



AGENDA ITEM REQUEST FORM

Development Services

Department Submitting Request

Zoning/Code Supervisor

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

- Presentation
- Resolution
- Reports
- Quasi Judicial
- Consent
- Old Business
- Ordinance
- New Business

FY2011 DESIGNATED HIGH PRIORITY ITEM

SUBJECT TITLE: First Reading of Ordinance 2011-10 Amending Article VI Chapter 17, Sidewalk Cafés

EXPLANATION: At the June 14, 2011 Roundtable meeting the Commission discussed proposed revisions to the Sidewalk Café Code, which would establish an easier process approving permits for sidewalk cafés. The Commission asked for the proposed amendments to be scheduled for first reading.

The current process for a sidewalk café application is:

1. Plan review by staff after submission and application fee is paid.
2. Schedule for Planning and Zoning Board and conduct a public hearing.
3. Schedule for the Town Commission and conduct a public hearing.

The proposed amendments would:

1. Eliminate the requirement that sidewalk café permits require P&Z and Commission review.
2. Give the Town Manager the authority to approve a sidewalk café permit if in compliance with the code and provide an appeal process.
3. Reduce the fees associated with the application.
4. Eliminate the 24 lineal feet sidewalk minimum. Recently two local businesses wanted to take advantage of the sidewalk café use, but could not because they had less than 24 lineal feet of sidewalk frontage.
5. Eliminated the requirement that a take-out facility cannot have sidewalk seating.

RECOMMENDATION: We recommend approval of the proposed Ordinance on first reading.

Reviewed by Town Attorney
 Yes No

Town Manager Initials

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1 **AN ORDINANCE OF THE TOWN OF LAUDERDALE-**
2 **BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17**
3 **“STREETS, SIDEWALKS, AND OTHER PUBLIC**
4 **PLACES,” ARTICLE VI “SIDEWALK CAFÉS;”**
5 **PROVIDING FOR CODIFICATION; PROVIDING FOR**
6 **SEVERABILITY; PROVIDING FOR CONFLICTS; AND**
7 **PROVIDING FOR AN EFFECTIVE DATE.**

8
9
10 **WHEREAS,** the Town Commission recognizes that changes to the adopted Code
11 of Ordinances are periodically necessary in order to ensure that the Town’s regulations
12 are current and consistent with the Town’s planning and regulatory needs; and

13 **WHEREAS,** Chapter 17, Article VI of the Code of Ordinances addresses the
14 requirements for the permitting, licensure and operation of a sidewalk café within the
15 Town; and

16 **WHEREAS,** the Town Commission desires to amend and clarify the
17 requirements for the location, continuation and operation of such uses within the Town in
18 accordance with sound planning principles and current economic conditions; and

19 **WHEREAS,** the Town Commission conducted a first and second reading of the
20 proposed ordinance at duly noticed public hearings, as required by law, and after having
21 received input from and participation by interested members of the public and staff, the
22 Town Commission has determined that this Ordinance is consistent with the Town’s
23 Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

24
25 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION**
26 **OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

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59 ~~into a~~ A revocable license agreement in a form approved by the Town Attorney, with the
60 Town for any portion of the Town's right-of-way which is used for a sidewalk café ~~and~~
61 must also be obtained. ~~ing a permit as required by this article. The location of Ssidewalk~~
62 ~~cafés are a conditional use and shall be located only where permissible as prescribed~~
63 ~~pursuant to a determination approved by the Town Manager or designee. Town~~
64 ~~Commission and where a lawful permit has been issued. No person shall establish a~~
65 ~~sidewalk café abutting any sidewalk unless such person has obtained a valid permit to~~
66 ~~operate a sidewalk café pursuant to this article. The revocable license shall be in a form~~
67 ~~approved by the Town Attorney and reviewed by the Town Commission in conjunction~~
68 ~~with its review of the permit application. The license is revocable at the sole discretion of~~
69 either the Town Manager or Town Commission and shall not constitute a vested property
70 interest in any portion of the public right-of-way.

71 Any person or entity operating a sidewalk café without a permit or any property owner
72 allowing the operation of a sidewalk café without a permit upon his/her/its property shall
73 be subject to penalties as provided in this article.

74 Each operator of a sidewalk café that operates in a portion of the right-of-way shall pay to
75 the Town a monthly right-of-way license fee of \$1.50 for each square foot of right-of-
76 way licensed for use plus maintenance and capital improvement costs. In conjunction
77 with the approval of a sidewalk café, the Town Manager or designee ~~Commission shall~~
78 may waive the monthly license fee in an amount equal to the amount expended by the
79 applicant for improvements to the public right-of-way that benefit the public, not to
80 exceed two years of monthly license fees.

81 **Sec. 17-87. - Permit fee.**

82 (a) All sidewalk café operators shall pay a permit fee based on the number of seats
83 depicted on the Town-approved site drawing required by these regulations. The annual
84 permit fee for establishing or maintaining a sidewalk café shall be based on the total
85 number of outdoor seats as follows:

86 Seating capacity from 1 to 15 \$105.00

87 Seating capacity from 16 to 50 150.00

88 Seating capacity from 51 or more 225.00

89 (b) The permit fee shall be paid on or before October 1 and shall cover the time period
90 from October 1 through September 30 of the following calendar year, ~~except that where~~
91 ~~the permit fee exceeds \$1,000.00 the fee may be paid in two semiannual increments, the~~
92 ~~first to be due on October 1 and the second to be due on April 1. No license permit shall~~
93 be issued for any fractional portion of the year; provided, however, that any person or
94 entity operating a sidewalk café for a period beginning after May 1, may obtain a permit
95 for the remaining portion of the fiscal year upon payment of one-half of the permit fee
96 required by this article. No refund of fees shall be allowed.

97 (c) The permit fees collected pursuant to this section from sidewalk cafés located in the
98 Town of Lauderdale-By-The-Sea shall be placed in the general revenue fund.

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99 **Sec. 17-88. - Permit and license application.**

100 (a) Application for a permit and license to operate a sidewalk café shall be made at the
101 office of the Town Clerk. Such application shall include:

102 (1) Name, address and telephone number of the applicant.

103 (2) Name and address of business ~~restaurant~~.

104 (3) A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to
105 operate a ~~restaurant~~ business adjacent to the sidewalk area which is the subject of
106 the application.

107 (4) A copy of a valid certificate of use for the building frontage adjacent to the
108 sidewalk and which is the subject of the application.

109 (5) Evidence of insurance containing terms required under section 17-90 of this
110 article.

111 (6) An 8½ X 11 drawing to legible scale showing the layout and dimensions of the
112 existing sidewalk area and adjacent private property, proposed location, size and
113 number of tables, chairs, steps, trees, parking meter, bus shelters, sidewalk benches,
114 trash receptacles, and any other sidewalk obstruction either existing or proposed
115 within the pedestrian area.

116 (7) Photographs, drawings or manufacturer's brochures fully describing the
117 appearance of all proposed tables, chairs, umbrellas or other objects related to the
118 sidewalk café.

119 (8) Written consent from the building owner as to the proposed use of the sidewalk
120 and building frontage for a sidewalk café.

121 (9) A sidewalk café which will operate only on private property shall submit a
122 nonrefundable application fee of:

123 (i) ~~—\$150.00 for sidewalk cafés operated only on private property.;~~

124 (10ii) A sidewalk café which will operate on any portion of the public right of way
125 shall submit a nonrefundable application fee of \$175.00~~50.00~~, which shall
126 includeing the cost of mailed notice, for sidewalk cafés which operate on a portion
127 the right of way.

128 ~~No application for use of the right of way shall be considered by the Town~~
129 ~~Commission until notice has been provided to all property owners directly abutting~~
130 ~~the property upon which the business adjacent to the proposed sidewalk café is~~
131 ~~located. Such notice shall be a courtesy notice only and failure to mail or receive~~
132 ~~such notice shall not affect actions taken under this Article. Any Affected property~~
133 ~~owner may provide written comments to the Town Manager or designee within ten~~
134 ~~(10) days of the date of the mailed notice, for the consideration of the Town~~
135 ~~Manager or designee within 300 feet of the proposed sidewalk café site.~~

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136 (b) Applications shall be reviewed for compliance with Town ordinances and must be
137 approved by the Town Manager or designee Commission.

138 (c) The Town Manager or designee may deny an application that does not comply with
139 this section. Such denials shall be written and shall provide the reasons for the denial.
140 The applicant or an Affected property owner may appeal the Town Manager or
141 designee's decision to the Town Commission.

142 **Sec. 17-89. - Requirements of a sidewalk café permit.**

143 (a) Sidewalk cafés shall be located only in one of the following places:~~restricted to~~

144 (1) the sidewalk frontage of the licensed ~~restaurant~~ business to which the permit is
145 issued; or

146 (2) ~~within~~ the sidewalk frontage of the building where the validly licensed
147 ~~restaurant~~ business is located.

148 (3) Such sidewalk cafés may also occupy, and in both cases, a portion of the non-
149 vehicular right-of-way.

150 (b) In the event the ~~subject~~ area of the permit extends in front of an adjacent owner's
151 property, the permittee must obtain written permission from the adjacent property owner
152 for use of this area. Failure to obtain such written permission will not justify a refund of
153 the annual permit fee or any other fees paid to the Town of Lauderdale-By-The-Sea for
154 operation of a sidewalk café.

155 (c) Permits shall not be issued ~~for those locations where~~ to place tables and chairs ~~would~~
156 ~~be placed~~ within a ten-foot proximity of; bus stops, taxi stands, ~~or~~ fire hydrants;.

157 (d) ~~Tables or chairs will not be permitted within ten feet of a pedestrian crosswalk, or~~
158 ~~handicap ramp.~~

159 (de) However, the Town Manager or designee Commission may permit an exception to
160 the distance requirement from ten feet to five feet where established pedestrian and tram
161 paths shall not be obstructed and where public safety shall not be adversely affected. ~~In~~
162 ~~areas of congested pedestrian activity, the Town Commission is authorized to require a~~
163 ~~wider pedestrian path, as circumstances dictate.~~

164 (ef) A barrier, the design of which shall be approved by the Town, shall be required to
165 separate sidewalk café service areas from pedestrian and vehicular paths of traffic when
166 abutting the public right-of-way.

167 (fg) Tables, chairs, umbrellas, canopies, awnings, perimeter barrier and any other objects
168 utilized as part of the sidewalk café shall be of quality design, materials, size, elevation
169 and workmanship both to ensure the safety and convenience of users, and to enhance the
170 visual quality of the urban environment. Design, materials and colors shall be approved
171 by the Town Manager or designee Commission prior to the issuance of the sidewalk café
172 permit.

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173 ~~(h) Awnings, umbrellas and other decorative material~~ All fabrics shall be fire-retardant,
174 pressure-treated or manufactured of fire resistive material. ~~Signs, with the exception of~~
175 ~~the establishment name, are prohibited on awnings, umbrellas, chairs, tables and any~~
176 ~~other fixture which is abutting on the public right-of-way. Lettering may not exceed four~~
177 ~~inches in height.~~

178 (g~~i~~) Prior to issuance of a sidewalk café permit, the Town Clerk shall certify that there
179 are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the
180 current or past owners or operators of the property requesting a sidewalk café permit. A
181 sidewalk café permit will not be issued until all outstanding debts to the Town are paid in
182 full.

183 ~~(j) One menu board only shall be permitted with a maximum size that does not exceed~~
184 ~~four square feet. The menu board shall be placed in a location approved by the Town~~
185 ~~Commission and the menu board location shall be shown on the permit. The menu board~~
186 ~~shall not be a sandwich [board] sign.~~

187 (~~h~~k) Any business or food service establishment that qualifies under the conditions of
188 this article may redesign the face of their establishment to allow for doors or panels that
189 permit the establishment to have totally open sides allowing for an indoor/outdoor "café"
190 design. These changes in the building can only be made after a proper building permit is
191 issued, said changes otherwise comply with the "Code of Ordinances of the Town of
192 Lauderdale-By-The-Sea", the Florida Building Code, and all appropriate fees paid.

