STAFF REPORT

Flagler Beach Regular City Commission Meeting

March 14, 2024

To:	Elected Officials
From:	Penny Overstreet, City Clerk
Date:	March 14, 2024
Item Name:	Consider waiving Section 6-5 (a) & (c) of the Flagler Beach Code of Ordinance to allow a Dog Surfing contest within the banned area for dogs to be on the beach.

Background: A special event Applicant is requesting the waiver of certain codes for the purpose of a Special Event. The request is to waive Section 6-5 of the Code to allow dogs on beach between North and South 10th Streets.   The applicant is requesting to have dogs on the beach between S. 3rd and s. 5th Streets. Staff is recommending that area expanded down to S. 6th Street to spread the crowd. The applicant also is requesting the use of Veterans' Park. If approved, Staff is recommending the Dog Costume Contest be held in Veterans Park.

Staff will process the application after the Commission renders a decision regarding the waiver.

Sec. 6-5. - Dogs, horses, other animals on beach.

(a)   It shall be unlawful for any person owning or having under his or her control any dog or animal to permit such dog or animal upon the Atlantic Ocean Beach within the corporate limits of the city, from North Tenth Street to South Tenth Street. The provisions of this section shall not be intended to apply to Seeing Eye dogs properly trained to assist blind persons, when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

(b)   It shall be unlawful for any person owning or having under his or her control any horse, pony, burro or any other animal of an equestrian nature, to permit such animal upon the Atlantic Ocean Beach.

(c)   Sec. 5-20. - Dogs and other animals in Wickline Park or Veteran's Memorial Park.

Prohibited. It shall be unlawful for any person owning or having under his or her control any dog or animal to permit such dog or animal in Wickline Park or Veteran's Park unless:

(1)   The animal meets the definition of "service animal" under the Americans with Disabilities Act;

(2)   The animal is part of an exhibition or demonstration in conjunction with a permitted special event per Chapter 4, Article III; or

(3)   The animal is on or within three (3) feet of a sidewalk.

(d)   Pets must be on a handheld leash/harness, not to exceed eight (8) feet in length, and under the control of the owner/handler. Any dog, cat, reptile, bird or other non-human creature (hereinafter referred to collectively in this subsection as an animal), whether a pet or not, which is brought or otherwise conveyed onto the beach

must be wearing a collar, harness or other appropriate restraining device that is attached to a leash, chain, rope or other physical connector (hereinafter referred collectively in this subsection as a leash) that does not exceed eight (8) feet in length from animal to handler/owner and under the continuous physical control of the handler/owner either by the leash or being held in the hand of or in another manner attached to the handler/owner or by being attached to a physical location device that does not allow the animal to move further than the eight-foot length of the leash from the fixed location device. In all situations, it is the responsibility of the animal's handler/owner to be in control of the animal and to ensure that the animal does not frighten, endanger, or harm any person, pet or other natural creature and that the said animal does not do anything that would result in a violation of any of the ordinances of the city.

Fiscal Impact: None.

Staff Recommendation: Motion to approve a waiver if Section 6-5 (a) & (c) of the Flagler Beach Code of Ordinance to allow a Dog Surfing Contest and Dog Costume Contest within banned areas. Staff recommends the Commission additionally consider expanding the area of beach from S. 3rd to S. 6th Streets in order to spread out the crowd. Should the Commission waive the prohibition of dogs in Veterans Park, staff recommends the dog costume contest be located Veterans Park.

Attachments: None.