ORDINANCE NO. 01-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76 ARTICLE III, ENTITLED "LAKE PARK MARINA" PROVIDING FOR THE AMENDMENT OF SECTION 76-73 TO AUTHORIZE THE HARBOR MARINA DIRECTOR TO BAN THE OWNERS OF VEHICLES AND BOATS FROM THE MARINA'S PARKING AREAS FOR VIOLATIONS OF THIS CHAPTER; PROVIDING FOR THE AMENDMENT OF SECTION 76-74 ESTABLISHING PARKING FEES FOR VEHICLES PARKED IN THE MARINA PARKING AREAS AND THE ASSESSMENT OF FINES FOR VIOLATIONS OF THIS SECTION; PROVIDING FOR THE AMENDMENT OF SECTION 76-76 AUTHORIZING THE MARINA DIRECTOR TO INSPECT BOATS TO ENSURE THEY ARE MARKED AND ARE IN SEAWORTHY CONDITION; PROVIDING FOR THE AMENDMENT OF SECTION 76-81 TO AUTHORIZE THE SHORT TERM HABITATION ON BOATS IN THE MARINA; PROVIDING FOR THE AMENDMENT OF SECTION 76-95 AUTHORIZING THE ESTABLISHMENT OF A FEE SCHEDULE BY RESOLUTION OF THE COMMISSION FOR LAUNCHING BOATS AT THE MARINA BOAT RAMP; PROVIDING FOR THE AMENDMENT OF SECTION 76-96 AUTHORIZING THE ESTABLISHMENT OF A FINE SCHEDULE BY RESOLUTION OF THE COMMISSION FOR THE FAILURE TO PAY ANY OF THE FEES AUTHORIZED BY THIS CHAPTER; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapters 163, Florida Statutes; and

WHEREAS, the Town Commission has adopted regulations at the Lake Park Harbor Marina which have been codified in Chapter 76 of the Town Code; and

WHEREAS, the Town's Marina Director has recommended amendments to Sections 76-71 through 72-96 of the Code of Ordinances pertaining to marina regulations; and

WHEREAS, the Town Commission has determined that the recommended amendments would further the public's health, safety and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. Chapter 76, Article III, Sections 70-71, 73, 74, 76, 81, 91, 95 and 96 are hereby amended as follows:

Sec. 76-71. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Harbor marina director means any person, ~~authorized~~ appointed by the town manager, to operate the marina for the town. The harbor marina director shall report to, and be directly responsible to the town manager.

Houseboat means any flat-bottomed barge-like boat of whatever size or shape fitted for use as a floating dwelling, but not suited to rough water.

Marina means the Lake Park Harbor Marina.

Resident means a person who resides within the corporate limits of the town.

Tenant means the owner and/or operator of a boat regularly moored or launched at the marina.

Transient means a temporary tenant not to exceed ten days' length of stay.

Sec. 76-73. - Boats, cars and trailers under jurisdiction of harbor marina director.

(a) When a boat, car or trailer enters the marina area, it immediately comes under the jurisdiction of the harbor marina director, and the harbor marina director's duly authorized representative, and of the regulations in this article; it shall be berthed, anchored, parked or otherwise maneuvered only as directed. The Harbor Marina Director is authorized to permanently ban any boats, cars and trailers from being parked in the Marina parking areas, or from being launched at the Marina boat ramp whenever the vehicle or boat owner has violated this chapter by not paying a fine which has been assessed.

(b) No motor homes, campers or trucks weighing in excess of one-ton rated capacity (except to make deliveries or pickups) shall be permitted to park in the ~~Lake Park~~ ~~Harbor~~ Marina or the parking area attached thereto. Trucks making deliveries or pickups of fuels and supplies may enter the ~~Lake Park Harbor~~ Marina area only for such purposes and must leave as soon as the delivery or pickup is completed.

Sec. 76-74. - Permitted hours of use.

(a) No person, except as otherwise provided herein, shall use or be present on the premises of the marina from 9:00 p.m. until 6:00 a.m.; however, this provision shall not apply to persons using launching ramps for boat recovery only, live-aboards, transients, tenants of the marina and their guests nor to employees of the town, who have been issued a valid parking permit by the harbor marina director.

(b) Vehicular parking within the marina parking areas is prohibited ~~facility~~ from 9:00 p.m. until 6:00 a.m. ~~shall be prohibited~~ other than ~~for the~~ those vehicles of live-aboards, transients, tenants of the marina and their guests, ramp users awaiting recovery, and authorized town employees, who have been issued a valid parking permit by the harbor marina director.

(c) By resolution, the Commission may establish parking fees for vehicles parked overnight in the marina's parking areas.

(d) By resolution, the Commission may establish a schedule of fines which may be assessed against the owner of a vehicle or boat for violations of this section..

Sec. 76-76. - Boats to be marked and in seaworthy condition.

All boats using the marina's facilities shall be ~~fully~~ marked or identified as required by law. All boats using the marina's facilities shall be in a seaworthy condition and shall not constitute a fire or safety hazard. The harbor marina director ~~advisory board~~ shall have the authority to inspect ~~make adequate inspection~~ of any boat and to determine its compliance with the~~se~~ requirements of this section and other laws.

Sec. 76-81. - Living aboard boats.

The permanent use of boats for habitation is prohibited within the marina. ~~Shortterm~~ Short term habitation on boats ~~may be allowed~~ shall only be permitted with the prior written approval of the harbor marina director.

Sec. 76-91. - Fees for rental of boat slips.

All fees for the rental of boat slips within the marina, and other charges incidental thereto, shall be established by resolution of the town commission, after receipt and review of the recommendations of the ~~harbor marina advisory board and the~~ town manager. Leases of boat slips shall be by a standard form slip lease agreement prepared by the town. Subleases of slips shall not be permitted, except with the prior written consent of the harbor marina director using guidelines promulgated by the town, and only upon execution of a written sublease agreement reviewed and approved as to form by the town attorney. The harbor marina director shall retain copies of all leases and subleases of boat slips.

Sec. 76-95. Fees ~~Rates~~ for use of launching ramp.

(a) The ~~rates~~ fees for the use of the marina launching ramp ~~is~~ shall be assessed on a per launch basis or an annual basis.~~rate~~.

(b) Persons who pay for dockage fees provided by this Code are entitled to the use of the launching ramp at no extra cost, provided the boat being launched has a valid lease with ~~Lake Park Harbor~~ the Marina, and the leaseholder is present during the launch.

(c) By resolution, ~~T~~the Commission may ~~adopt~~ establish fee schedules for the effective operation and maintenance of the ~~Lake Park Harbor~~ Marina, including a fee for the overnight parking of vehicles in the marina parking areas and a daily fee or annual pass fee for boats using the launching ramps ~~shall be established by resolution of the town commission.~~ The town's code compliance officers shall have the authority to enforce the non-payment of these fees.

Sec. 76-96. Fines ~~Other fee schedules pertaining to operation of marina facilities.~~

By resolution, the Commission may establish a fine schedule for the failure to pay any fee established in this Chapter. ~~There shall be established by resolution such other fee schedules as may be necessary to effectively operate and maintain the Lake Park Harbor Marina.~~

Section 3.   Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4.   Repeal of Laws in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5.   Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6.   Effective Date. This Ordinance shall take effect upon execution.

Upon First Reading this ___18___ day of ___January___, 2017, the foregoing Ordinance was offered by _Commissioner O'Rourke_, who moved its approval. The motion was seconded by _Commissioner Flaherty_ and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	✓	
VICE-MAYOR KIMBERLY GLAS-CASTRO	✓	
COMMISSIONER ERIN FLAHERTY	✓	
COMMISSIONER ANNE LYNCH	✓	
COMMISSIONER MICHAEL O'ROURKE	✓	

PUBLISHED IN THE PALM BEACH POST THIS 22 DAY OF January 2017

Upon Second Reading this _1_ day of _February_, 2017, the foregoing Ordinance, was offered by _Commissioner Flaherty_, who moved its adoption. The motion was seconded by _Commissioner O'Rourke_ and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	✓	
VICE-MAYOR KIMBERLY GLAS-CASTRO	✓	
COMMISSIONER ERIN FLAHERTY	✓	
COMMISSIONER ANNE LYNCH	✓	
COMMISSIONER MICHAEL O'ROURKE	✓	

The Mayor thereupon declared **Ordinance No. _01-2017_** duly passed and adopted this _1_ day of _February_, 2017.

TOWN OF LAKE PARK, FLORIDA

BY: _____
Mayor, James DuBois

ATTEST:

_____
Town Clerk, Vivian Mendez
(Town Seal)

Approved as to form and legal sufficiency:

_____
Town Attorney, Thomas J. Baird