

**ORDINANCE NO. 22-2008**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE III, SECTION 76-74, "ENTITLED PERMITTED HOURS OF USE"; TO CHANGE THE HOURS OF PERMITTED USE OF THE LAKE PARK HARBOR MARINA TO PREVENT USE OF, AND VEHICULAR PARKING AT, THE MARINA FROM 11:00 P.M. TO 6:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida (Town) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town of Lake Park Commission has the authority to proscribe rules and regulations for the operation of the Lake Park Harbor Marina; and

**WHEREAS**, the Town Commission has reviewed the current hours of operation for the Marina and has determined that it is in the best interests of the Town and its citizens to amend the hours of operation.

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

**Section 1.** The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

**Section 2.** Chapter 76, Article III, Section 76-74 of the Town Code is hereby amended to read:

**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~~ 11:00 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.

(b) Vehicular parking within the marina facility from ~~9:00~~ 11:00 p.m. until 6:00 a.m. shall be prohibited other than for the vehicles of live-aboards, transients, tenants of the marina and their guests, ramp users awaiting recovery, and authorized town employees.

**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. Codification.**

The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

**Section 5. Repeal of Laws in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon adoption by the Town Commission.

Upon First Reading this 3 day of December, 2008, the foregoing Ordinance, was offered by Commissioner Carey who moved its approval. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR ED DALY	<u>/</u>	_____
COMMISSIONER CHUCK BALIUS	<u>/</u>	_____
COMMISSIONER JEFF CAREY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 3 DAY OF December, 2008**

Upon Second Reading this 17 day of December, 2008, the foregoing Ordinance, was offered by Commissioner Balius who moved its adoption. The motion was seconded by Commissioner Osterman and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR ED DALY	<u>/</u>	_____
COMMISSIONER CHUCK BALIUS	<u>/</u>	_____
COMMISSIONER JEFF CAREY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 22-2008** duly passed and adopted this 17 day of December, 2008.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois  
Mayor, Desca DuBois

ATTEST:

Victoria M. Lemley  
Town Clerk, Victoria Mendez Lemley

TOWN OF LAKE PARK  
SEAL

FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird  
Town Attorney, Thomas J. Baird