

Rules and Regulations City of Anna Maria

Intent

It is the intent of the City of Anna Maria and goal to provide citizens with a safe environment in which recreational opportunity can be maximized. Due to the wide variety of patron needs and use of City property, it is necessary to establish the following rules and regulations at area beaches and parks. Local authorities can enact more stringent regulations under Florida State Statute 316.008. Please refer to the current code and laws within the city of Anna Maria. The City of Anna Maria lists its city codes and ordinances at: <http://www.cityofannamaria.com> 321655.html and <http://library8.municode.com>

1.0 HOURS OF OPERATION

1.1 Parks and recreation facilities will be open as posted on buildings or entrance areas. Bayfront Park closes at 10:00 PM . City of Anna Maria Ordinances Sections 38-30--38-50. Reserved.

Article III. Bayfront Park

1.2 No person shall remain in any park or facility after the park or facility is closed, except in an area specifically designated by the City as an area where persons may remain after the park or facility is closed to the public.

1.3 Any section or part of any park or facility may be declared closed to the public at any time or limited to certain users or times as public interest demands or safety and security indicates.

2.0 PARK PROPERTY

2.1 Buildings and Other Property. All park property, facilities and equipment shall be used for the purpose for which it was designed.

2.2 Social Services. Parks shall be used for recreation and relaxation, ornament, light and air for the general public. Parks shall not be used for business or social service purposes unless authorized pursuant to a written agreement with City.

As used herein, social services shall include, but not be limited to, the provision of food, clothing, shelter or medical care to persons in order to meet their physical needs.

2.3 Trees, Shrubbery, Lawns, etc. No person shall cut, carve or injure the bark or break off the limbs or branches, or mutilate in any way or pick the flowers or seeds of any tree or plant existing on City property. Nor shall any person dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area. Removal of any plant material from City property, City parks or park facilities, without the Parks and Recreation Department's prior approval, is strictly prohibited.

2.4 Wild Animals, Birds, Fish, etc. No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw any object which may harm any mammal, bird, reptile or amphibian.

Fishing is permitted in designated areas as long as it is in accordance with state law provisions and regulations.

2.5 Dogs and domesticated animals. Dogs, cats and domesticated animals of any kind are not allowed on the beach or at Bay Front Park, the Anna Maria City Pier or the Rod and Reel Pier. Assistance, service, police K-9, rescue, and fire dogs are allowed with handlers.

3.0 FIREWORKS

3.1 No person shall discharge any fireworks in any City Park , beach or within any part or portion of the City limits of Anna Maria unless done as part of a special event authorized by the City Commission. Fireworks shall mean any combustible or explosive composition or substance or combination of substance or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation as defined by Manatee County Ordinance Number 04-27. Under that ordinance it is illegal to discharge fireworks at the beach, in your yard, in a field, on a street, or any public or private location within Manatee County unless and until you have obtained a public display permit. Information the fireworks ordinance can be obtained by a link at [www.mymanatee.org /fireworks .html](http://www.mymanatee.org/fireworks.html). Any possession is subject to a \$500.00 fine and by confiscation by city deputies and fire officials. You are allowed to have sparklers. A “sparkler” means a device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is hand held or ground based, cannot propel itself into the air, and contains not more than 100 grams of the chemical compound which produces sparks upon burning.

4.0 NUISANCES

4.1 Pets. No person shall bring into, permit, have, or keep in any park or City facility any dog, cat, pet of any kind or other animal. This includes Anna Maria Beach and any beach area. Dogs are permitted throughout the city on city right of way and roadways. City deputies will respond to violations of any city ordinance regarding pets on the beach or in the park. Citations can be written and the animal can be impounded by the deputy and transported to an animal control facility by a Manatee County Animal Control Officer. Deputies will also respond to animals in distress, any animal cruelty allegation, dog bite ,or any other complaint other than barking dogs. www.mymanatee.com has information on animal control cases, vicious dogs, and the complaint forms, laws, and county ordinances. The city of Anna Maria is just like all other cities in the county; animal control cases are referred to the Manatee County Public Safety Animal Services Section.

Other animal nuisance complaints are handled by the Manatee County Animal Services Department. Their website lists the proper forms that need to be notarized and filed out before any allegation is made. City deputies do not pickup, transport, house, or feed any animals. There is no impound area within the city to house animals. City Deputies are not trained animal control officers and will not pick up strays. The city does not have pens and traps for rats, raccoons, coyotes, dogs, or cats. City deputies do not carry control equipment and tranquilizer guns. **City Deputies do not respond to barking dog complaints. Allegations of continuous barking and noise are made through Manatee County Animal Services and by statute and ordinance require two complainants.** City of Anna Maria City Code Sec. 14-62. Nuisance dogs and cats. By state statute and county ordinance you are not allowed to leave your dog or cat unattended in any vehicle for any length of time. Deputies are allowed by state statute to rescue your dog or cat if it is in a vehicle. Deputies can use any safe means to facilitate this including the removal of your vehicle or your car’s windows.

