

ORDINANCE NO. 2018-_____

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE,
FLORIDA, AMENDING SECTION 4-33
“KITEBOARDING,” RELATING TO ADDITIONAL
KITEBOARDING REGULATIONS; PROVIDING FOR
CODIFICATION; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CONFLICTS; AND PROVIDING FOR
AN EFFECTIVE DATE.**

WHEREAS, on January 23, 2018, the Village Council of the Village of Key Biscayne (the “Village”) adopted an ordinance, which created kiteboarding regulations within the Village; and

WHEREAS, as a result of kiteboarding becoming a popular activity within the Village and due to the nature and methodology of launching and using such kites, the Village Council finds it necessary to further regulate kiteboarding in order to prevent injury and to protect Village residents and visitors; and

WHEREAS, the Village Council desires to further amend Chapter 4, “Boats, Vessels and Watercraft” of the Village’s Code of Ordinances by providing additional regulations for the activity of kiteboarding within the Village in order to protect the health, safety and welfare of its residents and visitors within the Village; and

WHEREAS, the Village Council finds that adoption of this Ordinance serves a legitimate governmental purpose and is in the best interest and welfare of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AS FOLLOWS: ¹

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Amending Chapter 4 of the Village Code. That Chapter 4 of the Code of Key Biscayne, Florida is hereby amended by revising Section 4-33 “Kiteboarding,” which shall read as follows:

Sec. 4-33. – Kiteboarding.

- (1) Kiteboarding instruction is prohibited within the Village.

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with highlight.

(2) Deployment of a Kiteboarding kite shall occur only within the Kiteboard Channel.

(3) Only No more than ten (10) Kiteboarding kites shall be permitted at one (1) time on the Beach within the Kiteboard Channel.

(4) All Persons must annually register with the Village Manager or designee prior to Kiteboarding within the Village. Kiteboarding shall only occur by registered Persons. The Village Council, by resolution, may charge a reasonable registration fee.

(5) Prior to registering and Kiteboarding within the Village, all Persons shall:

(a) Possess and provide proof of an UP WIND Level 3 International Kite Organization (IKO) certification or its equivalent, as determined by the Village;

(b) Provide proof of general liability insurance of not less than \$1,000,000.00 per Kiteboarding incident for bodily injury and property damage. This liability insurance shall also include medical and dental coverage; and

(c) Review the Village's Kiteboarding rules and sign an acknowledgement their agreementing to adhere to such rules.

(6) All Persons Kiteboarding within the Village shall have a Village-issued kite streamer. The Village shall issue a kite streamer to each registered Person. No Person shall permit another Person to utilize their Village- issued kite streamer. All Persons shall attach the Village-issued kite streamer to his or her kite harness while Kiteboarding.

(7) Kiteboarding shall be permitted during the following seasonal hours:

March to September- 10 am to 6 pm

October to February- 9 am to 5 pm.

Kiteboarding shall be prohibited during the following holiday weekends:

Memorial Day, Independence Day and Labor Day.

(8) The Village Manager may establish temporary restrictions on Kiteboarding due to holidays, weather conditions or Beach overcrowding.

(9) All Kiteboarding equipment when not in use and outside of the Kiteboard Channel shall be contained within a bag.

Section 3. Codification. That 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 Village Code, 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 4. 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 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective immediately after adoption on second reading.

PASSED on first reading this 13th day of February, 2018.

PASSED AND ADOPTED on second reading this _____ day of _____, 2018.

Mayra Peña Lindsay, Mayor

Attest:

Jennifer Medina, CMC
Village Clerk

Approved as to Form and Legal Sufficiency:

Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney