

ANNUAL BEACH EVENTS PERMIT APPLICATION

LDC Section 5.04.07

Land Development Code 5.04.07

- A. The owner of beach-front commercial hotel-resort property shall apply for an annual beach events permit. The County Manager or designee may grant the permit following review of an application for such permit. The application shall be submitted on the form prescribed by Collier County together with the applicable fee for the number of planned annual beach events as indicated on the permit form and exhibits thereto. Permits issued pursuant to this section are not intended to authorize any violation of F.S. § 370.12, or any of the provisions of the Endangered Species Act of 1973, as it may be amended.
- B. For purposes of this section, a "beach event" shall mean and refer to any social, recreational or entertainment event (whether public or private), conducted on the beach and satisfying one or more of the following criteria:
 1. The event involves the use of dining/picnic tables and chairs, serving tables, or other ancillary equipment typically used to serve an on-site meal; or
 2. The event involves the use of staging equipment, amplified music, or the use of other types of electrical equipment for purposes of enhanced light and/or sound; or
 3. The event:
 - a. Is attended by 25 or more people and is organized by or with the help of the commercial property owner; and
 - b. Is of a nature not commonly associated with the day-to-day use of the beach by the general public.
- C. Notice of scheduled events:
 1. On or before the 25th day of each calendar month, the holder of such permit shall cause Collier County to be furnished with written notice of all beach events scheduled for the following month, in the form and content made a part of the annual beach events permit application. The notice shall indicate the date, time and duration of each event.
 2. If a beach event is scheduled after the monthly notification has been furnished to Collier County, the property owner shall furnish the county with a separate written notice at least 48-hours prior to such event.
 3. All notices or documents furnished to Collier County pursuant to the permit or these regulations shall be sent to Collier County Planning Services Department and for events that occur during sea turtle nesting season, to the Collier County Natural Resource Department as well.
- D. Event cancellations and postponements:
 1. If a scheduled beach event is canceled or postponed, the property owner shall furnish Collier County with written notification of such cancellation or postponement. It is understood that weather conditions may cause last minute cancellations, however the property owner shall make every effort to notify the county staff a minimum of four hours prior to the scheduled event time. If such event is rescheduled, notice of the date and time of the rescheduled event shall be provided.
 2. If a beach event is canceled or postponed, and no other beach events are scheduled for the date of the canceled/postponed event, and Collier County has been notified of such cancellation or postponement, then the canceled or postponed event shall not count towards the maximum number of beach events authorized by the permit.
- E. Sea turtle nesting season. Annual beach events which occur during sea turtle nesting season (May 1st through October 31st of each year) are also subject to the following regulations:
 1. All required Florida Department of Environmental Protection (FDEP) field permits shall be obtained and a copy furnished to Collier County prior to the time of the scheduled event as set forth in section 5.04.07(C).
 2. Consistent with section 10.02.06, and the Code of Laws of Collier County, no structure set up, or beach raking or mechanical cleaning activity for any particular beach event shall commence until after monitoring

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conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit has been completed.

3. Prior to all scheduled beach events, every beach event permit holder is required to rope off (or otherwise identify with a physical barrier) an area with no less than a 15-foot radius out from each sea turtle nest that has been identified and marked on a beach, unless a greater distance is required by an applicable state permit.
4. Use of vehicles on the beach is prohibited, except as may be permitted under section 10.02.06 I.
5. Consistent with section 10.02.06, all materials placed on the beach for the purpose of conducting permitted beach events: 1) must be removed from the beach by no later than 9:30 p.m. of the date of the event; and 2) no structures may be set, placed, or stored on, or within ten feet of any beach dune, except that materials may remain in an identified staging area until 10:00 p.m. The location and size of all staging areas will be as identified in the permit.
6. All lights that are visible from the beach and cast a shadow thereon shall be turned off by no later than 9:00 p.m. of the date of the event.
7. Identification of sea turtle nests on the beach may cause the beach event to be relocated from its planned location or to have additional reasonable limitations placed on the event pursuant to the recommendation of Collier County staff in order to protect the identified sea turtle nests in this permit; except that county staff may relocate a staging area as provided for in section 5.04.07, as part of its daily sea turtle monitoring.
8. Pole lighting, and any other object or structure designed to penetrate the beach surface by more than three inches shall be subject to the approval of the FDEP and Collier County.
9. A copy of all notices required by any permit or these regulations must also be provided by the permit holder to the County Manager or designee.