City Deputies do not respond to wildlife violations unless there is a personal safety issue. Deputies do not trap, transport, kill, euthanize, or tranquilize wild animals. They are not trained or equipped to do so. Call Manatee County Animal Services at 742-5933. They can also be reached at www.mymanatee.com under the Public Safety Department's venue and web site. They do not handle wild animal complaints, but they will refer you to a company that can assist you.

4.2 Trash Disposal. Park patrons are responsible at all times for proper disposal of their trash. Any trash generated outside park and recreation facilities may not be disposed of inside the park.

4.3 **Soliciting and Vending.** No person shall expose or offer for sale any article or thing nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or merchandise within the limits or adjacent roadways of any park. Exception is made to regularly licensed concessionaires acting by and under the authority of the City of Fort Lauderdale. Any publicity, posted signs or announcement placed in or on park property must have the prior approval of the Parks and Recreation Department.

4.4 **Interference with Authorized Activities.** No person or group shall interfere with any recreational activities or event authorized by the City's Public Works Department.

4.5 **Loud Noise.** No person or group shall play or operate any sound amplification device including radios, television sets, turn tables, tape decks, public address systems, amplified musical instruments or any other loud noise generating device which disturbs other persons. Commercial and construction activities are strictly controlled and monitored. This information is listed in the Code of Ordinances for the City of Anna Maria Florida. Workers cannot start before 10:00 AM on Sunday and Holidays. Workers can start work at 7:00 AM on all other days. They must discontinue the noise at 10:00 PM. Noise from the roadway with any sound amplification system is illegal and constitutes an automatic stop by City Deputies if it is heard and disturbs the neighborhood. All other noise complaints require a complainant and a signed affidavit.

In all of the enforcement of noise ordinance violations deputies are required to obtain two affidavits from two separate complainants. Deputies will respond and advise, warn, and counsel the offender if there is no complainant.

ARTICLE IV. NOISE*

***Cross references:** Jurisdiction of the code enforcement board, § 2-58; animals, ch. 14; peddlers and solicitors, ch. 42; streets, sidewalks and other public places, ch. 50; traffic and vehicles, ch. 58.

State law references: Motor vehicle noise, F.S. §§ 316.293, 403.415.

Sec. 26-86. 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:

Commercial area: Land used primarily for the sale of merchandise or goods, or for the

performances of a service, or for office or clerical work.

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar action, excluding demolition, for or on public or private rights-of-way, structures, utilities or similar property.

Demolition means any dismantling, intentional destruction or removal of structures from the utilities, public or private right-of-way surfaces, or similar property surfaces, and shall also include site clearing or land clearing.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which immediate action.

Emergency work means work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent danger or damage.

Motor vehicle means any vehicle which is, or is designed to be, self-propelled or is designed or used for transporting persons or property, including off-road vehicles being operated for recreational purposes.

Motorboat means any boat or vessel propelled or powered by machinery, whether or not such machinery is the principal source of propulsion, including but not limited to boats, barges, amphibious craft, water ski towing devices and hovercraft.

Motorcycle means every motor vehicle having a seat or saddle for the use of a rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters, mopeds or any other motorized bicycle or three-wheeled vehicle. This definition expressly excludes tractors and other farm equipment.

Multifamily dwelling means a building or other shelter which has been divided into separate units to house more than one family, including but not limited to apartments, duplexes and triplexes.

Noise: means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans. "Noise" includes low frequency vibrations, such as caused by amplification of bass instrumental sounds.

Noise disturbance: Sound which (a) is or may be harmful or injurious to the health or welfare of a reasonable person with normal sensitivities, or (b) unreasonably interferes with the enjoyment or normal conduct of life, property or outdoor recreation, or (c) causes noise pollution, defined as follows:

"Noise pollution" shall mean the presence of noise in excessive or unnecessary amount or of such duration, wave frequency or intensity as to be injurious to human or animal life or property; or which unreasonably interferes with the comfortable enjoyment or normal activities of life or property, or other conduct of business.

Parkland: Land that is used primarily for public recreational activities.

Person: Any individual, natural person, public or private corporation, firm, association, joint venture, partnership, or any other entity whatsoever or any combination of such, jointly and severally.

Powered model vehicle means any self-propelled airborne, water-borne, or land-borne plane, vessel, or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

Public right-of-way means any street, avenue, boulevard, highway or sidewalk or alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Public space means any real property or structure thereon which is normally accessible to the public.

Real property line

- (1) The imaginary line including its vertical extension that separates one parcel of real property from another; or
- (2) The vertical and horizontal boundaries of a dwelling unit that is one unit in a multi-dwelling - unit building.

Receiving land: Land area neighboring or in the vicinity of a sound source and on or at which the sound emanating from the sound source is audible to the normal human ear.

Residential: Land use that is primarily for living and sleeping or parkland or schools or nursing homes or any land use that is not commercial or industrial.

Short durations: Any sound with a duration of less than one minute.

Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Weekday means any day, Monday through Friday, which is not a legal holiday.

Zoning and land use definitions. All terms used in this article which refer to zoning or land use categories, including but not limited to commercial area, residential area, etc., shall be defined as set out in the various zoning ordinances and comprehensive plans or other resolutions duly adopted by the city commission.

(Ord. No. 427, art. 4, 12-16-81; Ord. No. 04-616, § I, 1-22-04)

Cross references: Definitions generally, § 1-2.

Sec. 26-87. Reserved.

Editor's note: Ord. No. 04-616, § II, adopted Jan. 22, 2004, deleted § 26-87 in its entirety. Former § 26-87 pertained to findings of fact and derived from Ord. No. 427, art. 2, 2-16-81.

Sec. 26-88. Declaration of policy.

It is declared the policy of the city to prevent, prohibit and provide for the regulation and abatement of the production of unusually loud, raucous excessive or unreasonable **noise** which may injure the physical and emotional health or welfare of any of its citizens or degrade the quality of life.

(Ord. No. 427, art. 2, 12-16-81; Ord. No. 04-616, § III, 1-22-04)

Sec. 26-89. Scope.

This article shall apply to the control of all sound originating within the geographical limits of the city.

(Ord. No. 427, art. 3, 12-16-81)

Sec. 26-90. Prohibited acts.

Noise disturbance. Notwithstanding any other provision of this article, and in addition thereto, it shall be unlawful for any person to make or continue, or cause or permit to be made or continued, any **noise** disturbance, as defined in section 26-86.

Standards. The standards to be considered in determining whether a violation of subsection (I) of this section exists may include but shall not be limited to the following:

- (1) The volume of the **noise**.
- (2) The intensity of the **noise**.
- (3) Whether the nature of the **noise** is usual or unusual.

- (4) The volume and intensity of the background noise, if any.
 - (5) The proximity of the noise to residential sleeping facilities.
 - (6) The nature and zoning of the area from which the noise emanates.
 - (7) The nature and zoning of the receiving land.
 - (8) The time of the day or night the noise occurs.
 - (9) The duration of the noise.
 - (10) Whether the noise is produced by a commercial or noncommercial activity.
 - (11) The day of the week the noise occurs.
- (Ord. No. 427, art. 5, 12-16-81; Ord. No. 04-616, § IV, 1-22-04)

Sec. 26-91. Exceptions.

The following activities or sources are exempt from the requirements of this article:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency, or in the performance of emergency work.
- (2) Between the hours of 7:00 a.m. and 10:00 p.m., ceremonial or traditional activities or events, such as the sounding of church bells and the normal sounds of organized sporting and cultural events, but specifically not including amplified sounds played at volumes or vibrations that violate standards of this article.
- (3) Operation of equipment or conduct of activities normal to residential communities as set forth herein:

TABLE INSET:

	Description	Hours of operation
a.	Lawn care, soil cultivation, domestic power tools, lawn mowers, maintenance of trees, hedges, gardens, saws and tractors, street sweepers, mosquito fogging, tree trimming and limb chipping and other normal community operations	7:00 a.m., to 7:00 p.m.
b.	Operation of equipment for solid waste and recycling collection in or adjacent to residential uses	7:00 a.m. to 7:00 p.m.
c.	Operation of equipment for solid waste collection in nonresidential locations	7:00 a.m. to 7:00 p.m.
d.	Usual noises of commercial construction and operation of construction equipment	7:00 a.m. to 7:00 p.m., Monday through Saturday; and 10 a.m. to 6:00 p.m. Sundays and holidays.

(Ord. No. 427, art. 6, 12-16-81; Ord. No. 04-616, § V, 1-22-04)

Sec. 26-92. Exceptions by permit.

Any person desiring to seek relief from any provision of this article shall apply for a special event permit pursuant to section 114-428, to cause or create noise which would otherwise be in violation of this article.

(Ord. No. 427, art. 7, 12-16-81; Ord. No. 04-616, § VI, 1-22-04)

Sec. 26-93. Enforcement of article; remedies nonexclusive.

This article may be enforced by any of the following remedies. Each remedy is independent of the other.

(1) This article may be enforced pursuant to the code enforcement provisions in section 2-46 et seq.

(2) No provisions of this article shall be construed to impair the city or any other person from bringing any common law, equitable or statutory cause of action, or other legal remedy for injury or damage arising from any violation of this article. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this article shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by proceedings in a court of competent jurisdiction for injunction, both temporary and permanent, and for such other relief as is proper under the circumstances. The city is hereby authorized to bring any such action authorized in this section on its behalf or on behalf of the general public.

(3) a. Violations of this article are hereby deemed equivalent to a non-criminal infraction and may be enforced through issuance of a citation by a certified law enforcement officer of the city requiring the violator to appear before a judge of the county court or to pay a civil fine set by this section.

b. Any person cited for an infraction under this section must sign and accept a citation indicating a promise to appear. The law enforcement officer may indicate on the citation the time and location of the scheduled hearing, if known at the time of citation, and must indicate the applicable civil penalty established herein.

c. Any person who willfully refuses to accept and sign said citation is guilty of a misdemeanor of the second degree.

d. Except as provided in subsection e., any person charged with a non-criminal infraction under this section who does not elect to appear in county court shall pay the civil penalty and delinquent fee, if applicable, either by mail or in person, within 30 days after the date of issuance of the citation. If the person cited elects to pay a civil penalty pursuant to the above procedure, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings except for determining the cumulative number of violations on the premises as set forth in subsection g., below.

e. Any person electing to appear in county court or who is required so to appear shall be deemed to have waived his or her right to pay the civil penalty established herein. The county court judge, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the county court judge may impose a civil penalty not to exceed \$500, and costs of the proceedings. If the county court judge determines that no infraction has been committed, no costs or penalties shall be imposed and any costs or penalties that have been paid shall be returned.

f. Civil penalties required by this subsection are hereby established as follows:

TABLE INSET:

First offense:	\$ 35.00

Second offense within twelve months of the first offense:	75.00
Third offense within twelve months of the first offense:	200.00
Each additional offense within twelve months of the first offense:	500.00

g. Three or more violations occurring at the same premises within a twelve month period shall be deemed prima facie evidence that the premises is a public nuisance and subject to being temporarily and/or permanently enjoined pursuant to subsection (2) above.

(4) This article may be enforced against any violator, which may include the owner of the premises from which any **noise** disturbance originates, the manager or person in charge, if not the owner, of the premises from which the **noise** disturbance originates, or the person or persons generating the **noise** disturbance.

(Ord. No. 427, art. 8, 12-16-81; Ord. No. 04-616, § VII, 1-2-04)
 Secs. 26-94--26-115. Reserved.

IF YOU ARE A COMPLAINANT BE PREPARED TO GO TO COURT, GIVE YOUR NAME TO THE DISPATCHER, GIVE YOUR ADDRESS, AND ADVISE THE DISPATCHER THAT YOU WILL COMPLETE AN AFFIDAVIT. The court requires two complainants complete an affidavit. This is especially true with the enforcement of Florida State Statutes regarding Disturbing the Peace (Florida State Statute 877.03).

Best Advice for a Safe and Successful Party

1. Ask your neighbors' permission before throwing a party.
2. Agree to clean up after the party.
3. Leave a telephone number where your neighbors can call you to complain (and answer the phone if they call).
4. Keep party attendance to a reasonable number.
5. If unruly, uninvited guests show up, call 911 to have them removed.
6. Do not disturb your neighbors. Disturbing the peace is illegal. (Breach of Peace, Florida Statute 877.03). You live in a community where late night noise and parties are not tolerated. **The Police Department has a ZERO TOLERANCE policy when handling; loud noise complaints.** (City Deputies no longer give 3 warnings; if the party is out of control, an arrest may occur on the first visit.)
7. **DO NOT allow underage drinking.** Just one underage drinker can result in the party's host being arrested (Open House Party, Florida Statute 856.012). Underage drinking is illegal and those who do so can go to jail (Florida Statute, 562.111)
8. Do not let drunken partygoers drive home. (DUI, Florida Statute 316.193)
9. Illegal parking, late night visitors, outdoor loitering (smoking cigarettes or playing games),

underage drinking, trash, unkempt yards, and loud noise are actions that demand police attention.

10. **There are consequences for party hosts who do not follow the rules** such as arrests, nuisance abatement action (after 3 police visits to a residence in 6 months, the city attorney can file a civil action). This action can and will be filed against the owner of the home even if the house is rented.

4.6 Sleeping and camping in any park, beach, or pavilion is prohibited. Sleeping or reclining in a horizontal position is specifically prohibited in the following: building, pavilion, rest room, trash receptacle, bench, picnic table, as well as recreational activity areas (such as athletic courts and fields, dug outs, and playgrounds), pedestrian or vehicular traffic ways (such as roads, sidewalks, bike paths, and jogging paths), and landscaped areas (such as flower gardens, hedges, and planters).

4.7 Intoxicants. Consumption, possession or sale of alcoholic beverages is prohibited within City parks except during and within the specified area of a Special Event authorized by the City or premises licensed for sale and consumption of alcoholic beverages. Park and beach patrons may bring coolers to the beach and the park area. The coolers a subject to search by City Deputies.

4.8 Disorderly Intoxication. No person shall be intoxicated in a City park or upon a City beach and endanger the safety of another person or property, and no person shall be intoxicated or drink any alcoholic beverage in a City park or upon a City beach and cause a public disturbance.

4.9 Personal Property. Personal property shall not be stored in any park or facility , on any beach access area, under any bridge or within any area owned by the city. The exception to this in a facility or area specifically designated by the City for such storage.

4.10 You are not allowed to **peddle or solicit in** the City of Anna Maria. Solicitation of contributions, F.S. chapter . 496.; more stringent local provisions not preempted, F.S. § 496.421; peddling at camp meeting, F.S. § 871.03. Anna Maria City Code Sec. 42-1.

4.11 Live aboard vessels are prohibited in the city of Anna Maria.

5.0 VEHICLES AND TRAFFIC

5.1 Existing Laws. All vehicle and traffic control laws and regulations shall be complied with in the City of Anna Maria. Use of city roadways should be done in safe manner. Most roadways are owned by city residents and by the City of Anna Maria. City deputies have several options. In some cases vehicles can and will be towed with impound, towing and confiscation fees being paid by the owner of the vehicle. Deputies can also write Uniform Traffic Citations that are at least \$116.00 per violation. City Deputies can write County Parking Tickets that are \$110.00 per violation. City Deputies can also issue \$30.00 parking tickets. **WARNINGS ARE NOT GIVEN OUT. THE PRIOR ISSUANCE OF WARNING TICKETS SIMPLY CREATE MULTIPLE OFFENDERS AND ROADWAY LITTER.**

5.2 Parking. All motor vehicles shall be parked only in established and indicated parking areas or in such other areas and at such times as city officials may designate. No person shall park or station

any vehicle in any zone designated and marked "No Parking" or otherwise marked for restricted use except briefly for emergency purposes. Parking is a controlled endeavor in the city. Stopping, standing, or parking violations are prohibited by Florida State Statute 316.1945 and by City Ordinance 05-630 and by other city codes.

