

ORDINANCE NO. 2025-1789

1 **AN ORDINANCE OF THE TOWN COMMISSION OF THE**
2 **TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN**
3 **OF SURFSIDE CODE OF ORDINANCES BY AMENDING**
4 **CHAPTER 34 - "ENVIRONMENT", ARTICLE I – "IN**
5 **GENERAL", DIVISION 2 – "BEACH SAND QUALITY" TO**
6 **CREATE SECTION 34-1 - "SAND REMOVAL OR DIGGING**
7 **ON THE DUNE OR BEACH"; PROVIDING FOR INCLUSION**
8 **IN THE CODE; PROVIDING FOR CONFLICTS; PROVIDING**
9 **FOR SEVERABILITY; AND PROVIDING FOR AN**
10 **EFFECTIVE DATE.**

11
12 **WHEREAS**, the Article VIII, Section 2 of the Florida Constitution, and Chapter 166,
13 Florida Statutes, provide municipalities with the authority to exercise any power for
14 municipal purposes, except as prohibited by law, and to adopt ordinances in furtherance
15 of such authority; and

16 **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission")
17 finds it periodically necessary to amend its Code of Ordinances and Land Development
18 Code ("Code") in order to update regulations and procedures to maintain consistency with
19 state law, to implement municipal goals and objectives, to clarify regulations and address
20 specific issues and needs that may arise; and

21 **WHEREAS**, the Town Commission desires to amend Chapter 34, "Environment"
22 Article I – "IN GENERAL", Division 2 – "BEACH SAND QUALITY" to create Section 34-1
23 "SAND REMOVAL OR DIGGING ON THE DUNE OR BEACH"; and

24 **WHEREAS**, the Town Commission finds that the removal of sand, earth, or soil from
25 the Town's dunes or beaches damages the beaches and dunes within the Town, except
26 when duly permitted for Beach restoration and/or Beach (re)nourishment, and raises
27 concerns relating to the public health, safety, and welfare; and

between first and second reading are indicated with highlighted double strikethrough and double underline.

28 **WHEREAS**, the Town of Surfside has the authority to enact laws which promote the
29 public health, safety and general welfare of its citizens; and

30 **WHEREAS**, the Town is aware of instances of life-threatening emergencies relating
31 to the sand digging on dunes or beaches across the country and in neighboring
32 municipalities; and

33 **WHEREAS**, the Town desires to revise its Code to establish safety regulations for
34 the non-permitted removal of sand or digging on its dunes or beaches; and

35 **WHEREAS**, the adoption of the provisions set forth below are necessary to
36 accomplish the above objectives; and

37 **WHEREAS**, the Town Commission held its first public hearing on December 10,
38 2024, and approved the proposed amendment to the Code of Ordinances having
39 complied with the notice requirements in Florida Statutes; and

40 **WHEREAS**, the Town Commission hereby finds that this Ordinance is in the best
41 interest and welfare of the residents and visitors of the Town.

42 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
43 **TOWN OF SURFSIDE, FLORIDA:**

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45 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated
46 herein by this reference:

47 **Section 2. Town Code Amended.** Amending Chapter 34 - "Environment", Article
48 I – "IN GENERAL", Division 2 - "Beach and Sand Quality" to create Section 34-1, "Sand
49 Removal or Digging on the Dune or Beach," which reads as follows:

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Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted double-strikethrough** and double underline.

52 CHAPTER 34 – ENVIRONMENT
53 ARTICLE I – IN GENERAL

54 * * *

55 DIVISION 2 – BEACH SAND QUALITY

56 **Sec. 34-1. – Sand Removal or Digging on the Dune or Beach.**
57

58 a) It shall be unlawful and prohibited for any reason to conduct, or permit to be
59 conducted, any of the following activities upon the Town’s dunes or beaches:

60 (1) To take, remove, mine, or excavate any sand, earth, or soil from any dune
61 or beach, whether submerged or not, within the limits of the Town; or

62 (2) To dig a hole, trench, depression or otherwise shovel or unearth the sand
63 of a dune or beach, whether submerged or not, deeper than eighteen (18)
64 inches; or

65 (3) To depart from the area of excavation or digging without having first
66 completely filled such area.

67 **Section 3. Severability.** If any section, sentence, clause or phrase of this
68 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
69 then said holding shall in no way affect the validity of the remaining portions of this
70 Ordinance.

71 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and
72 it is hereby ordained that the provisions of this Ordinance shall become and made a part of
73 the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be
74 renumbered or re-lettered to accomplish such intentions; and the word “Ordinance” may be
75 changed to “Section” or other appropriate word.

76 Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes
77 between first and second reading are indicated with highlighted double strikethrough and double underline.

78 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of
79 ordinances or resolutions in conflict herewith are hereby repealed.

80 **Section 6. Effective Date.** This ordinance shall become effective upon adoption.

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82 **PASSED AND ADOPTED** on first reading this 10th day of December, 2024.

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84 **PASSED AND ADOPTED** on second reading this 14th day of January, 2025.

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87 **First Reading:**

Second Reading:

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89 Motion by: Vice Mayor Paul

Motion by: Vice Mayor Paul

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91 Second by: Commissioner Coto

Second by: Commissioner Velasquez

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93 **FINAL VOTE ON ADOPTION**

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95 Commissioner Ruben A. Coto Yes

96 Commissioner Nelly Velasquez Yes

97 Commissioner Gerardo Vildostegui Yes

98 Vice Mayor Tina Paul Yes

99 Mayor Charles W. Burkett Yes

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Attest:


Sandra N. McCready, MMC, Town Clerk




Charles W. Burkett, Mayor

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Approved as to Form and Legal Sufficiency:


Thais Hernandez, Acting Town Attorney

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