193 ~~(l) No sidewalk café permit shall be issued to any establishment which possesses less~~
194 ~~than 24 lineal feet of sidewalk frontage.~~

195 (~~i~~m) Where ~~public~~ parking exists between the sidewalk area proposed for use and the
196 portion of the right-of-way used for vehicular travel, a sidewalk café shall be located in
197 such a manner that a minimum five-foot wide clear pedestrian path on the sidewalk is
198 maintained at all times.

199 (~~j~~n) Where no ~~public~~ parking exists, a minimum five-foot wide clear pedestrian path
200 between the edge of the sidewalk closest to the right-of-way used for vehicular travel and
201 the sidewalk café shall be maintained at all times.

202 (~~k~~e) In areas of congested pedestrian activity, the Town Manager or ~~his~~ designee, is
203 authorized to require a wider pedestrian path ~~that [than than]~~ that provided herein as
204 circumstances dictate.

205 (~~l~~p) No objects shall be permitted around the perimeter of a sidewalk area occupied by
206 tables and chairs which would have the effect of forming a physical or visual barrier
207 discouraging the use of the sidewalk by the general public.

208 **Sec. 17-90. - Liability and insurance.**

209 (a) The permittee agrees to indemnify, defend, save and hold harmless the Town, its
210 officers and employees from any and all claims, liability, lawsuits, damages and causes of
211 action which may arise out of this permit, or the permittee's activity on the premises by

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212 executing a written hold harmless agreement.

213 (b) The permittee agrees to meet and maintain for the entire permit period, at his/her
214 own expense, the following requirements:

215 (1) Commercial general liability insurance in the amount of \$1,000,000.00 per
216 occurrence for bodily injury and property damage. The Town must be nameds as an
217 additional insured on this policy, and an endorsement must be issued as part of the
218 policy reflecting this requirement.

219 (2) Worker's compensation and employers' liability as required by the State of
220 Florida.

221 (3) All policies must be issued by companies authorized to do business in the State
222 of Florida and rated B+:VI or better per Best's Key Rating Guide, latest edition.

223 (4) The Town must receive 30 days' written notice prior to any cancellation,
224 nonrenewal or material change in the coverage provided.

225 (5) The permittee must provide an original certificate of insurance as evidence that
226 the above requirements have been met prior to commencing operations. Failure to
227 comply with these requirements shall justify a suspension or revocation of a
228 sidewalk café permit by the Town Manager or designee.

229 (c) The permit period shall run and insurance requirements as described in subsection
230 (b) above shall be effective from October 1 until September 30 of the following calendar
231 year.

232 **Sec. 17-91. - Sidewalk café permits.**

233 (a) Each permit shall be effective for one year from October 1 until September 30,
234 subject to annual renewal with the approval of the Town Manager or designee.

235 (b) The permit issued shall be personal to the permittee only and shall be transferable
236 only with the approval of the Town Manager or designee~~Commission~~.

237 (c) The permit may be temporarily suspended by the Town Manager or designee when
238 necessary to clear sidewalk areas for a "community or special event" authorized by a
239 permit issued by the Police Department.

240 (d) The Town Manager or designee may require the temporary removal of sidewalk
241 cafés when street, sidewalk, or utility repairs necessitate such action.

242 (e) The Town Manager or his/her designee, and/or an authorized Police Officer of the
243 Town may cause the immediate removal or relocation of all or parts of the sidewalk café
244 in emergency situations.

245 (f) The Town and its officers and employees shall not be responsible for sidewalk café
246 components relocated during emergencies.

247 (g) The permit shall be specifically limited to the area shown on the scale layout

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248 drawing attached to and made a part of the permit. The Town Manager or designee shall
249 have the right to remove without notice, any tables, chairs or other objects not in the
250 permit area.

251 (h) The permittee shall act to assure that its use of the sidewalk in no way interferes
252 with pedestrians or limits their free unobstructed passage. The Town Manager or
253 designee may require relocation of tables, chairs and other objects at any time for safety
254 or pedestrian flow consideration.

