include any boat or vessel as defined below and regulated by chapter 62 of this Code. Vehicle shall not include baby carriages, strollers, wheelchairs or other devices used solely to transport small children or disabled persons.

**Section 4. Amendment.** Chapter 62, Article II, Section 62-26 is hereby amended to read in its entirety as follows:

62-27-Applicability.

All persons using any beach within the town shall comply with and abide by the rules and regulations of this chapter. All persons using the private beaches located within the town shall comply with these regulations where applicable.

**Section 5. Amendment.** Chapter 62, Article II, Section 62-27 is hereby amended to read in its entirety as follows:

Sec. 62-27. –Vehicles.

(a) Generally. The stopping, standing, parking or operation of any vehicle upon the ocean beaches or the banks and dunes adjacent thereto within the limits of the town is a nuisance *per se*.

(b) Prohibited; exemption. It shall be unlawful for any person to stop, stand, park or operate any vehicle upon the ocean beaches or the banks and dunes adjacent thereto within the limits of the town; provided, however, nothing in this section shall prevent:

(1) Official vehicles of a government agency from traversing the beaches, banks or dunes in the performance of official governmental duties;

(2) Nongovernmental vehicles from traversing the beaches, banks or dunes for purposes of maintenance and/or preservation of same as authorized or required by a government agency; or

(3) Vehicles utilized for the purpose of transporting a physically disabled person who would otherwise be incapable of accessing and traveling upon the beach without such assistance, from traversing the beaches and access points thereto.

(c) Presumption regarding violations. In any prosecution charging a violation of a provision of this section or other ordinance governing the stopping, standing, parking or operating of a vehicle, proof that the particular vehicle described in the complaint was parked or operated in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was at the time of such parking or operating the registered owner of such vehicle, shall constitute in evidence a *prima facie* presumption that the registered owner of such vehicle was the person who stopped, stood, parked or operated such vehicle at the point where and for the time during which such violation occurred.

(d) Penalty. A person found to be in violation of the terms of this section shall be subject to the provisions of section 1-13.

**Section 6. Amendment.** Chapter 62, Article II, Section 62-28 is hereby amended to read in its entirety as follows:

**Sec. 62-28. – Animals.**

- a) *Public Portions of Beaches Within the Town.* No person shall take any animal upon the public portions of any beach within the town. Animals are determined to be a per se nuisance when on the beach, even if such animal is leashed. This section does not apply to service animals as defined by the Americans with Disabilities Act.
- b) *Private Beaches.* On the portions of any beach within the Town that are private property, animals may only be on the beach with the consent of the owner or occupant of the private property. Animals on private property shall at all times remain within the boundaries of private property and under the control of the animal's owner or caretaker. The owner or occupant of the private property shall ensure the any offal, feces, or excretia of the animal is removed and disposed of in a sanitary manner.

**Section 7. Amendment.** Chapter 62, Article II, Section 62-29 is hereby amended to read in its entirety as follows:

**Sec. 62-29. – Littering.**

- a) *Public Portions of Beaches Within the Town.* No person shall leave, place, or deposit on any public portions of any beach within the town any trash, refuse, or debris, including but not limited to loose papers, cans, or bottles. All persons shall deposit such materials in the receptacles prepared therefor, when such receptacles are available. When no such receptacle is available, or if the receptacle is full, all trash, refuse or debris must be removed from the beach.
- b) *Private Beaches.* On the portions of the beach that are private property, no person shall place or deposit on any such beach any trash, refuse or debris, including but not limited to loose papers, cans, or bottles. Further, the owner of the private property shall not allow trash, refuse or debris to remain on his or her property for a period of time greater than three days after notification by the town. Any such trash, refuse or debris located upon private beachfront property shall be properly disposed of in a manner otherwise provided by the codes and regulations of the town.

**Section 8. Amendment.** Chapter 62, Article II, Section 62-31 is hereby amended to read in its entirety as follows:

**Sec. 62-31. – Obedience to lifeguards.**

Every person using the public portion of any beach within the Town shall obey all commands of any lifeguards in charge of such beaches, regardless of whether such lifeguards are employed by the town directly.

**Section 9. Amendment.** Chapter 62, Article II, Section 62-32 is hereby amended to read in its entirety as follows:

**Sec. 62-32.** – Possession or deposit of glass on beach; prohibited.

It shall be unlawful for any person to possess or deposit a glass container, or any other item made of glass on the public portions of any beach within the town. On the portions of the beach that are determined to be private property, no person shall leave or abandon any glass container or any other item made of glass. Further, the owner of the private property shall not allow glass containers or items to remain on his or her property for a period of time greater than three days after notification by the town.

**Section 10. Amendment.** Chapter 62, Article II, Section 62-33 is hereby amended to read in its entirety as follows:

**62-33-** Disturbing the peace at beach within the town.

- (a) *Noise and Language.* It shall be unlawful for any person to disturb the peace of any of the inhabitants or residents of the town at or in the vicinity of any beach or inlet within the town by using loud, boisterous or obscene language or loud singing or in any other manner which could be construed to be a breach of the peace.
- (b) *Lewd or Lascivious Behavior; Nudity; Urination and Defecation.* It shall be unlawful for any person to engage in lewd or lascivious behavior on any beach within the town, including those portions of the beach that are determined to be private property. It shall be unlawful for any person to expose their genitals, and, if such person is female, breasts, on any beach within the town, including those portions of the beach that are determined to be private property. It shall be unlawful to urinate or defecate on any beach within the town, including those portions of the beach that are determined to be private property.

**Section 11. Severability.** In the event any section, paragraph, sub-paragraph, sentence, clause, phrase or word of this Ordinance shall be declared invalid, illegal or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

**Section 12. Repeal of Ordinances.** Any ordinance in conflict herewith, to the extent of such conflict, is hereby repealed.

**Section 13. Codification.** This Ordinance shall be incorporated in and shall be included in the Town's Code of Ordinances.

**Section 14. Effective Date.** This Ordinance shall become effective immediately upon adoption.

FIRST READING this 11th day of August, 2014.

SECOND AND FINAL READING this 9th day of September, 2014.

Commissioner \_\_\_\_\_ offered the foregoing Ordinance and its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

GEOFFREY A. PUGH, Mayor \_\_\_\_\_

DR. LYNN ALLISON, Vice Mayor \_\_\_\_\_

GAIL ADAMS AASKOV, Commissioner \_\_\_\_\_

JAMES A. BONFIGLIO, Commissioner \_\_\_\_\_

RICHARD J. LUCIBELLA, Commissioner \_\_\_\_\_

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 9th day of September, 2014.

TOWN OF OCEAN RIDGE, FLORIDA

BY: \_\_\_\_\_  
GEOFFREY A. PUGH, MAYOR

ATTEST: \_\_\_\_\_