Note: When a state permit is more restrictive than the Code requirements, the State requirements shall supersede, and the county shall enforce these requirements.

F. **Penalties.** Notwithstanding the penalties set forth elsewhere in this Code, the following violations of this section are subject to the following penalties, except that the annual beach events permit may not be suspended or revoked:

1. Violations which do not occur during sea turtle nesting season, i.e., occur outside of sea turtle nesting season, are subject to up to a \$500.00 fine per violation.
2. Violations which occur during sea turtle nesting season and are:
 - a. Any activity that may cause immediate harm to sea turtles or their nesting activities; which include, but are not limited to the following: 1) setting up a beach event prior to daily sea turtle monitoring; 2) failing to remove beach event materials from the beach by 9:30 p.m.; 3) failing to have lights, so required, turned out by 9:00 p.m.; or 4) not placing additional barriers around nests as required by section 5.04.06; are subject to the following penalties:

First violation: \$1,000.00 fine.

Second violation: \$2,500.00 fine.

Third or more violation: \$5,000.00 fine.
 - b. Any activity that would not cause immediate harm to sea turtles or their nesting activities; which include, but are not limited to the following: 1) failing to notify the county of a beach event; 2) failing to provide the county with copies of Florida Department of Protection permits prior to each beach event; or 3) having beach event materials or related structures set, placed, stored on, or within ten feet of any beach dune; are subject to up to a \$500.00 fine.

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Applicant Contact Information

Name of Owner: _____

Address: _____ City: _____ State: _____ ZIP: _____

Phone: _____ E-Mail Address: _____

Name of Agent: _____ Firm: _____

Address: _____ City: _____ State: _____ ZIP: _____

Phone: _____ E-Mail Address: _____

Name of Applicant (if different than owner or agent): _____

Event Information

Street Address of Property or Folio #: _____

Term this Permit is effective from: _____ / _____ to _____ / _____

Reason for the Event: _____

On-Site Contact: _____

Title: _____ Phone: _____

On-Site Contact: _____

Title: _____ Phone: _____

At least one of the contacts listed above should be available on-site during any Beach Event held pursuant to this permit.

Notice of Events

1. On or before the 25th day of each calendar month, Property Owner shall cause Collier County to be furnished with written notice of all beach events scheduled for the following month, in form and content similar to Exhibit "B" attached hereto. The notice shall indicate the date, time and duration of each event.
2. If a Beach Event is scheduled during a month for which the monthly notification has already been furnished to Collier County, then Collier County shall be furnished with a separate written notice for such event.
3. Owner shall use reasonable business efforts to furnish such written notification to Collier County no later than forty-eight (48) hours prior to the anticipated starting time of such event.
4. All notices furnished to Collier County pursuant to this permit may be uploaded through the portal under this permit, when the permit has been approved.

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Cancelled Events

1. If Collier County is notified that a Beach Event will occur on a particular date, and such event is cancelled or postponed, then Collier County shall be furnished with written notification of such cancellation/postponement.
2. If a Beach Event is rescheduled, then Collier County shall be notified of the date and time of the rescheduled event.
3. If a beach event is cancelled or postponed, no other beach events are scheduled for the date of the cancelled/postponed event, and Collier County is notified of such cancellation/postponement, then the cancelled/postponed event shall not count towards the maximum number of beach events authorized by this permit. For purposes of this paragraph, Property Owner shall be entitled to cancel/postpone any Beach Event up to one (1) hour after the scheduled starting time for such event.

Submittal Requirements

REQUIREMENTS FOR REVIEW:	REQUIRED
Application Form	<input checked="" type="checkbox"/>
Property Ownership Disclosure Form	<input checked="" type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>

Fees

Number of Calendar Days	Fee
1 Calendar Day	\$100
Block of 25 calendar days	\$2,250
Block of 50 calendar days	\$4,500
Block of 75 calendar days	\$6,750
Block of 100 calendar days	\$9,000
Block of 125 calendar days	\$11,250
Block of 150 calendar days	\$13,500

Property Owner shall be entitled to increase the number of Beach Events permitted hereby by submitting payment to Collier County of the applicable incremental fee in accordance with the fee schedule above.

If more than one Beach Event (as defined in LDC § 5.04.07) is scheduled on a particular date, then such events shall be counted as one (1) calendar day.

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Acceptance

By acceptance of this permit, Property Owner agrees to defend, hold harmless and indemnify Collier County and its agents from any and all liability which may arise as a result of the issuance of this permit and, agrees to conform with applicable provisions of the Collier County Land Development Code.

I, _____, property owner or property manager of the subject property, permit the use the property as described herein during the time periods to be indicated on notices furnished to Collier County pursuant to the terms hereof.

Property Owner/Manager Signature _____

Date _____

Printed Name _____

Printed Name of Owner or Agent _____

Approval – For Staff Only

Reviewer or Staff Signature _____

Date _____

Printed Name _____

This permit is subject to the STANDARD PERMIT CONDITIONS attached hereto as Exhibit "A", and does not constitute approvals which may also be necessary under other Local, State and Federal regulations, including, but not limited to right-of-way permit, building permit, FAA, FCC, fire district & DEP. This permit is issued pursuant to information provided by the applicant.

The completed application, all required submittal materials, and fees shall be submitted to:

Growth Management Community Development Department | GMCD Portal:

<https://cvportal.collier.gov/cityviewweb>

Questions? Email: GMDClientServices@collier.gov

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Exhibit "A"

STANDARD PERMIT CONDITIONS

1. **Security:** Property Owner is responsible for ensuring that adequate security is provided for each beach event.
2. **Traffic Safety:** Authorization from the Collier County Sheriff's Office may be required for certain beach events. Property Owner is responsible for consulting the Collier County Sheriff's Office to determine whether separate authorization for a particular event is required.
3. **Use of Electrical Apparatus:** Property Owner Building Department.
4. **Signage:** Use of signs shall be subject to the provisions of the Collier County Land Development Code.
5. **Noise:** All music shall be subject to the terms and conditions of Property Owner's Amplified Music Permit, which permit may be obtained from Collier County on an annual basis.
6. **Restrooms:** Existing restroom facilities must be adequate, or additional portable facilities made available and not located on the beach.
7. **Vehicles on the Beach:** Use of vehicles shall be subject to provision of Collier County Land Development Code § 10.02.06.
8. **Public Access:** Beach Events shall be conducted in a manner that does not interfere with the public's ability to traverse that portion of the beach owned by the State of Florida.
9. **Sea Turtle Nesting Season:** During sea turtle nesting season (May 1st through October 31st each year) beach events are also subject to the following conditions:
 - a) A copy of the Florida Department of Environmental Protection (FDEP) Field Permit, if required by FDEP, shall be obtained and furnished to Collier County prior to the time of the scheduled event.
 - b) Set up, including beach raking, for a particular beach event shall not commence until after the daily sea turtle monitoring is completed by the Collier County Sea Turtle Monitoring staff.
 - c) Use of vehicles is prohibited.
 - d) All materials placed on the beach for purpose of conducting the beach event shall be removed from the beach by no later than 9:30 p.m. of the date of the event, 10:00 p.m. if a staging area is approved with the permit.
 - e) All lights that are visible from the beach and cast a shadow thereon shall be turned off by no later than 9:00 p.m. of the date of the event.
 - f) Identification of sea turtle nests on the beach may cause the beach event to be relocated or to have additional limitations placed on the event, pursuant to the recommendation of Collier County Sea Turtle Monitoring staff.
 - g) Pole lighting, and any other object or structure designed to penetrate the beach surface by more than three (3) inches shall be subject to the approval of the FDEP.
 - h) Notices required by this permit shall also be furnished to Collier County Sea Turtle Monitoring staff.

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Exhibit "B"

BEACH EVENTS NOTICE FORM

1. Permit Holder Name: _____
2. Address: _____
3. Annual Beach Events Permit No.: BETU _____
4. Month this notice pertains to: _____
5. Event: _____

Date & Time

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

**Use additional sheets if necessary

Owner Signature

Date

Printed Name

Collier County

Exhibit "C"

BEACH EVENTS CANCELLATION NOTICE FORM

1. Permit Holder Name: _____
2. Address: _____
3. Annual Beach Events Permit No.: BETU _____
4. Month this notice pertains to: _____
5. Event: _____

Date & Time

(If applicable)

Rescheduled Date & Time

1. _____
2. _____
3. _____
4. _____