

ORDINANCE NO. 2011-1

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE DOCK ADVISORY BOARD TO STUDY, EVALUATE, AND RECOMMEND PROPOSED REGULATIONS REGARDING DOCKS, WATERCRAFTS, AND RELATED MARINE STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (the “Village”) currently regulates the location of docks, watercraft, and related marine structures within the Village; and

WHEREAS, the Village Council desires to review the existing regulations in order to determine if such regulations are in need of modification; and

WHEREAS, the Village Council finds it necessary and appropriate to create a Dock Advisory Board in order to assist the Village Council in its review of the existing regulations and to provide any recommended changes to the regulations; 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. Dock Advisory Board. The Village Council hereby creates the Dock Advisory Board as follows:

Section A. Creation, composition, and qualifications.

(1) In accordance with Section 2-10 of the Village Code, there is hereby created and established the Dock Advisory Board (the "Board"). The Board shall be composed of five members appointed by the Mayor, with the approval of the Council.

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

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

(4) Each member of the Board shall be a full time resident of the Village with boating and marine navigation experience and/or be a waterfront resident 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.

(5) 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, subject to approval of the Village Council.

Section B. 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.

Section C. Rules of procedure, other requirements.

(1) 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.

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

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

Section D. Jurisdiction.

The jurisdiction of the Board shall be limited to evaluating and recommending to the Village Council amendments to the existing regulations for docks, watercraft, and other related marine structures within the Village. The jurisdiction of the Board shall be solely advisory. Final advisory action of the Board shall be in the form of a written recommendation provided to the Village Council. Upon submittal and presentation of the recommendation, the Board's

jurisdiction shall cease and the Board shall terminate unless further extended by resolution of the Village Council.

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

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

PASSED AND ADOPTED on first reading this 25th day of January, 2011.

PASSED AND ADOPTED on second reading this 8th day of February, 2011.

MAYOR FRANKLIN H. CAPLAN

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY