

ORDINANCE NO. 2015 -

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 4-32 “PROHIBITED WATER ACTIVITY” CREATING A VESSEL EXCLUSION ZONE WITHIN THE MASHTA FLATS AREA, AS FURTHER DESCRIBED ON EXHIBIT “A;” REPEALING ORDINANCE 2014-5; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mashta Flats is a multi-acre sandbar in the shallow waters of Biscayne Bay located off the Village of Key Biscayne (the “Village”), which is often frequented by boaters; and

WHEREAS, people often leave their boats when at the Mashta Flats to wade and swim in the water, which has unfortunately caused accidents and injuries to occur; and

WHEREAS, the Village, pursuant to Section 327.46(1)(b), F.S., has the authority to designate a swim area and adopt a vessel exclusion zone within the Village; and

WHEREAS, in order to protect the safety of the public, the Village Council desires to create a vessel exclusion zone and designate the Mashta Flats, as further described on Exhibit “A,” as a swim area; and

WHEREAS, the Village Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. **Section 4-32 of the Village Code Amended.** The Village Council hereby amends Section 4-32 “Prohibited Water Activity” as follows:

Sec. 4-32. - Prohibited water activity.

- (1) No owner, operator or Person in command of any Vessel shall permit or operate a Vessel within the area of the Atlantic Ocean, 300 feet east of the Beach from the southern boundary of Crandon Park to the northern boundary of Bill Baggs, Cape Florida State Park, except as authorized by the Village Council.

- (3) No owner, operator or Person in command of any Vessel shall permit or operate a Vessel within the Mashta Flats area within the Village's municipal boundaries as shown on the Mashta Flats Map below.

[add map]

- (43) Vessels used solely for an emergency/sea rescue or for ensuring compliance with local, state, or federal law are excluded from the provisions of this section.

Section 3. **Repeal of Ordinance 2014-5.** The Village Council hereby repeals Ordinance 2014-5 in its entirety.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this ____ day of _____, 2015.

PASSED AND ADOPTED on second reading this ____ day of _____, 2015.

MAYOR MAYRA PEÑA LINDSAY

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY



HADONNE

Land Surveyors and Mappers
3D Mappers
GPS / GIS Services
Subsurface Utility Surveyors

VILLAGE OF KEY BISCAVNE





KEY BISCAIYNE PARCEL

