

ORDINANCE NO. 851

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA, AMENDING THE BEACH AND DUNE PROTECTION ZONE IN SECTION 4.03.04C (CODIFYING ORDINANCE NO. 711); ADDING CHAPTER 99 TO THE CITY OF MEXICO BEACH CODE TO CREATE TO BE ENTITLED "BEACH AND DUNE PROTECTION," RELATING TO PROTECTION OF THE CITY'S BEACHES AND DUNES; ESTABLISHING THE PURPOSE AND INTENT OF THE CHAPTER, CREATING DEFINITIONS, PROHIBITING CERTAIN ACTIVITIES IN ORDER TO PROTECT THE CITY'S DUNE SYSTEM, IDENTIFY PERMITTED ACTIVITIES, AND PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, climate change, sea level rise, and beach erosion all potentially threaten the coastal protection of the City of Mexico Beach ("City");

WHEREAS, beaches and dunes are a strategic aspect of the green infrastructure of the City, which safeguard upland properties from the effects of storm surge during storm events;

WHEREAS, Section 161.053(2)(a), Florida Statutes, in pertinent part, prohibits any person, firm, corporation, or governmental agency from making any excavation, removing any beach material, or otherwise altering existing ground elevations, driving any vehicle on, over, or across any sand dune; or damaging such sand dune or the vegetation growing thereon; and

WHEREAS, the City Council desires to adopt regulations that protect the City's dune system, and prohibit unauthorized or disturbing activities that may lead to the degradation of the natural or restored dune resources.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA, AS FOLLOWS:

Section 1. Section 4.03.04C of the City's Code of Ordinances (codifying Ordinance No. 711) is hereby amended as follows:

C. Beach and Dune Protection Zone

1. There is hereby created the "Beach and Dune Protection Zone" in which special restrictions on development apply.

2. The Beach and Dune Protection Zone boundaries encompass beaches and dunes ~~designated "Preservation" on the Future Land Use Map of the Comprehensive Plan~~ owned or controlled by the City south of U.S. 98 between Gulf County line on the east and the western City limit. ~~The "Preservation" designation encompasses lands~~

~~south of U.S. 98 between 8th Street and the eastern City limit and lands seaward of the Coastal Construction Control Line (CCCL). The City shall redefine its the entire foregoing area and any future beach and dune area that may be owned or controlled by the City as having a "Preservation" designation on the City's Future Land Use Map of the Comprehensive Planany changes to the area upon any change to the boundaries of the CCCL.~~

Section 2. Creation. Chapter 99 of the Code of the City is hereby created as follows:

## **CHAPTER 99: BEACH AND DUNE PROTECTION**

### **§ 99.01. PURPOSE AND INTENT.**

The purpose of this chapter is to establish reasonable regulations that will protect the public investment in the beaches and dunes, protect public and private infrastructure, and minimize expenditure of public funds for costly storm recovery projects due to adverse impacts associated with storm surge or wave action resulting from impairment of, or damage to, protective dune resources. The provisions hereof are in addition to other provisions of the Code of Ordinances ("Code") and the City's Land Development Code ("LDC"). The regulations are intended to encourage the growth, expansion, and vitality of the dune system, preserve endangered and threatened wildlife, prevent harm or degradation to the valuable and protective vegetative sand dune resources from unauthorized foot or vehicular traffic, unauthorized digging, mining or other unauthorized construction activity, installation of vegetation inconsistent with sand dune systems, pet activity, or other unauthorized or disturbing activities that may lead to the gradual, immediate, or cumulative degradation of the natural or restored dune resources. This article is intended to achieve these purposes by:

- (1) Prohibiting unauthorized activities in the dunes that threaten the integrity of the dune system; and
- (2) Identifying and mitigating damaging, unacceptable, and detrimental activities within the dune system.

### **§ 99.02. SCOPE.**

This chapter applies to all areas of the City within the Beaches and Dune Protection Zone as defined in Section 4.03.04C of the Code.

### § 99.03. DEFINITIONS.

In the addition to the definitions found elsewhere in this Code but in the case of conflicts the provisions of this chapter shall prevail, the following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized Vehicular Traffic means use of personal vehicles, equipment, or utility terrain vehicles ("UTVs") that have been approved for use on the beach, including government marked vehicles, public safety vehicles, and vehicles permitted for temporary access under a concession agreement or special event permit.

Beach Equipment means any man-made apparatus or paraphernalia designed and manufactured for use, or actually used on the beach, or in the adjacent tidal water, including but not limited to chairs and lounges, umbrellas, sailing vessels up to 16 feet in length, personal watercraft, canoes, kayaks, paddles vessels, sailboards, surfboards, fishing gear, sporting equipment, floatable devices, tents and bicycles.

Department means the Public Works Department of the City.

Dune crossover or dune walk-over means the path intersecting the dune system which is designated by the City for beach access.

Excavation means the removal or alteration of dunes and dune vegetation and scraping, grading, or dredging a site.

Green Infrastructure means both the natural environment and engineered systems to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife.

Regular maintenance activities include but are not limited to mowing, edging, line trimming, irrigation system operation maintenance/repair, litter retrieval and waste and disposal, pruning, mulching, weeding, landscape maintenance, pesticide and fertilizer application, replacement of plants as required, and rope and post maintenance, as conducted by the City contractors and employees. All routine landscape maintenance services for the dune should follow the guidelines of the City.

Restoration means the full removal and off-site disposal of non-native invasive, and/or pest plant species.

Staging or staging area means a location where people, vehicles, equipment, and materials are assembled before use.

Substantial improvement means the creation of vehicular or pedestrian trails, landscape work that adversely affects dunes or dune vegetation, and increases the size of any structure.

Wildlife means those native species who live and grow in the dune system, including birds, reptiles, mammals, insects that are found in a natural dune ecosystem throughout Northwest Florida.

#### **§ 99.04. PROHIBITED ACTIVITIES.**

- (a) It shall be unlawful and prohibited for any person to conduct or permit to be conducted by any of the following activities upon the dunes:
- (1) Harass, molest, or disturb wildlife and plant vegetation;
  - (2) Maintain a dump of, or discard of, of sand, rock, or other debris;
  - (3) Leave human or animal waste;
  - (4) Discard or abandon animals;
  - (5) Excavate, mine and remove, or haul sand or soil from the beach or dune;
  - (6) Plant vegetation, except as (i) permitted under the Beachfront Management Plan (which includes the Dune Management Plan), and (ii) approved by the Department Director;
  - (7) Relocate or remove vegetation, except as approved by the Department Director;
  - (8) Store beach equipment, tents, or other materials in the vegetated dune area.
  - (9) Destroy, mutilate, break, move, tear up, carry away, harvest, traverse upon, or alter in any manner any dune and/or beach vegetation, fencing, rope and post, public access structures, public beach structures, or fixtures occurring naturally or planted or erected by the City or its agents;
  - (10) Walk or traverse in the dune except through designated dune walkovers or through approved beach access points;
  - (11) Drive or operate a motor vehicle;
  - (12) State or place any material or equipment, including for construction activities;
  - (13) Construct any improvement except in accordance with the LDC;
  - (14) Operate, conduct or locate a business; or
  - (15) Light or maintain any open fire.

**§ 99.05. PERMITTED ACTIVITIES.**

- (a) Foot (pedestrian) traffic and authorized vehicular traffic permitted in designated dune crossovers or other designated beach access points.
- (b) Organized volunteer dune restoration and planting events may be permitted and are subject to the approval of the Department Director.
- (c) All work in the dune must comply with the guidelines of the City.
- (d) Any work conducted in the dune as required by FDEP through the Coastal Construction Control Line Permit Program shall require the prior written approval of the Department Director. A City right-of-way permit shall be required prior to the commencement of any work in the dunes. Any work conducted in the dunes shall be required to comply with the guidelines established from time to time by the City.
- (e) Maintenance pruning may be requested by adjacent upland properties. Such request shall be made to the Department Director and will be reviewed and approved on a case-by-case basis. Maintenance pruning work may only be conducted by City staff or its contractors, unless otherwise approved by the Department Director.
- (f) City contractors and employees are permitted in the dunes to conduct regular maintenance activities associated with vegetative maintenance authorized by the City and regular cleanliness management.
- (g) Persons with valid beach vending permits shall access any permitted local only through approved beach access walkways or sites.
- (h) One permitted walkover, either built with a valid permit or natural, to access the beach from each upland property.

**Sec. 99.06. ENFORCEMENT AND PENALTIES.**

- (a) Fines collected under the chapter may be used for improvements that protect and enhance the City's dune system.
- (b) The procedures for handling a violation of this chapter shall be the same as any other civil violation of the Code or LDC of

the City including but not limited to any required notices, hearings and/or appeals.

(c) Any person or persons violating this chapter is guilty of a misdemeanor of the second degree, punishable as provided by state statutes. Each person found in violation of this chapter shall be fined for each separate offense a fine of \$500.00.

(1) Unpaid fines shall accrue interest at the highest rate authorized by Florida law.

(2) A certified copy of the order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months following the recording of any such lien that remains unpaid, the City may foreclose or otherwise execute upon the lien for the amount of the lien, plus accrued interest, collection costs, and attorneys' fees.

(3) The violator is responsible for reimbursement to the City of all investigative and restoration costs incurred by the City. Costs shall include, but are not limited to, cost of equipment operation and maintenance associated with the investigation or restoration, cost of materials used in the investigation, personal cost of contract services, re-planting costs, and labor costs.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance. If any

penalty of this section is deemed inconsistent with any Florida Statute, the provisions of the Florida Statute shall prevail.

Section 4. Scrivener's Errors. The City Attorney may correct any scrivener's errors found in this Ordinance, without public hearing, by filing a corrected copy of the Ordinance with the Clerk. A scrivener's error may not include an amendment that changes the context or meaning of the Ordinance.

Section 5. Ordinance to be Liberally Construed. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

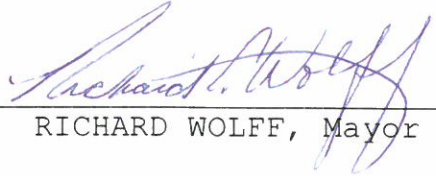
Section 6. Codification. The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. Repeal of Conflicting Codes, Ordinances, and Resolutions. All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Mexico Beach, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

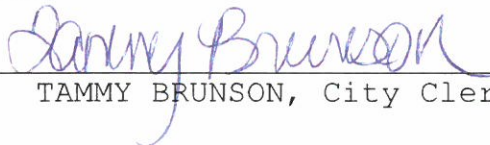
Section 8. Effective Date. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City  
of Mexico Beach, Florida as of this 25th day of March, 2025.

CITY OF MEXICO BEACH, FLORIDA

By:   
RICHARD WOLFF, Mayor

ATTEST

By:   
TAMMY BRUNSON, City Clerk

\*In this Ordinance, language added to an existing  
section is printed in underscored type, and language  
deleted is printed in ~~struck through type~~.