

**ORDINANCE NO. 11-2007**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE II, PROVIDING FOR THE AMENDMENT OF SECTION 76-36 ENTITLED “REPORTING TO COMMISSION; ASSISTANCE OF OFFICIALS AND EMPLOYEES”; PROVIDING FOR THE REPEAL OF SECTIONS 76-37, 76-38, 76-39, 76-40, 76-41 AND 76-42 PERTAINING TO THE HARBOR MARINA ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; 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 Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission has adopted general provisions pertaining to waterways, which have been codified in Chapter 76, Article I, of the Code of Ordinances; and

**WHEREAS**, Town Manager has recommended the amendment of Section 76-36 and that Sections 76-37, 76-38, 76-39, 76-40, 76-41 and 76-42 of Article II of Chapter 76 of the Town Code be repealed; and

**WHEREAS**, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend Chapter 76, Article II of the Town’s Code regarding the Lake Park Harbor Marina Advisory Board;

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

**Section 1.** Article II, entitled Harbor Marina Advisory Board shall be amended as follows:

**Sec. 76-36. Reporting to commission; assistance of officials and employees.**

The members of the harbor marina advisory board shall report directly to the town commission of any project requested of it and shall work closely with ~~meet as needed~~ other officials and employees of the town for to provide advisory recommendations regarding issues or projects as requested by the Commission or Town Manager regarding the progressive development and efficient operation of the Lake Park Marina. To that end, all officials and employees of the town, including the town manager, town attorney and members of the town commission, shall give provide such operational support and assistance as the town manager may be determine is required by the harbor marina advisory board for the effective performance of its assigned responsibilities.

**Sec. 76-40. Advice to commission on specific matters.**

The town commission may direct the Town Manager from time to time<sup>XO</sup> seek the advice of the harbor marina advisory board on specific matters to which the harbor marina advisory board shall make as prompt of a reply as possible to the request of the town commission, together with the description of the reasons for the recommendations which the harbor marina advisory board shall make.

**Section 2.** The following sections of Chapter 76, Article II of the Town Code are hereby repealed.

~~**Sec. 76-37. Revision of Lake Park Harbor Marina master plan.**~~

~~The marina development and control board harbor marina advisory board shall have as a first duty the revision of an existing master plan for Lake Park Harbor Marina devised by the Boat Basin Improvement Committee organized under Ordinance 5-1962, with specific concern for property acquired adjacent to the Lake Park Harbor Marina since the marina master plan-s had been presented presentation. The revised master plan and any future revisions shall be the guideposts for expansion and control and development of the Lake Park Harbor Marina by the town commission.~~

~~**Sec. 76-39. Review of rules and regulations for marina operation and control.**~~

~~The marina development and control board harbor marina advisory board shall have the duty opportunity to review all rules, regulations and procedures concerning the marina operation and control, and shall submit such recommendations as it may deem proper and necessary to the town commission, and the town manager, for such action as the commission shall see fit.~~

~~**Sec. 76-39. Continuous review; annual report to commission.**~~

~~The harbor marina advisory board shall maintain a continuous review of marina planning, construction, maintenance and operation, and shall report periodically to the town commission on these matters for such recommendations as they deem proper and necessary for appropriate action by the town commission. Such report shall be at the discretion of the harbor marina advisory board, however, not less than annually on or before July first of each year the harbor marina advisory board shall present its annual report to the town commission and to the town manager, together with whatever budget recommendations it has for the following year.~~

**~~Sec. 76-41. Powers generally.~~**

~~The harbor marina advisory board shall have such powers as may be proper or necessary for the discharge of its duties.~~

**~~Sec. 76-42. Purchases and contracts.~~**

~~All purchases or contracts by the harbor marina advisory board involving or binding the town shall be made only through the office of the town manager in accordance with the requirements of the Charter and of this Code.~~

**Section 4. 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 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. 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 7. Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 20 day of June, 2007, the foregoing Ordinance 11-2007, 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 PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

Upon Second Reading this 18 day of July, 2007, the foregoing Ordinance 11-2007, was offered by Commissioner Carey who moved its adoption. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

The Mayor thereupon declared Ordinance No. 11-2007 duly passed and adopted this 18 day of July, 2007.

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*  
Mayor Paul Castro

ATTEST:

*Vivian Mendez*  
Vivian Mendez  
Town Clerk

Approved as to form and legal sufficiency:

*Thomas J. Baird*  
Thomas J. Baird, Town Attorney

