ORDINANCE NO. 2006-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 22-31 "WEST MASHTA ROAD BRIDGE" OF CHAPTER 22 "PUBLIC PLACES" THE VILLAGE CODE TO PROVIDE RESTRICTIONS ON HOURS OF USE AND TO AMEND REFERENCE TO SPECIAL EVENT PERMIT SECTION IN CONFORMANCE WITH REVISIONS TO CHAPTER 17; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village is the owner of the West Mashta Road Bridge (the "Bridge"); and

WHEREAS, due to security concerns, the Village Council wishes to amend Section 22-31 "West Mashta Road Bridge" of the Code of Key Biscayne, Florida to restrict the hours of saltwater fishing at the Bridge; and

WHEREAS, the Village Council finds that the provisions of this Ordinance are necessary for the purpose of protecting the public health, safety and welfare, as authorized by Section 370.102, Florida Statutes.

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

Section 1. **Recitals.** That each of the above stated recitals is hereby adopted and confirmed.

Section 2. **Village Code Amended.** That Section 22-1 "West Mashta Road Bridge" of the Village Code of the Village of Key Biscayne, Florida is hereby amended as follows:[1]

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[1] / Proposed additions to existing code text are indicated by underline; proposed deletions to existing code text are indicated by strikethrough.

Section 22-1 West Mashta Road Bridge

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(e) *Special Events Permits:* In the event that a group of persons desire to utilize the Bridge for Fishing Activities, the Village Manager may issue a Special Event Permit pursuant to the provisions of Village Code Section 17-5 requiring the issuance of a special events permit shall be applicable.

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(h) *Hours of Use*: Saltwater Fishing Activities or Fishing Activities at the Bridge shall be limited to daylight hours between sunrise and sundown. ~~*Exemptions:* This section shall not be construed to prohibit the simple, direct passage of vehicles or pedestrians over the Bridge in accordance with law.~~

(i) *Exemptions:* This section shall not be construed to prohibit the simple, direct passage of vehicles or pedestrians over the Bridge in accordance with law.

Section 3. **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 4. **Inclusion In The Code.** It is the intention of the Village Council that the provisions of this Ordinance shall become and made a part of the Village Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. **Penalty.** Any person who violates any provisions of this Ordinance shall, upon conviction, be punished by a fine not to exceed $500.00 or imprisonment in the County jail not

to exceed sixty (60) days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate violation. This Ordinance shall also be subject to enforcement under the Local Government Code Enforcement Act, Chapter 162, F.S., as amended, and Section 2-31, et. seq. of the Village Code, as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.

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

PASSED AND ADOPTED on first reading this 13th day of June, 2006.

PASSED AND ADOPTED on second reading this ___ day of _____, 2006.

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MAYOR ROBERT OLDAKOWSKI

ATTEST:

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CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY

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