

**ORDINANCE NO. 95-24-123**

**AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, COUNTY OF DUVAL, STATE OF FLORIDA, AMENDING SECTION 5-3, LIGHTING OF FIRES, OF THE CITY OF ATLANTIC BEACH CODE OF ORDINANCES; PROVIDING FOR ADOPTION OF SAID AMENDMENTS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 5-3 of the Code of Ordinances for the City of Atlantic Beach provides for the lighting of fires on the beach; and

**WHEREAS**, the City has determined that updates need to be made to the ordinance, last updated in 2003, to help manage fire numbers, ensure safety, and fund beach maintenance and beach fire enforcement; and

**WHEREAS**, the City has determined that the fee amount should be adjusted and the deposit amount should be delineated to recover the City's costs associated with permitting, enforcement and cleanup; and

**WHEREAS**, the City also has determined that enforcement action may be necessary to enforce these requirements by way of a fine of \$500 per violation.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:**

**SECTION 1. Section 5-3, Lighting of Fires, of the Code of Ordinances is hereby amended as follows:**

**Sec. 5-3. – Lighting of fires.**

(a) It shall be unlawful for anyone to start, maintain, allow, or have an open fire on the beach unless permission is approved in writing by the city manager or his designee. The city may require a seventy-five dollar (\$75.00) non-refundable application fee, and a deposit of one hundred fifty dollars (\$150.00), to assure that the requesting entity complies with all conditions of the permit.

- (1) Permittees must be at least 21 years old, and the permit holder must be onsite during the entire length of the permitted beach fire and clean-up.
- (2) No more than 25 people may attend a permitted beach fire.
- (3) Beach fires may only take place between 6 p.m. and 10 p.m. daily.
- (4) A City-issued beach fire permit sign must be posted for public display at each fire (on the beach, not the dune, within 15 feet of the fire) and must be returned to City staff at Adele Grage Cultural Center the next day.
- (5) Beach fires are prohibited at the Atlantic, Ahern, 7<sup>th</sup>, 15<sup>th</sup>, and 19<sup>th</sup> Street beach accesses and within 200 feet of said accessways (measured from the end of the accessway oriented towards the beach to the closest point of permitted fire to said accessway).
- (6) Beach fires must be within 100 feet of the access listed on the permit. Beach fires are prohibited within twenty (20) feet of any beach dune.

- (7) All campfire ashes/debris must be completely removed from the beach. All fires and holes must be filled in with sand (no coals, ashes or other debris) and leveled with the surrounding area. Any property utilized for purposes of beach fires shall be brought to the same condition it was prior to the permitted beach fire.
- (8) All remnants of burnt wood and ashes must be thoroughly soaked before disposal. All disposal of fire debris and trash shall be removed from the beach. Hot coals or sand may not be placed in any City garbage can.
- (9) Beach fires shall only be made with natural, dry, untreated wood pieces less than three (3) feet long. The wood may not contain nails, screws or other metals. Burning Christmas trees, pallets, construction material, garbage, or chemically treated wood is not permitted.
- (10) Beach fires shall not be more than three (3) feet in diameter and two (2) feet in flame height.
- (11) Enforcement, penalties, and appeals.
  - a. Law enforcement officers of the city's police department are hereby authorized to enforce the provisions of this Code.
  - b. Any person who violates 5-3 shall;
    - 1. be subject to receiving a citation and civil penalty in the amount of five-hundred dollars (\$500) for each violation.
    - 2. immediately remedy the violation
    - 3. immediately have their beach fire permit revoked
  - c. Any person who refuses to comply with the regulations of this Code after being directed to do so by a law enforcement officer commits a misdemeanor punishable as provided in FSS 775.082 or 775.083
  - d. Any person who receives a citation shall elect either to:
    - 1. Pay the civil fine within thirty (30) days from the date of the citation in the manner indicated on the citation, provided, if such payment is not timely paid, a late fee of fifty dollars (\$50.00) shall be imposed on the named violator; or
    - 2. Contact the Duval County Clerk of Courts to appeal the citation. The request shall be submitted to the county court in the manner indicated on the citation no later than ten (10) days after service of the citation.
  - e. Failure of the named violator to appeal the citation within the prescribed time shall constitute a waiver of the violator's right to a hearing before the county court and shall be treated as an admission of the violation and penalties shall be assessed accordingly by the city.

(b) This section does not prohibit fires in self-contained, commercially available heating devices fueled by gas. Heating devices fueled by wood, charcoal, or similar materials shall be prohibited.

**SECTION 2. Purpose and Intent.** The purpose and intent of this Ordinance is to help manage fire numbers, ensure safety, and fund beach maintenance and beach fire enforcement.

**SECTION 3. Conflict.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

**SECTION 4. Severability.** If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

**SECTION 5. Effective Date.** This ordinance shall take effect upon final reading and approval.


PASSED by the City Commission on first reading this 12<sup>th</sup> day of November, 2024.

PASSED by the City Commission on second and final reading this 25<sup>th</sup> day of November, 2024.

CITY OF ATLANTIC BEACH

  
Curtis Ford, Mayor

Attest:

  
Donna L. Bartle, City Clerk

Approved as to form and correctness:

  
Jason Gabriel, City Attorney