

ORDINANCE NO. 2005-8

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 2 "ADMINISTRATION", BY AMENDING ARTICLE I "IN GENERAL", BY AMENDING SECTION 2-1 "CREATION OF DEPARTMENTS" AT PARAGRAPH (a) "CREATED", TO REPEAL THE REFERENCE TO THE CONSOLIDATED "PUBLIC SAFETY DEPARTMENT" AND TO INSTEAD CREATE A SEPARATE FIRE RESCUE DEPARTMENT AND A POLICE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, in order to enhance the accreditation process for the police force of the Village of Key Biscayne, the Village Manager has recommended that the Village Code be revised to replace the consolidated Public Safety Department with a separate Police Department and a separate Fire Rescue Department; and

WHEREAS, the Village Council finds that the recommended reorganization is in the best interests of the Village.

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

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

Section 2. **Village Code Amended.** That Section 2-1 "Creation of Departments" of Article I "In General" of Chapter 2 "Administration" of the Village Code is hereby amended by revising paragraph (a) "Created" of Section 2-1 to read, as follows:¹

"Sec. 2-1. Creation of Departments.

(a) *Created.* The following departments within the Village

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

of Key Biscayne are hereby created:

- (1) Building, Zoning and Planning Department;
- (2) Finance and Administrative Services Department;
- (3) Recreation Department;
- (4) Public Safety Department; and
- (4) Police Department;
- (5) Fire Rescue Department; and
- ~~(5)~~(6) Public Works Department.

For emergency management purposes, the Village Manager shall be authorized to designate the Chief of the Fire Rescue Department and or the Chief of Police as the incident manager for a specific emergency event.

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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.** 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 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

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