

Ordinance 2019-16

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, PROVIDING FOR REPEAL OF ORDINANCE 2018-07 AND CHAPTER 94, ARTICLE III, DIVISION 1, SECTIONS 94-74 THROUGH 94-79 OF THE CITY'S CODE OF ORDINANCES RELATING TO CUSTOMARY USE OF BEACHES AND PUBLIC ACCESS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the 2018 Legislature adopted CS/HB 631 regarding regulation of dry sandy areas of beaches, subject to the customary use by the public for recreation and other customary uses;

WHEREAS, the City Commission adopted Ordinance 2018-07 regarding customary use to preserve the city's right to raise customary use as a defense in a legal proceeding;

WHEREAS, the City Commission of the City of St. Pete Beach believes it is in the best interest of the City to update its code regarding the customary use of beaches and public access; and

WHEREAS, the contents of Ordinance 2018-07 and Chapter 94, Article III, Division 1, Sections 94-74 through 94-79 are no longer applicable and enforceable pursuant to Florida Statutes § 163.035(2).

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. That the Code of Ordinances, City of St. Pete Beach, Florida, is hereby amended as follows:

Chapter 94 – WATERWAYS

ARTICLE III – BEACHES

DIVISION 1 – GENERALLY

Sec. 94-74. – Reserved.

SECTION 2. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 5. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 6. Effective Date. This ordinance shall take effect immediately upon adoption.

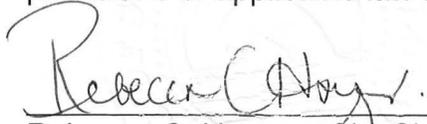
FIRST READING: **10/22/2019**
PUBLISHED: **11/01/2019**
SECOND READING: **11/12/2019**
PUBLIC HEARING: **11/12/2019**

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.



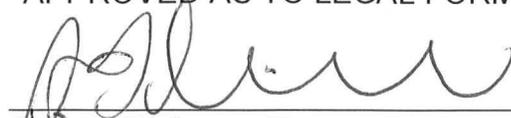
Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this **12th** day of November, 2019.



Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:



Andrew Dickman, Esq.
City Attorney