5.3 Directions of Traffic. No person shall fail to comply with any order, signal or direction given or posted by any city deputy for the direction of traffic.

5.4 **Bicycles.** All bicyclists shall comply with state and municipal laws and regulations pertaining to bicycles. These laws are listed under Florida State Statute 316.2065.

5.5 **SEGWAYS** and electronic personal assistance mobility devices are controlled by Florida State Statute Number 316.2068. Under Florida state statute they may be operated on a road or street where the posted speed limit is less than 25 miles per hour. They may be operated on any marked bicycle path. They may be operated on any street or roadway where bicycles are permitted. They may be operated on a side walk. The SEGWAY rider is required to yield to the right-of- way of pedestrians and give an audible signal before overtaking and passing a pedestrian. The rider or operator is not required to have a driver's license and the EPAMD does not need to be registered. Any person under 16 years of age must wear an approved bicycle helmet with a strap. The helmet must be attached, properly fitted, and meet ANSI standards. The city of Anna Maria can and will adopt more stringent control ordinances if the operators do not drive safely. If it is required the city can and will outlaw the use of SEGWAYS.

5.6 Skates. Skates, skateboards, roller skates, incline skates, off road bicycles and similar equipment may be restricted to certain times and locations by City Deputies. These regulations are found under Florida State Statute 316.0085. In no way is the city of Anna Maria liable for any injuries sustained as a result of these activities.

5.7 Boats. All boat operators shall comply with all existing state laws, municipal ordinances, and Coast Guard regulations. All boats are to be launched and docked in designated areas only. Bay Front Park has no launching facilities. All water calls are handled by the Manatee County Sheriff's Office Marine Unit Anna Maria City Ordinance 66-40.

5.7 Mopeds, All Terrain Vehicles, and Golf Carts. No motorized vehicle, including mopeds and ATVs, is allowed to be operated off any road or upon any designated bike path within the interior of any city park or on any beach area. They are subject to seizure and confiscation by City Deputies. Non registered Golf Carts are not allowed to use the city streets unless they have valid tags and meet all vehicular safety restrictions. Florida State Statutes 316.208 regarding motorcycles and mopeds. Florida State Statute 316.2074 regarding all- terrain vehicles. Florida State Statute 316.212 governs golf carts. The Anna Maria City code is more stringent.

5.8 Unauthorized Vehicles. Mini bikes, go-carts and other non-licensed motorized vehicles are prohibited in parks, beaches, pavilions or beach access areas.

5.9 Vehicle Maintenance. Motor vehicle maintenance is prohibited in parks, except repairs or maintenance of an emergency nature.

5.10 All traffic crashes must be reported on scene. City Deputies cannot conduct off scene traffic

crash investigations. It is a violation of the law to leave the scene of an accident or crash.

5.11 City deputies are not allowed to transport, taxi, or transfer citizens without proper supervisory approval. All Driving While Intoxicated cases will be handled in compliance with existing laws and regulations. City deputies are not taxi cab drivers. The county liability insurance does not allow simple transport in most cases.

6.0 PICNICKING AND OVERNIGHT CAMPING

6.1 Designated Areas and Uses. All visitors shall comply with the directions of park officials pertaining to proper locations for picnicking in order to safeguard park property and to ensure the maximum use for the comfort and convenience of all. There is no reservation policy. If you are reserving, posting or separating an area for picnicking you may be asked to leave by City Deputies.

6.2 Use of picnic tables for other than picnic purposes is prohibited. Proper use of tables for picnicking is on a first come, first serve basis. Holding tables for patrons who have not arrived is prohibited.

6.3 Pavilions. Pavilions are available for exclusive use by permit only. Individuals and groups using pavilions shall comply with written pavilion regulations.

6.4 Fires

6.4(a) Ground Fires - Ground fires are prohibited in all park and beach areas.

6.4(b) Safety - Visitors are responsible for insuring that their grill is properly monitored and extinguished at the end of their outing.

6.5 There is no overnight camping on any beach, pavilion or park area.

7.0 BEACH REGULATIONS

7.1 **Swimming at public beach** areas is prohibited under the following conditions:

7.1(a) If the beach is closed due to lightning or other dangerous conditions.

7.1(b) If swimmers are nude or indecently clothed.

7.1(c) Beyond 100 yards from shore.

7.1(d) If children are not properly supervised by adults (proper supervision is one adult minimum per ten children).

7.1(e) The Manatee County **Marine Rescue Department** holds the primary responsibility for the rescue of any swimmers or beach patrons found to be in hazardous conditions or waters within the city. City deputies are not life guards. No lifeguards stations are manned at any facility within the city. Swimmer are advised to swim at their own risk. Special attentions should be given to any of the inlets and waterways on Bean Point and the northern most side of the island. These waterways are very unsafe due to the high currents and under tow.

7.2 **Skin and scuba diving** shall be permitted only in authorized areas. Divers must use the appropriate "divers down flag" :

7.2(a) All divers must be accompanied by at least one other diver.

7.2(b) Each diver is equipped with a buoyancy compensator.

7.2(c) Divers must have an approved diver's down flag displayed in accordance with Statutes of the State of Florida.

7.2(d) Scuba divers must remain a minimum of 100 yards offshore, except when entering or leaving the water. There is no diving around fishing piers and no jumping off bridges.

7.2(e) Divers using mask, snorkel, and fins within 50 yards are permitted and are considered bathers. If skin divers desire to go beyond 50 yards, then all other requirements of Rule 7.2 applicable to scuba divers must be met.

7.2(f) The use or possession of spear guns or similar weapons is prohibited on the beach. Such weapons must be transported a minimum distance of 150 yards offshore. During such transportation, weapons must be handled safely in an unarmed condition.

7.2(g) Scuba instruction by private enterprise is prohibited in most beach areas.

7.3 Use of boats and watercraft are subject to the following regulations:

7.3(a) **Motorized and non-motorized watercraft** must remain a minimum of 100 yards offshore, unless being launched or returned to a designated boat launching area of the beach. There are no launching areas on the Gulf of Mexico side of Anna Maria.

7.3(b) Motorized and non-motorized watercraft are allowed to launch or return pursuant to the conditions of City Ordinances.

7.3(c) The launching area and channel are for launching and returning watercraft only. Watercraft may not anchor or interfere with the use of the channel area. Kayaks may be launched from the kayak launching area at the Bay Front Park.

7.3(d) No watercraft may be kept on the beach overnight, except those properly registered with the City to stay in designated areas.

7.4 The following **beach regulations** are intended to reduce safety hazards which may cause injury to beach patrons:

7.4(a) Playing ball, Frisbee, flying kites, or any other game that may endanger patrons on the beach or in the water, is limited to designated times and areas as posted or as determined by City officials.

7.4(b) Fishing or netting of fish is limited to the hours of 6:00 p.m. until 6:00 a.m. when on the beach and must be conducted in a safe manner. All debris, bait, fish line and hooks, and other fishing equipment or tackle must be removed from the beach after fishing has been conducted. Fishing permits at the City Pier are not required.

7.4(c) Dogs and pets are prohibited on the beach and pier except for service animals.

7.4(d) Surfing is allowed in designated surfing area only.

7.4(e) Alcoholic beverages are prohibited on the beach. Coolers are subject to search.

7.4(f) Glass bottles and glass containers are prohibited on the beach.

7.4(g) Digging holes or erecting tents, canopies and fencing is prohibited. Small beach sun tents can be used. They must be removed prior to sundown and cannot be placed permanently on the beach or in the park.

7.4(h) Unauthorized use of any lifeguard towers is prohibited.

7.4(i) Anyone requested to do so must move out of the way of Police, Beach Patrol, Park Ranger, or other Government Service vehicles.

7.4(j) No person shall interfere with Police, Lifeguards, Marine Rescue, or City Deputies, Park Rangers or Park Personnel in the performance of their lawful duties.

7.4(k) Directives given by the lifeguards must be adhered to.

7.4(l) There is no overnight camping, fires or other activities associated with camping.

7.5 The following regulations are intended to eliminate nuisance activity on the beach and provide patrons with a pleasant environment in which to recreate:

7.5(a) Loud Noise. No person or group shall play or operate any sound amplification device including radios, television sets, turn tables, tape decks, public address systems, amplified musical instruments or any other loud noise generation device which disturbs other persons.

7.5(b) All commercial photography and filming is prohibited unless prior written permission has been obtained from the City Manager's Office.

7.5(c) Soliciting, begging or panhandling is prohibited.

7.5(d) Removing trash and debris from waste receptacles requires a written permit from the Parks and Recreation Department. Such a permit shall be issued under specific criteria determined by that Department.

7.5(e) Use of picnic tables for other than picnic purposes is prohibited. Proper use of tables for picnicking is on a first come, first serve basis. Holding tables for patrons who have not arrived is prohibited.

7.5(f) Drying clothes by hanging them on trees, bushes, tables or in or around rest rooms is prohibited.

7.5(g) Attaching hammocks to trees, showers or structures is prohibited.

7.5(h) Beach sea oat and dune plantings are protected, and no person shall cut, damage, or remove such plants from the beach.

7.5(i) No person shall discharge any fireworks on any portion of the City Beach unless done as part of a special event authorized by the City or by Special Permit through the city. Fireworks shall mean any combustible or explosive composition or substance or combination of substance or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including sparklers.

7.5(j) All wildlife, birds, fish, and turtles are protected by City, County, State, and Federal Mandates and laws. City of Anna Maria Sections . 14-2--14-25. Reserved.

Article II. Sea Turtles Game and freshwater fish, F.S. ch. 372; cruelty to animals, F.S. ch. 828; local animal control ordinances, F.S. § 828.27. Florida State Statute 372.072 (Endangered or Threatened Species Act); 372.0725 and other associated federal and state statutes. Endangered Species Act of 1973 ([7 U.S.C. § 136](#), [16 U.S.C. § 1531](#) et seq.)

7.5(k) Sea Oats, Sea Grapes and other plants, dune areas, and costal vegetation are protected by local, state, and federal laws. **Florida State Statue 370.041**

8.0 COLLECTION FEES

It is prohibited for any person to use any facility, land or area for which a fee or charge has been established by the City of Anna Maria without payment of such fee or charge.

9.0 GENERAL LAWS - ADDITIONAL OPERATING PROCEDURES

9.1 Federal, State, County and Municipal Laws. All federal, state, county and municipal laws are hereby adopted and are to be enforced within all City of Fort Lauderdale parks, beaches and recreational facilities.

9.2 Compliance with Additional Posted Rules. Specific facilities which require additional operational procedures for orderly use shall be posted with rules in a conspicuous place. Patrons utilizing all facilities shall comply with posted regulations

10.0 PERMITS FOR SPECIAL EVENTS

10.1. Special Event Permits are required for most events and strictly regulated by City Ordinance 114-428.

(a) *Special events permitted.* Special Events may be permitted within the City of Anna Maria, Florida, subject to the standards established herein.

(b) *Definition.*

(1) Special events are defined as a land use or activity, of a specifically limited time and purpose, having higher impacts on adjacent areas and public services than would be reasonably expected from a permitted land use or activity, and not otherwise governed by the general zoning district regulations of this section.

(2) Special events may include, but are not limited to, indoor and outdoor arts and crafts shows; bazaars; carnivals; sports events; commercial and sales activities; sidewalk sales; flea markets; rummage sales; holiday events; Christmas tree sales; plant sales; grand openings; festivals; fairs; auctions; breakfasts; beach **wedding** receptions and similar events; charitable and other fundraising events; and parades. Garage sales shall not be deemed as a special event in residential districts unless they involve three or more contiguous dwelling units or if they are held more often than four days within any 14-day period at any one dwelling unit. After the fourth day, no less than 90 days must pass before further garage sales may be held at a site without a special event permit.

(c) *Procedure.* Special events may be specifically permitted in any zoning district, upon approval of a required application. Prior to a special event permit being issued, an application must be completed and submitted to the city under the following procedure:

(1) A pre-application conference with the director of public works is encouraged, but not required.

(2) The applicant must complete and submit an application on forms provided by the city. The city commission may set a reasonable application fee schedule by resolution from time to time.

(3) The application shall include, at a minimum, the following information:

a. *Name of the applicant and location of site.* If the applicant is not the owner of the property upon which the special event will take place, an authorization form appointing the applicant as the landowner's representative, signed and notarized by the landowner, shall be submitted. If the special event is to take place upon property owned or controlled by the city, permission to use city property may be sought in conjunction with the city approval of the permit pursuant to paragraph (d)(4), below.

b. *Site plan or other graphic representation of special event.* The site plan need not be professionally drawn, but shall instead be required to show with reasonable accuracy the layout of the property where the special event will be located, or if a parade or other similar use, the parade route. This site plan shall include a traffic flow plan, parking, location of major components of the use, such as bandstands, food booths, restroom facilities, dumpster locations, and any other information reasonably necessary for the reviewing agencies to assess the special event or activity.

c. *[Description of the special event.]* A description of the special event, including purpose, size of expected crowds, hours of operation, required governmental services and dates of the special event or activity. If alcohol is to be served, the provisions of subsection (f) shall apply to the event.

(4) The director shall review the application for completeness and advise the applicant of any

further information needed to complete the application. After the director has received any requested additional information, or if no additional information is necessary, the application shall be deemed complete.

(5) The completed application must be received by the department of public works at least three weeks prior to the date of the special event for which the application is being submitted and two weeks prior to a regularly scheduled city commission meeting where official action can be taken. If the event requires city or other governmental services, the completed application must be submitted at least six weeks prior to the date of the event.

(d) *Review.*

(1) The director of public works shall forward the application to the fire district, chief administrative police officer, and other affected agencies.

(2) a. The reviewing agencies shall review the application and may recommend any reasonable contingencies or conditions designed to lessen the impact the special event on the general public. The reviewing agencies shall use their own best professional judgment in reviewing the application in making any recommendations. The following may be used as general guidelines for planning purposes:

1. *Security services.* The city's police staff will review the permit application and assess the need for security services based upon the size of the crowd, location, traffic flow, whether alcohol will be served, and other information shown on the application. If security services are required, the applicant must provide for the security services before the permit can be approved and provide the city reasonable assurances that security services will be provided. The chief administrative police officer for the city, or his designee, shall be the city commission's primary advisor on the need for security services, including the number of security officers required and the hours assigned.

2. *Fire protection/rescue.* The Westside Anna Maria Fire District staff will review the permit application and assess the need for fire district services based upon its criteria and the information provided in the application. The fire chief of the district, or his designee, is the final authority on the need for fire district services. The applicant shall be responsible for contracting with the district and paying any required fee for its services.

b. The comments and recommendations of the reviewing agencies shall be returned to the director of public works at least five working days prior to the city commission meeting where the application is scheduled for review.

