

ORDINANCE NO. 2005-6

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING SECTION 4-32 APROHIBITED WATER ACTIVITY@ OF CHAPTER 4 ABOATS, VESSELS AND WATERCRAFT@ OF THE CODE OF KEY BISCAIYNE, FLORIDA, BY PROVIDING THAT VILLAGE COUNCIL SHALL AUTHORIZE EXCEPTIONS IN LIEU OF VILLAGE MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council desires to amend Section 4-32 AProhibited Water Activity@ contained in Chapter 4 of the Code of Key Biscayne, Florida, to provide that the Village Council in lieu of the Village Manager shall have the authority to grant exceptions for compliance with Section 4-32; and

WHEREAS, the Village Council finds that the amendment of Section 4-32 as provided herein is in the best interest of the Village.

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

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

Section 2. **Village Code Amended.** That Section 4-32 AProhibited Water Activity@ of the Code of Key Biscayne, Florida, as adopted by Ordinance No. 94-4, is hereby amended to read as follows¹:

Sec. 4-32. Prohibited Water Activity.
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~~Manager~~.

Section 3. **Severability.** The provisions of this Ordinance are declared to be severable

¹ Proposed additions to existing Village Code text are indicated by underline; proposed deletions from existing Village Code text are shown by ~~strikethrough~~.

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

Section 5. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 10th day of May, 2005.

PASSED AND ADOPTED on second reading this 24th day of May, 2005.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY