

**ORDINANCE NO. 2003-3**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AMENDING CHAPTER 2 "ADMINISTRATION" OF THE VILLAGE CODE BY AMENDING ARTICLE IV "FINANCE" AT DIVISION 1 "GENERALLY" BY CREATING SECTION 2-71 "FEES FOR USE OF COMMUNITY CENTER;" AUTHORIZING THE VILLAGE COUNCIL, BY RESOLUTION, TO PROVIDE FEES FOR MEMBERSHIP IN AND THE USE OF THE COMMUNITY CENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Village Council desires to provide a mechanism for the establishment of membership fees and other fees for the use of the Village's Community Center. NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recital Adopted. That the recital stated above is hereby adopted and confirmed.

Section 2. Village Code Amended. That Chapter 2 "Administration" of Article IV "Finance," of Division 1 "Generally," of the Village Code is hereby amended by creating Section 2-71 "Fees For Use of Community Center" to read as follows:  
Section 2-71. Fees For Use of Community Center.

The Village Council is hereby authorized to impose membership fees and related fees for the use of the Village Community Center. Such fees shall be set and may be amended from time to time by resolution of the Village Council following a public hearing. The resolution may provide for the waiver or deferral of fees upon hardship grounds, and for the reservation of annual memberships for the first year of operation of the Community Center during the construction period by payment of a deposit.

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 be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 25th day of February , 2003.

PASSED AND ADOPTED on second reading this 18th day of March , 2003.

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MAYOR ROBERT OLDAKOWSKI  
ATTEST:

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CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK  
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY

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