ORDINANCE NO. 2009-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER II, "ADMINISTRATION" OF THE CODE OF KEY BISCAYNE, FLORIDA CREATING NEW ARTICLE XVII, "GOLF CART SAFETY BOARD"; ESTABLISHING A NEW BOARD AND PROVIDING REQUIREMENTS FOR MEMBERSHIP AND JURISDICTION OF THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Village Code Section 2-10, the Village Council desires to create a Golf Cart Safety Board to provide recommendations to the Village Council and Village Manager regarding golf cart safety practices; and

WHEREAS, the Village Council finds that the creation of a golf cart safety board is in the best interest and safety of the Village and its residents.

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

Section 1. **Recitals.** That the above recitals are true and correct and incorporated herein by this reference.

Section 2. **Creation of Board.** Article XVIII "Golf Cart Safety Board" of Chapter II "Administration" of the Village Code is hereby created, to read as follows:

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Article XVII. Golf Cart Safety Board.

Sec. 2-231. Creation, composition, and qualifications.

(a) In accordance with Section 2-10 of the Village Code, there is hereby created and established the Village of Key Biscayne Golf Cart Safety Board (the "Board"). The Board shall be composed of seven (7) members appointed by the Mayor, with the approval of the Council.

(b) Members shall be residents of the Village and have shown an interest in serving on the Board.

(c) All Board members shall serve at the pleasure of the Village Council as provided by Village Code Section 2-10.

(d) Except for the initial Board, each member of the Board shall be appointed to a term of two (2) years. For the initial Board, four (4) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of one (1) year, as determined by the Mayor with the approval of the Village Council.

(e) Members of the Board shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.

(f) Each member of the Board shall be a full time resident of the Village who has continuously resided within the Village for the twelve-month period immediately prior to the appointment, and shall not be an employee of the Village. Any member who ceases to reside within the Village limits during his or her term of office shall be deemed to have resigned as of the date of his or her change of residence from the Village.

(g) In the event of the resignation or removal of any member of the Board, the Mayor shall appoint a person to fill the vacancy on the Board for the unexpired portion of the term of the member vacating such office, subject to approval of the Village Council.

Sec. 2-232. Term of office.

Except for the initial Board, members shall be appointed for a term of two years. Members may be reappointed.

Sec. 2-233. Advisory Capacity; Standards of Conduct.

The powers and duties of the Board shall be solely of an advisory nature to the Village Council and Village Manager. Accordingly, Board members shall comply with the applicable requirements of the Code of Ethics for Public Officers and Employees as provided in Part III of Chapter 112, F.S. and any other standards of conduct set by federal, state, county, Village or other applicable law.

Sec. 2-234. Rules of procedure, Other Requirements.

(a) The Board may adopt rules of procedure as authorized by Village Code Section 2-10 (k). In the absence of the adoption of such rules of procedure, the fundamental parliamentary procedures of Roberts Rules of Order shall apply, subject to the provisions of Village Code Section 2-10.

(b) During the first meeting of the Board, the members shall elect one of their members to act as chairman, vice–chairman and a secretary.

(c) The Board shall be subject to and shall comply with the applicable provisions of Village Code Section 2-10.

Sec. 2-235. Jurisdiction.

(a) The jurisdiction of the Board shall be solely advisory. Final advisory action of the Board shall be in the appropriate form, and written recommendations shall be provided to the Village Council and Village Manager. The following matters shall be within the jurisdiction of the Board:

(1) Study, evaluate and make recommendations to the Council regarding the adoption of regulations for the use and operation of golf carts;

(2) Study, evaluate and make recommendations to the Council regarding capital improvements and physical design changes on both public and private property for the efficient and safe circulation, use and operation of golf carts within the Village;

(3) Other Board considerations shall include, but not limited to access, parking, zoning, design bonuses for golf cart amenities.

(b) The Board shall not have jurisdiction over or related to any matter concerning the duties, employment or performance of Village employees.

Sec. 2-236. Dissolution of board.

(a) The Board shall be dissolved upon i) completion of the work of the Board as reflected by the presentation to the Council of a final report from the Board or report from the Village Manager indicating that the work of the Board is complete or ii) notification from the Village Council that the Board shall take no further action.

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Section 3. **Severability.** That 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.** That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. **Effective Date.** That this ordinance shall become effective immediately upon adoption at second reading.

PASSED AND ADOPTED on first reading this 24th day of February, 2009.

PASSED AND ADOPTED on second reading this ____ day of _____, 2009.

MAYOR ROBERT L. VERNON

ATTEST:

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CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY

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