(3) After receipt of comments by all reviewing agencies, the director of public works shall review the finalized application and submit it to the mayor, with the recommended contingencies and conditions from the reviewing agencies.

(4) The application and recommendations shall be scheduled for final review by the city commission. The city commission shall review the submitted application and any comments, contingencies or conditions recommended by the reviewing agencies. The city commission is authorized to add its own reasonable contingencies and conditions to the application during its final review.

(5) Upon approval, the applicant will be notified by the department of public works and advised of any conditions and fees required. The director of public works shall be responsible for forwarding copies of the approved special event permit to the mayor, city commission, police department and all other agencies or departments affected thereby. Once the applicant has provided assurances that the conditions will be met, the director shall issue the permit.

(6) A special event permit may be approved for no more than three days. The applicant may choose to designate a rain date in the application which may be approved in conjunction with the

preferred date of the special event.

(7) The special event permit shall be specifically contingent on the conditions required by the city commission. If the conditions are not met, the permit may be withdrawn by the director of public works.

(e) *Insurance and fees.*

(1) All persons requesting city property for the location of the special event or requesting city services shall be required to have appropriate insurance as a condition for approval of the permit. Proof of insurance showing the city as an also-named insured and with a minimum of \$1,000,000.00 general liability coverage, shall be provided to the city at least 48 hours prior to the start of the special event. The applicant shall also agree to indemnify, defend and hold the city, its officials, employees, agents and assigns harmless from any liability or damage or claims that may occur during or arising out of the permitted special event. The applicant may be required to post an appropriate performance bond to ensure that the proper cleanup, damage and fees are paid after completion of the use.

(2) Should the special event require city or governmental services, the applicant shall pay a reasonable fee for these services. This fee shall be based on the scope of services provided to the special event and no greater than the actual cost to the governmental agency supplying the service.

(3) Issuance of a special event permit does not excuse the applicant from applying for other required permits. These may include building permits, electrical permits or health department permits. The applicant has the responsibility to have all necessary permits issued for the special event. Review of applications for other required city permits may proceed simultaneously with the review of the application.

(f) *Temporary sales and service of alcoholic beverages.* Notwithstanding the provisions of the City of Anna Maria Code, Sections 114.501 114.506, to the contrary, alcoholic beverages may be dispensed or sold in conjunction with a special event permit issued pursuant to this section. Approval of temporary sales and service of alcoholic beverages shall be pursuant to the following conditions:

(1) Any application for temporary sales and service of alcoholic beverages in conjunction with a special event permit must be properly filed with the city no less than six weeks prior to the special event.

(2) The applicant must not only provide the insurance as required in paragraph (e), above, but also an alcohol liability rider with the city as an also-named insured in an amount of no less than \$1,000,000.00.

(3) The boundaries of the site where the special event is located must be clearly marked and informing the attendees that alcoholic beverages must be kept within the perimeter of the site designated for the event and that persons with alcoholic beverages outside the boundaries of the special event are subject to prosecution if other applicable laws are violated.

(4) The city commission reserves the right to attach additional conditions pertaining specifically to alcoholic beverage consumption to any special event permit, such as limiting the hours alcoholic beverages will be available or limiting the type of alcoholic beverages dispensed at the special event.

(Ord. No. 2000-580, § 1, 6-8-00)

See also City Ordinance 114.503 that exempts Island Players, the Municipal Pier and the Anna Maria Island Community Center from serving or selling alcohol. The exemption does not exempt security regulations regarding the hiring of off duty deputies to provide security at events.

11.0 ENFORCEMENT

11.1 **Hindering Enforcement.** No person shall impersonate in any way a park official nor hinder park officials or personnel in the performance of their lawful duties.

11.2 Trespass. Any person or group found in violation of the above rules and regulations shall be ordered to leave all City of Anna Maria parks, beaches and recreation facilities. Any person who fails to leave all facilities, parks or beach at the time requested may be arrested and prosecuted for trespassing or prosecuted under other existing ordinances.

11.3 Beach, sea wall, dock, and pier trespassing complaints. Most beach areas in the area of Anna Maria Beach are owned by homeowners. Homeowners must comply with the provisions of Florida State Statute Number 810.09 and 810.011(5)(a)(1). . Homeowners should call 911 if they see a trespassing offense. Homeowner should not approach the trespasser.

Beach, park, business, and pier patrons please respect the homeowners, residents, and tenants in the city. Any trespass on a sea wall is considered a criminal offense. You are not allowed to use outside water or toilet facilities that are privately owned. **You cannot trespass** and City Deputies can arrest you if they see you trespassing. If you are trespassing on any property or sea wall the homeowner is not responsible for your safety. If you are trespassing you can be subject to arrest and fines of up to \$1,000.00. Do not trespass.

12.0 REGULATION EXCEPTIONS

12.1 All government activities carried out in the ordinary course of park and beach operations shall be exempt from the provisions of City sponsored, co-sponsored, or City approved special events are exempt.