



Item No. 14a

AGENDA ITEM REQUEST FORM

Town Manager's Office

Department Submitting Request

Connie Hoffmann

Dept Head's Signature

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- Nov 9, 2010
- Dec 7, 2010
- Jan 25, 2011
- Feb 22, 2011
- Mar 22, 2011

- Oct 29 (5:00 pm)
- Nov 30 (5:00 pm)
- Jan 14 (5:00 pm)
- Feb 11 (5:00 pm)
- Mar 11 (5:00 pm)

- Nov 22, 2010
- Dec 14, 2010
- Jan 11, 2011
- Feb 8, 2011
- Mar 8, 2011

- Nov 12 (5:00 pm)
- Dec 3 (5:00 pm)
- Dec 30 (5:00 pm)
- Jan 28 (5:00 pm)
- Feb 25 (5:00 pm)

***Subject to Change**

- | | | | |
|---------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi Judicial | <input checked="" type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

SUBJECT TITLE: Revisions to Town Code Chapter 5, Section 5-6 "Prohibitions On Water Activities".

EXPLANATION: The attached ordinance was previously presented to the Commission at the February 8, 2011 Roundtable Meeting, but since then additional changes has been made to add definitions and clarify the location of the activities. After Commission review the ordinance will be placed on the March 22, 2011 Regular Commission Meeting for First Reading.

RECOMMENDATION:

EXHIBITS:

FISCAL IMPACT AND APPROPRIATION OF FUNDS:

- | | |
|---|--|
| <input type="checkbox"/> Amount \$ _____ | <input type="checkbox"/> Acct # _____ |
| <input type="checkbox"/> Transfer of funds required | <input type="checkbox"/> From Acct # _____ |

Reviewed by Town Attorney
 Yes No

Town Manager Initials CH

This item was previously reviewed by the Town Attorney

28 **Section 2. Amendment.** Chapter 5 “Beaches and Waterways”, Article I “In General”

29 Section 5-1 “Definitions” of the Code of Ordinances of the Code of Ordinances is hereby amended

30 as follows:¹

31 **Sec. 5-1. - Definitions.**

32 The following words and phrases, when used in this article, shall have the
33 following meanings respectively ascribed to them:

34 Bicycle shall mean every device propelled by human power upon which any
35 person may ride having two tandem wheels, either of which is over 20 inches in diameter,
36 and including any device generally recognized as a bicycle though equipped with two
37 front and two rear wheels.

38 Kiteboard shall mean a board used to pull a rider through the water powered by a
39 kite or other wind power.

40 Motorcycle shall mean every motor vehicle designed to travel on not more than
41 three wheels in contact with the ground.

42 Motor-driven cycle shall mean every motorcycle including every motorscooter
43 with a motor which produces not to exceed five horsepower, and every bicycle with
44 motor attached.

45 Motor vehicle shall mean all vehicles propelled by power (other than muscular
46 power), trailers, semitrailers, trailer coaches and motor homes.

47 Taxi shall mean a licensed public motor vehicle for hire designated and
48 constructed to seat not more than seven persons and operating as a common carrier on
49 call or demand.

50 Windsurf board shall mean a board used to pull a rider through the water powered
51 by the wind on a sail.

¹ Words in ~~strike through~~ type are deletions; words in underlined type are additions.

52 **Section 3. Amendment.** Chapter 5 “Beaches and Waterways”, Article I “In General,”
53 Section 5-6 “Surfboards, boats or watercraft prohibited in proximity of bathers” of the Code of
54 Ordinances is hereby amended and renamed as follows:²

55 Sec. 5-6. - Surfboards, kiteboards ~~boats or watercraft~~ and windsurfing boards prohibited in
56 proximity of bathers. It shall be unlawful for any person or persons to use or operate surfboards,
57 kiteboards or windsurfing boards ~~boats, or watercraft~~ or to surf, kiteboard or windsurf or boat within
58 the Town within 150 feet of a bather inside the “Watercraft Prohibited Zone” as such is defined in
59 Section 5-101. in the proximity of bathers. so as to cause a hazard to bathers’ public safety or to
60 other persons using the beaches.

61
62 **Section 4. Amendment.** Chapter 5 “Beaches and Waterways,” Article II “Beach
63 Regulations” of the Code of Ordinances is hereby amended to create Section 5-35, as follows:³

64 Sec. 5-35. Kiteboard Instruction Prohibited on the Beach. It shall be unlawful for any person
65 to engage in kiteboard instruction on the beach. For purposes of this section, “kiteboard instruction”
66 is defined as a person teaching another person to use a board pulled through the water powered by a
67 kite or other wind power.

68
69 **Section 5. Codification.** This Ordinance shall be codified in accordance with the foregoing.
70 It is the intention of the Town Commission that the provisions of this Ordinance shall become and be
71 made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the sections of this
72 Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”,
73 “article” or such other appropriate word or phrase in order to accomplish such intentions.

74 **Section 6. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held
75 to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no
76 way affect the validity of the remaining portions of this Ordinance.

77 **Section 7. Conflicting Ordinances.** All prior ordinances or resolutions, or parts thereof, in
78 conflict herewith are hereby repealed to the extent of said conflict.

² Words in ~~strike through~~ type are deletions; words in underlined type are additions.

79 **Section 8. Effective Date.** This Ordinance shall be in full force and effect immediately
80 upon its passage on second reading.

81 Passed on the first reading, this ___ day of _____, 2011.

82 Passed and adopted on the second reading, this ___ day of _____, 2011.

83
84

MAYOR ROSEANN MINNET

86

	First Reading	Second Reading
87		
88 Mayor Minnet	_____	_____
89 Vice-Mayor Dodd	_____	_____
90 Commissioner Clotney	_____	_____
91 Commissioner Sasser	_____	_____
92 Commissioner Vincent	_____	_____

93

94 ATTEST:

95

96

97

98 _____
June White, Town Clerk

99

100 APPROVED AS TO FORM:

101

102

103

104 _____
Susan L. Trevarthen, Town Attorney

3 Words in ~~strike through~~ type are deletions; words in underlined type are additions.