

CITY OF MARCO ISLAND
ORDINANCE NO. 99- 4

AN ORDINANCE ESTABLISHING A CITY OF MARCO ISLAND VEHICLES ON THE BEACH REGULATIONS; ESTABLISHING INTENT AND PURPOSE; PROVIDING TITLE AND CITATIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR PROHIBITIONS; PROVIDING FOR VEHICLE EXEMPTIONS, VEHICLES THAT REQUIRE PERMITS, PROCEDURES AND CONDITIONS; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; PROVIDING PENALTIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Marco Island is blessed with beautiful beach areas which provide recreational opportunities for both residents and visitors alike; and,

WHEREAS, the beach areas of Marco Island play an integral role in the ecosystems of our natural environment, and provide an important habitat for many native and migratory species, including marine turtles; and,

WHEREAS, the City of Marco Island desires to provide appropriate regulations to protect the natural environment of the beach while recognizing the economic importance of commercial activities which may be permitted to occur on the beach; and,

WHEREAS, the use and restriction of vehicles used in conjunction with lawfully permitted beach operations is an appropriate measure to protect the natural environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MARCO ISLAND, FLORIDA, THAT:

SECTION ONE: INTENT AND PURPOSE

It is the intent and purpose of this Ordinance to protect and promote the health, safety and welfare of the public at large, including residents and visitors to the City of Marco Island, by providing reasonable regulation of vehicles that may be allowed to operate on the beach, including limitations and restrictions during sea turtle nesting season. It is further intended that this Ordinance shall be liberally construed to effect such intent and purpose.

SECTION TWO: TITLE AND CITATION

This Ordinance shall be known and may be cited as the "City of Marco Island Vehicles on the Beach Regulations".

SECTION THREE: APPLICABILITY

This Ordinance shall apply to and be enforced within the corporate limits of the City of Marco Island.

SECTION FOUR: UNLAWFUL TO DRIVE ON SAND DUNES OR BEACH OR TO DISTURB SAND DUNE

It shall be unlawful to:

- (1) Operate or cause to be operated a hand-, animal- or engine-driven wheeled, tracked or other vehicle on, over or across any part of the sand dunes, hill or ridge nearest the gulf, or the vegetation growing thereon or seaward thereof, or to operate or drive such a vehicle without a permit or authorized exemption, on the area commonly referred to as the "beach" within Marco Island.
- (2) To alter or cause to be altered any sand dune or the vegetation growing thereon or seaward, make any excavation, remove any material, trees, grass or other vegetation or otherwise alter existing ground elevations or conditions of such dune without first securing a permit.

SECTION FIVE: VEHICLES EXEMPT FROM PERMITTING, VEHICLES REQUIRING PERMITS, PROCEDURES AND CONDITIONS

(1) Exemptions:

a) City, sheriff, state and federal public safety vehicles are exempt from permits and may be operated on the beach as long as they are operated or authorized by officers of these departments under orders in the normal course of their duties. Vehicles used for emergency environmental cleaning and turtle monitoring are also exempt.

b) Baby buggies (perambulators), toy vehicles, toy wagons, wheelchairs or similar devices to aid mobility challenged or non-ambulatory persons shall be exempt.

(2) Permits Required:

a) Owners or operators of vehicles used on the beach in connection with environmental, conservation, lawfully permitted beach vendor operations, construction, or property maintenance operations, must obtain a permit from the Community Development Director or his designee, and said permit is prominently displayed on the windshield or attached to such vehicle and kept with the vehicle and available for inspection.

(3) Procedure To Obtain Required Permit:

a) For all vehicles requiring a permit, such permit shall be by application to the Community Development Director in writing stating the reason or reasons why it is necessary for such vehicle or vehicles to be operated on the beach, and whether such vehicle or vehicles need to be operated during sea turtle nesting season. If so, the application should suggest minimum hours of operation during that period. The community development director shall issue a permit for such vehicle or vehicles if the director is satisfied that a lawful and necessary purpose will be served and all conditions are met. A schedule of permit fees will be established by City Council by resolution; and may be changed or amended by subsequent resolutions.

(4) Conditions For Vehicles That Require Permits:

a) All vehicles requiring a permit shall have wide, low footprint pressure tires. Except for emergency vehicles, all other vehicles will be limited to 10 mph.

b) Vehicles, which must travel on the beach in conjunction with a special event, must first obtain a temporary use permit from the community development department.

c) All other permits to allow operation of vehicles on city beaches shall expire on April 30, of each year, to coincide with the beginning or sea turtle nesting season.

d) During sea turtle nesting season, May 1 through October 31, of each year, vehicles which must travel on the beach in connection with environmental, conservation, lawfully permitted beach vendor operations, construction, and property maintenance operations shall not operate on the beach until 1) after a daily sea turtle monitoring has been conducted by a state certified sea turtle permit holder, or 2) 8:00 AM, whichever occurs first. Operators should additionally consult their permit for other restrictions on normal operations that may apply during sea turtle nesting season. Vendors on the beach will be required to maintain a prudent distance between any marked sea turtle nest and their merchandise and vehicles.

SECTION SIX: INCORPORATION, CONFLICT AND SEVERABILITY

[1] It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this

Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

[2] All sections or parts of sections of the Code of Laws and Ordinances of Collier County, Florida, all Collier County ordinances or parts of ordinances and all Collier County resolutions or parts of resolutions made applicable by the City Charter in conflict herewith are hereby repealed to the extent of such conflict.

[3] If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid by any court or competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION SEVEN: PENALTIES FOR VIOLATION

[1] Pursuant to Section 162.22, Florida Statutes, a person found to be in violation of this Ordinance may be charged a fine, not to exceed \$500.00, and may be sentenced to a definite term of imprisonment, not to exceed 60 days.

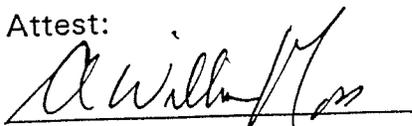
[2] Violation of this Ordinance may also be prosecuted before the Marco Island Code Enforcement Board.

SECTION EIGHT: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Marco Island City Council.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 1st day of March, 1999.

Attest:



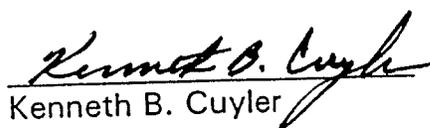
A. William Moss
City Manager, City Clerk

CITY OF MARCO ISLAND, FLORIDA



David E. Brandt, Chairman

Approved as to form and
Legal sufficiency:



Kenneth B. Cuyler
City Attorney

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57782749 98-25 SECOND READING

State of Florida
County of Collier

Before the undersigned authority, personally appeared Angela Bryant, who on oath says that she serves as Assistant Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 11/22

AD SPACE: 48.000 INCH
FILED ON: 11/23/98

98-25
SECOND READING
& PUBLIC HEARING
ORDINANCE NO. 98-25
CITY OF MARCO ISLAND
The City Council of Marco
Island, meeting in regular
session at 6:00 p.m., on
December 7, 1998, at the
Marco Island YMCA, 101
Sand Hill Street, Marco Is-
land, Florida, will consid-
er:
AN ORDINANCE ES-
TABLISHING A CITY OF
MARCO ISLAND VEHI-
CLES ON THE BEACH
REGULATIONS; ES-
TABLISHING INTENT
AND PURPOSE; PRO-
VIDING TITLE AND CI-
TATIONS; PROVIDING
FOR APPLICABILITY;
PROVIDING FOR PRO-
HIBITIONS; PROVIDING
FOR VEHICLE EXCEP-
TIONS AND VEHICLES
THAT REQUIRE PER-
MITS; PROVIDING FOR
BEACH RAKING AND
MECHANICAL BEACH
CLEANING; PROVID-
ING FOR OPERATION
OF VEHICLES ON THE
BEACH DURING SEA
TURTLE NESTING
SEASON; PROVIDING
FOR INCORPORATION,
CONFLICT AND SEVE-
RABILITY; PROVIDING
PENALTIES; PROVID-
ING AN EFFECTIVE
DATE.
Members of the Public
are invited to make oral
or written comments in
regards to this Ordinance.
Nov. 22 No. 1311295

Signature of Affiant

Angela K. Bryant

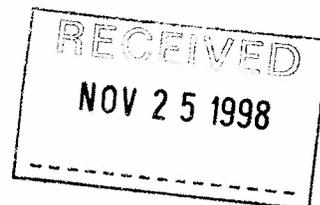
Sworn to and Subscribed before me this 24 day of Nov 1998

Personally known by me

Joyce E. Blazier



Joyce E. Blazier
MY COMMISSION # CC702521 EXPIRES
April 10, 2002
BONDED THRU TROY FAIN INSURANCE, INC



Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57780317 NOTICE OF PUBLIC HEA

State of Florida
County of Collier

Before the undersigned authority, personally appeared Angela Bryant, who on oath says that she serves as Assistant Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 11/16

AD SPACE: 28.000 INCH
FILED ON: 11/17/98

NOTICE OF
PUBLIC HEARING
The Marco Island City Council will conduct a public hearing on Monday, December 7, 1998 in regard to the following: Ordinance establishing vehicles on the beach regulations for the City of Marco Island. The proposed ordinance will in effect revise and replace the current regulations found within Section 3.14 of the Collier County Land Development Code (LDC). The public hearing will be held at the YMCA located at 101 Sandhill Street at 6:00 PM, December 7, 1998. This is a public meeting. All interested parties are encouraged to attend. Written and oral comments will be entered into the record.
Nov. 16 No. 1306584

Signature of Affiant *Angela Bryant*
Sworn to and Subscribed before me this 17 day of Nov 1998
Personally known by me *Joyce E. Blazier*



Joyce E. Blazier
MY COMMISSION # CC702521 EXPIRES
April 10, 2002
BONDED THRU TROY FAIN INSURANCE, INC.

RECORDED
NOV 19 1998

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57823040 NOTICE OF PUBLIC HEA

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the Assistant Corporate Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of Advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 02/05

AD SPACE: 29.000 INCH
FILED ON: 02/05/99

NOTICE OF PUBLIC HEARING
The Marco Island City Council will conduct a public hearing on Tuesday, February 16, 1999 in regard to the following: Ordinance establishing regulations for the City of Marco Island. The proposed ordinance will in effect revise and replace the current regulations found within Section 3.14 of the Collier County Land Development Code (LDC). The public hearing will be held at the YMCA located at 101 Sandhill Street at 6:00 PM, February 16, 1999. This is a public hearing. All interested parties are encouraged to attend. Written and oral comments will be entered into the record.
Feb. 5 No. 1354843

Signature of Affiant B. Lamb
Sworn to and Subscribed before me this 5th day of Feb 1999
Personally known by me Joyce E. Blazier



Joyce E. Blazier
MY COMMISSION # CC702521 EXPIRES
April 10, 2002
BONDED THRU TROY FAIN INSURANCE, INC.

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

RECEIVED
FEB 16 1999

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57825705 NOTICE OF PUBLIC HEA

State of Florida
County of Collier

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Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 02/11

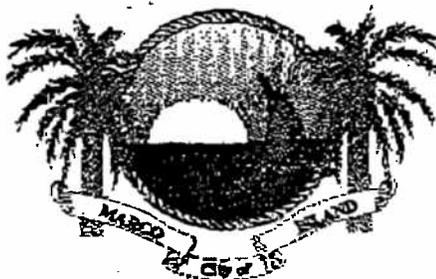
AD SPACE: 35.000 INCH
FILED ON: 02/11/99

Second reading of an ordinance establishing a City of Marco Island Vehicles on the Beach Regulations; which includes provisions allowing vehicles which are used in conjunction with lawfully permitted beach vendor operations, and vehicle operations during sea turtle nesting season. The public hearing will be held at YMCA, 101 Sandhill Street, at 6:00 PM. This is a public meeting. All interested parties are encouraged to attend. Written and oral comments will be entered into the public record. Questions regarding this matter should be directed to Greg Niles, Community Development Director, at 389-5000. Feb. 11 No. 1359237

Signature of Affiant B. Lamb
Sworn to and Subscribed before me this 11 day of Feb 1999
Personally known by me Joyce E. Blazier

 Joyce E. Blazier
MY COMMISSION # CC702521 EXPIRES
April 10, 2002
BONDED THRU TROY FAIN INSURANCE, INC.

THE CITY OF MARCO ISLAND



1359237

FAX TRANSMITTAL

To: Joyce Blazier

From: Laura Litzan,
DEPUTY CITY CLERK
City of Marco Island

Phone: 263-4869

Pages: 3

Fax: 263-4864

Date: 2-16-99

Publication Publication Change Please Confirm

Document(s) Attached	Publish Date	Revd by
1) See attached - The first line was left off - Please publish at no charge on this date	2/19/99	lgl - no problem - sorry about that - she's working on it.
2)		
3)		

- 1) See attached -
The first line was
left off - Please
publish at no charge
on this date
- 2)
- 3)

Publish Date

Revd by

2/19/99

lgl -
no problem -
sorry about
that - she's
working on it.

Please
return

Please confirm by 1. Initialing in "Revd by" column; and 2. Faxing cover sheet to the Deputy City Clerk (389-4359) immediately upon receipt. PLEASE PHONE 389-5010 IMMEDIATELY TO ADVISE OF ANY PROBLEMS WITH TRANSMISSION

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57830863 NOTICE OF PUBLIC HEA

State of Florida
County of Collier

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PUBLISHED ON: 02/19

AD SPACE: 35.000 INCH
FILED ON: 02/19/99

Signature of Affiant B. Lamb

Sworn to and Subscribed before me this 19 day of Feb 1999

Personally known by me Joyce E. Blazier



Joyce E. Blazier
MY COMMISSION # CC702521 EXPIRES
April 10, 2002
BONDED THRU TROY FAIN INSURANCE, INC

NOTICE OF
PUBLIC HEARING
The Marco Island City Council will conduct a public hearing on Monday, March 1, 1999 in regard to the following: Second reading of an ordinance establishing a City of Marco Island Vehicles on the Beach Regulations; which includes provisions allowing vehicles which are used in conjunction with lawfully permitted beach vendor operations, and vehicle operations during sea turtle nesting season. The public hearing will be held at YMCA, 101 Sandhill Street, at 6:00 PM. This is a public meeting. All interested parties are encouraged to attend. Written and oral comments will be entered into the public record. Questions regarding this matter should be directed to Greg Niles, Community Development Director, at 389-5000.
Feb. 19 No. 1365456