

DIVISION 3. - REGULATION OF USE OF PUBLIC BEACHES

Sec. 74-186. - Applicability.

All persons using the public beaches within the town shall comply with and abide by the rules and regulations of this division.

(Code 1982, § 14-45)

Sec. 74-187. - Use of surfboards and skimmers.

It is declared to be unlawful for any person to use or operate a surfboard or any other kind of hard device designed to ride waves upon any public beach operated and patrolled and guarded by lifeguards of the town, in the surf adjacent to any such public beach within the town. Other kinds of hard devices include skim boards, body boards, surfyaks, knee boards, surf skis and other similar devices.

(Code 1982, § 14-34)

Sec. 74-188. - Littering.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Beaches means that area abutting the Atlantic Ocean or Lake Worth consisting of predominantly sand, whether below or above the mean high water mark.

- (b) *Prohibited.* No person shall leave or deposit any trash, refuse or debris on any beach. Any such trash, refuse or debris shall be placed, when available, in a container clearly marked by the town for such purpose. If there is no receptacle, or if the receptacle is full, all trash or refuse must be removed from the beach.
- (c) *Private beaches.* In regard to that portion of the beach determined to be private property, no person shall place or deposit on any such beach any trash, refuse or debris. Further, the owner of the private property shall not allow trash, refuse or debris to remain on his property for a period of time greater than seven days after notification by the town. Any such trash, refuse or debris located upon private beachfront property shall be properly disposed of in a manner otherwise provided by the codes and regulations of the town.
- (d) *Violation.* Anyone in violation of this section shall be subject to a fine not in excess of the amount provided by law for a misdemeanor in the state. Alternatively, any private property owner found to be in violation of this section shall be subject to the jurisdiction of the town's code enforcement ordinance, chapter 2, article V of this Code, and subject to penalties prescribed by the code enforcement board for each day a violation is determined to exist.
- (e) *Failure to comply.* Should any property owner fail to comply with the terms of this section within seven days after notice by certified mail, the department of public works may enter the premises and accomplish the necessary work; and the cost thereof shall be assessed against the property involved and shall constitute a lien against the property.

- (f) *Appeal; cost of work conducted.* Any person receiving notice pursuant to subsection (e) above may file an appeal with the town council within seven days of the date of the notice to contest same, the appeal to be heard by the town council at its next regularly scheduled meeting. In the absence of an appeal, and upon failure of the property owner to comply with the terms of the notice, or in the event of an appeal, upon failure to comply with the direction of town council, the property owner shall pay the cost of any work conducted by the town within 30 days from the mailing of a bill for same. In the event the bill is not paid within 30 days, it shall become a lien against the premises to be enforced in the manner provided by law.

(Code 1982, § 14-36)

Cross reference— Solid waste, ch. 102.

Sec. 74-189. - Beaches; depositing material on.

It shall be unlawful to deposit any material on the ocean beach without permission of the town manager.

(Code 1982, § 13-9)

Sec. 74-190. - Ball playing; throwing missiles.

No person or group of persons shall engage in ball playing of any kind, or in the throwing of any ball, aerial disk or other missile upon any public beach operated and patrolled and guarded by lifeguards of the town.

(Code 1982, § 14-48)

Sec. 74-191. - Animals prohibited.

No person shall take any animal upon those certain public beaches within the town identified herein or in the surf adjacent to any such public beach within the town. Said beaches shall include the Phipps Park beach, the public beach from Royal Palm Way south to Gulfstream Road, the Clarke Avenue beach from Barton to Seaspray, and the beach from Sunset Avenue to Wells Road. An exception shall apply to allow leashed dogs on public beaches between Sunset and Wells Road only.

(Code 1982, § 14-50; Ord. No. 11-2012, § 2, 8-14-12; Ord. No. [04-2020](#), § 2, 2-11-20)

Cross reference— Animals generally, ch. 10.

Sec. 74-192. - Commercial activities.

No person shall sell or barter any article of personal property, tangible or intangible, or distribute or post any advertising or promotional material on any of the public beaches.

(Code 1982, § 14-52)

Cross reference— Businesses, ch. 22.

Sec. 74-193. - Drinking.

No person shall drink intoxicating beverages upon the public beaches.

(Code 1982, § 14-54)

Cross reference— Alcoholic beverages, ch. 6.

Sec. 74-194. - Gymnastic equipment.

No person shall use or bring upon the beach for use any platform, trapeze bars or similar articles for gymnastic exhibition or use.

(Code 1982, § 14-56)

Sec. 74-195. - Motor vehicles.

No motor vehicle shall be driven upon the beaches or over dune areas adjacent to beaches without the previous written consent of the chief of police.

(Code 1982, § 14-57)

Cross reference— Traffic and vehicles, ch. 118.

Sec. 74-196. - Presence during closed hours; hours specified.

No person shall use or be upon any public beach in the town during the hours when any such beach is declared to be closed to the public as hereinafter set forth:

- (1) Phipps Park is declared to be closed to the public each day from sunset to sunrise, the following day.
- (2) The public beach from Royal Palm Way south to Gulfstream Road is declared to be closed to the public each day from sunset to sunrise.
- (3) The Clarke Avenue beach area is hereby declared to be closed to the public each day from sunset to sunrise.
- (4) The public beach owned by the county lying north of the City of Lake Worth casino property extending approximately 500 feet northerly therefrom is hereby declared to be closed to the public each day from sunset to sunrise.

(Code 1982, § 14-59; Ord. No. [18-2016](#), § 1, 10-10-16)

Sec. 74-197. - Swimming beyond certain distances prohibited.

- (a) It shall be declared unlawful for any person to swim beyond 300 feet of the shore of any public beach operated and patrolled and guarded by lifeguards of the town. For the purposes of this section, the 300-foot distance shall be measured at right angles from the mean low water mark of the Atlantic Ocean.
- (b) This section shall also apply to swimming with any types of floatation aids, such as a raft, inner tube or surfboard.
- (c) Under certain environmental conditions that make swimming conditions hazardous, the supervisor of lifeguards may limit or restrict swimming from any public beach operated and patrolled and guarded by lifeguards of the town.

(Code 1982, § 14-61)

Sec. 74-198. - Reserved.

Editor's note— Ord. No. 16-98, § 2, adopted November 10, 1998, amended the Code by repealing former § 14-198 in its entirety. Former § 14-198 pertained to launching of watercraft, and derived from the Code of 1982, § 14-62.

Sec. 74-199. - Fires.

It is declared unlawful to make a fire or to use any other type of incendiary device on the public beaches of the town.

(Code 1982, § 14-63)

Cross reference— Fire prevention and protection, ch. 46.

Sec. 74-200. - Skin and scuba diving.

It shall be unlawful to skin or scuba dive off public beaches operated and patrolled and guarded by lifeguards of the town unless adequate safety precautions are taken.

- (1) The "buddy" system must be used, making it necessary to have two or more people diving. It shall be unlawful to dive alone.
- (2) If scuba diving, each member must have a current nationally recognized open water certification card.
- (3) Each diver must have a buoyancy compensator capable of supporting the head of an unconscious diver above the water.
- (4) Each dive unit must have a diver's down flag. This flag must be free flying and clearly visible to boaters from a minimum of 100 feet in all directions. The flag must be a minimum of 12 inches by 12 inches and must have a red diagonal background with a white stripe. An international alpha flag may be used in lieu of the above flag.

(Code 1982, § 14-64)