



Item No. 12.2.b

AGENDA ITEM REQUEST FORM

Town Manager

Connie Hoffmann

Department Submitting Request

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

- April 27, 2011
- May 24, 2011
- June 28, 2011
- July 26, 2011

- April 15 (5:00 pm)
- May 13 (5:00 pm)
- June 10 (5:00 pm)
- July 15 (5:00 pm)

- April 12, 2011
- May 10, 2011
- June 14, 2011
- July 12, 2011

- April 1 (5:00 pm)
- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (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 type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

FY2011 DESIGNATED HIGH PRIORITY ITEM

SUBJECT TITLE: Second Reading - Ordinance 2011-04: Amending Chapter 5, Beaches and Waterways

EXPLANATION: The Commission held a Workshop on January 25, 2011 to collect input regarding recreational uses on the beach. As a result of that input an ordinance prohibiting kiteboard instruction on the beach was drafted. At the March 8, 2011 Roundtable meeting the issue of powered paragliding from Town beaches and launching areas on the beach was also discussed. The Commission directed the Town Attorney to add language to the draft ordinance to address those issues. Sec 5-35 and Sec 5-36 under Section 4, page 3 of the ordinance was added to address those issues. Ordinance 2011-04 was adopted on 1st reading March 22, 2011

RECOMMENDATION: Adopt Ordinance 2011-04 on 2nd reading

EXHIBITS: Ordinance 2011-04

Reviewed by Town Attorney
 Yes No

Town Manager Initials CH

1
2
3 **ORDINANCE 2011-04**

4 **AN ORDINANCE OF THE TOWN OF LAUDERDALE BY-**
5 **THE-SEA, FLORIDA, AMENDING CHAPTER 5**
6 **“BEACHES AND WATERWAYS” OF THE CODE OF**
7 **ORDINANCES, BY AMENDING ARTICLE I “IN**
8 **GENERAL”, SECTION 5-1 “DEFINITIONS”, BY**
9 **AMENDING ARTICLE I “IN GENERAL”, SECTION 5-6**
10 **“PROHIBITIONS ON WATER ACTIVITIES,” AND BY**
11 **AMENDING ARTICLE II “BEACH REGULATIONS” BY**
12 **CREATING SECTION 5-35 “KITEBOARD INSTRUCTION**
13 **PROHIBITED ON THE BEACH” AND SECTION 5-36**
14 **“AERIAL LAUNCHING AND LANDING PROHIBITED ON**
15 **BEACH”; PROVIDING FOR SEVERABILITY;**
16 **PROVIDING FOR CODIFICATION; AND PROVIDING AN**
17 **EFFECTIVE DATE**

18 **WHEREAS,** The Town of Lauderdale By-The-Sea (“Town”) wishes to promote the
19 public health, safety and welfare of the Town by regulating certain uses that can interfere with
20 the safety and enjoyment of the beach area by residents and visitors; and

21 **WHEREAS,** injuries involving kite line entanglement and hitting obstacles may occur
22 during kiteboarding instruction, and injuries involving bystanders may occur during aerial
23 launching and landing activities on the beach; and

24 **WHEREAS,** injuries may also occur when kiteboarding, windsurfing or other water
25 activities are conducted in the proximity of bathers; and

26 **WHEREAS,** the Town Commission finds it to be in the best interest of the Town
27 residents and visitors to ban kiteboard instruction and aerial launching and landing on the beach,
28 and to clarify other provisions of the Town Code relating to kiteboarding and windsurfing near
29 bathers.

30 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
31 **THE TOWN OF LAUDERDALE BY-THE-SEA, FLORIDA:**

32 **Section 1. Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and
33 confirmed as being true and correct and are hereby made a specific part of this Ordinance upon
34 adoption hereof.

35 **Section 2. Amendment.** Chapter 5 "Beaches and Waterways", Article I "In General"
36 Section 5-1 "Definitions" of the Code of Ordinances of the Code of Ordinances is hereby
37 amended as follows:¹

38 **Sec. 5-1. - Definitions.**

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

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

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

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

49 *Motor-driven cycle* shall mean every motorcycle including every motorscooter
50 with a motor which produces not to exceed five horsepower, and every bicycle with
51 motor attached.

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

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

57 *Windsurf board* shall mean a board used to pull a rider through the water powered
58 by the wind on a sail.

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

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

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

69
70 **Section 4. Amendment.** Chapter 5 “Beaches and Waterways,” Article II “Beach
71 Regulations” of the Code of Ordinances is hereby amended to create Sections 5-35 and 5-36, as
72 follows:

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

77
78 **Sec. 5-36. Aerial Launching and Landing Prohibited on the Beach.** It shall
79 be unlawful for any person to engage in aerial launching or landing on the beach. For
80 purposes of this section, “aerial launching or landing” shall mean the launching or
81 landing of a glider, paraglider, hang glider, or other aircraft, whether or not motorized,
82 with a wing, parachute or other means of suspension in air.

83
84 **Section 5. Codification.** This Ordinance shall be codified in accordance with the
85 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
86 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the
87 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be
88 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such
89 intentions.

90 **Section 6. Severability.** If any section, sentence, clause, or phrase of this Ordinance is

91 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
92 shall in no way affect the validity of the remaining portions of this Ordinance.

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

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

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

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

99
100
101
102

MAYOR ROSEANN MINNET

103
104
105
106
107
108

Mayor Minnet
Vice-Mayor Dodd
Commissioner Clotey
Commissioner Sasser
Commissioner Vincent

First Reading	Second Reading
_____	_____
_____	_____
_____	_____
_____	_____

109
110
111
112
113

ATTEST:

Town Clerk June White, CMC

114
115
116
117
118
119
120

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney