



## MEMORANDUM

TO: Board of Commissioners  
FROM: Robin I. Gomez, City Manager  
DATE: September 30, 2024  
RE: Beaches/Sand – City Regulatory Services, Private vs Public

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### **Background**

City of Madeira Beach City limits along the beach/sand are approximately 2 miles from its Southern line at John's Pass Water way to its Northern line at 155<sup>th</sup> Ave. For decades people have been participating in a variety of recreational, social, and other activities such as walking, jogging, sitting, tanning, playing, eating, and much more on those 2 miles of beach/sand from in the Gulf waters all the way up to the dunes or other structure (building, wall, etc). At least one recent incident in Madeira Beach and a court case in Madeira Beach's neighbor to the North (Redington Beach) shed some light on the issue.

### **Discussion**

Recently the City of Madeira Beach and various residents and businesses reviewed and discussed the usage of what ended up being privately owned property on the sand related to an alcohol beverage license application and subsequent City approvals from 2021. The matter highlighted the issue of what is private versus public and what can private property owners do/allow or not allow specifically on the sand.

Madeira Beach's neighbor, Town of Redington Beach, recently received a favorable US District Court ruling regarding an ordinance that the Town adopted essentially listing that all the sand within the Town's limits was for public use.

Historically, Madeira Beach like many other coastal cities, towns, and counties have provided a variety of municipal services on the beach/sand including police, fire/ems, public works, sanitation, recreation, etc. The public has also been using the beach/sand from the dunes/structure location down and into the water for customary and repeat activities including walking, jogging, bicycling, sitting, tanning, eating, playing, etc. Any beach/sand identified as private property has primarily only been identified as such by the private property owner(s) with little to no action to restrict that sand access.

Based on the recent court ruling and the fact that the beach/sand has been for many decades normally and customarily used by the public for public enjoyment and leisure activities when visiting the beach/sand, such public usage will continue with little to no impediment(s).

**Fiscal Impact**

None