255 (i) The sidewalk café shall be opened for use by the general public, although such ~~use~~
256 seating may be restricted by the permittee to the patrons of the permittee.

257 (j) Permittees holding a business tax receipt or certificate of use limited to take-out
258 food are not eligible for sidewalk cafés. ~~shall not be permitted to provide table service on~~
259 ~~the sidewalk.~~

260 (k) Tables, chairs, umbrellas, and any other objects provided with a sidewalk café shall
261 be maintained with a clean and attractive appearance and shall be in good repair at all
262 times.

263 (l) The sidewalk area covered by the permit, and sidewalk and roadway immediately
264 adjacent to it, shall be maintained in a neat and orderly appearance at all times, and the
265 area shall be cleared of all debris as needed during the day, ~~and~~ again at the close of each
266 business day and as may be directed ~~designated~~ by the Town Manager or designee.

267 (m) Signs, with the exception of the establishment name, are prohibited on awnings,
268 umbrellas, chairs, tables and any other fixture which is on, or abutting on, the public
269 right-of-way. Lettering may not exceed four inches in height. ~~No signs shall be permitted~~
270 ~~in the public right-of-way.~~

271 (n) No tables, chairs or any other parts of sidewalk cafés shall be attached, chained, or
272 in any manner affixed to any tree, post, sign or other fixture, curb or sidewalk within or
273 near the permitted area. No ~~additional~~ outdoor seating authorized herein shall be used for
274 calculating seating requirements pertaining to location of, applications for, or issuance of
275 a liquor license for any establishment; nor shall it be used as the basis for computing
276 required seating for restaurants and dining rooms, or as grounds for claiming exemption
277 from such requirements under the provisions of any Town ordinance or State law.

278 (o) The area between the exterior walls of a ~~restaurant~~ business or other eating
279 establishment and the edge of sidewalk devoted to a sidewalk café shall be designated as
280 public space. The placement of tables and chairs in this public space shall not constitute a
281 building improvement which otherwise triggers structural improvements to the operating
282 business under the provisions of the Florida Building Code or any State statute.

283 (p) In the event an operator of a ~~restaurant~~ business or other eating establishment creates
284 a sidewalk café pursuant to the terms of this section and such creation entails actual
285 structural improvements to any portion of the structure other than the public space, or in
286 the event the creation of the sidewalk café permanently obstructs ingress or egress to the
287 ~~restaurant~~ business or eating establishment, then, ~~in that event~~, all applicable provisions of

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288 the South Florida Building Code or State statutes necessitating improvements to the
289 property shall apply.

290 (q~~e~~) The permittee shall notify the Town Manager or designee when operation of the
291 sidewalk café begins. Said notice shall be delivered to the Town Manager or designee
292 within 24 hours of such commencement.

293 (r~~p~~) No food preparation fire, or fire apparatus, shall be allowed on the public sidewalk,
294 other than that employed in the course of ordinary tableside service, including, but not
295 limited to, menu items which require table preparation, whether or not such area is
296 covered by this permit.

297 (s~~e~~) Upon the issuance of a "Hurricane Warning" or "Hurricane Watch" by the Broward
298 County Office of Emergency Management, the permittee shall forthwith remove and
299 place indoors all tables, chairs, awnings and other equipment located on the sidewalk.

300 **Sec. 17-92. -~~Denial, r~~Revocation or suspension of permit; removal and storage fees;**
301 **emergencies.**

302 (a) The approval of a sidewalk café permit is conditional at all times. The holder of a
303 permit has no vested right or property interest in the continuation of the permit or the
304 activity it allows. A sidewalk café permit can be denied, revoked or suspended if it is
305 found that:

306 (1) Any necessary business or health permit has been suspended, revoked or
307 cancelled.

308 (2) The permittee exceeds the approved square footage of by placing any
309 additional tables, chairs, etc., beyond the approved area.

310 (3) Changing conditions of pedestrian or vehicular traffic which causes congestion
311 necessitating removal of the sidewalk café. Such decision may be based upon
312 findings of the Town Manager that the minimum ~~four~~five-foot pedestrian path is
313 insufficient under existing circumstances and represents a danger to the health,
314 safety or general welfare of pedestrians or vehicular traffic.

315 (4) The permittee has failed to correct violations of this article or conditions of the
316 permit within 24 hours of receipt of the Town Manager's notice of same delivered in
317 writing to the permittee.

318 (b)(~~5~~) In the event the permittee fails to remove any tables, chairs, and other
319 objects related to the sidewalk café within 24 hours of receipt of the Town
320 Manager's final notice of violation~~denial~~, revocation or suspension, the Town
321 Manager may direct Town staff to remove said objects. The permittee shall be
322 responsible for the expenses incurred by the Town for the removal and storage of
323 said objects.

324 (b) ~~Upon denial of the permit, the Town Manager shall give written notice of such~~
325 ~~action to the permittee.~~

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326 (c) If the Town Manager believes that a permittee has engaged or is engaged in conduct
327 warranting the suspension or revocation of the permit, he shall serve the licensee by
328 certified mail or hand delivery, at his business address as disclosed in his application for
329 the permit, a written notice of ordinance violation which affords reasonable notice of
330 facts or conduct which warrant the intended action, and a reasonable time for the
331 permittee to cure the violation. The complaint shall state what is required to be done to
332 eliminate the violation, if any. The permittee shall be given adequate opportunity to
333 request a hearing before the Town Commission, unless the Town Manager finds that an
334 emergency condition exists involving serious danger to public health, safety and welfare,
335 in which case advance notice and hearing shall not be required. In the case of an
336 emergency suspension or revocation, the licensee shall immediately be advised of the
337 Town Manager's action. In the event the permittee does not cure the violation within the
338 reasonable time designated by the Town Manager, penalties shall be imposed pursuant to
339 section 17-93.

340 **Sec. 17-93. - Penalties. Enforcement.**

341 (a) This Article shall be enforced as follows:

342

343 (1) The Town Code Enforcement Special Master shall have jurisdiction to
344 hear and decide cases in which violations of this chapter are alleged; or

345

346 (2) The Town may enforce the provision of this Code by supplemental code
347 or ordinance enforcement procedures as provided by F.S. ch. 162, part 2; or

348

349 (3) The Town may prosecute violations by issuance of notices to appear for
350 violation of a Town ordinance.

351

352 (b) The penalty for a violation of this Article shall be as follows:

353

354 (1) First violation \$100.00

355

356 (2) Second violation within 12 months of adjudication of first violation
357 250.00

358

359 (3) Third violation within 12 months of adjudication of first violation 500.00

360

361 (4) Each day on which a violation exists shall constitute a separate violation
362 for the purpose of determining the fine.

363

364 (c) The Town Attorney, with authorization from the Town Commission, may bring
365 suit on behalf of the Town to enjoin any violation of this chapter

366 ~~The following civil fines shall be imposed for violators of this article:~~

367 ~~First citation \$100.00~~

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368 ~~Second citation (within a one-year period) 250.00~~

369 ~~Third citation (within a one-year period) 500.00~~

370 **Sec. 17-94. - Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.**

371 (a) The Town of Lauderdale-By-The-Sea may institute proceedings in a court of
372 competent jurisdiction to compel payment of civil fines.

373 (b) A certified copy of an order imposing a civil fine may be recorded in the public
374 records and thereafter shall constitute a lien upon any other real or personal property
375 owned by the violator and it may be enforced in the same manner as a court judgment by
376 the Sheriffs of this State, including levy against the personal property, but shall not be
377 deemed to be a court judgment except for enforcement purposes. After two months from
378 the filing of any such lien which remains unpaid, the Town may foreclose or otherwise
379 execute on the lien.

380
381 **SECTION 3. Codification.** This Ordinance shall be codified in accordance with
382 the foregoing. It is the intention of the Town Commission that the provisions of this
383 Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of
384 Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and
385 the word "ordinance" may be changed to "section", "article" or such other appropriate word
386 or phrase in order to accomplish such intentions.

387 **SECTION 4. Severability.** If any section, sentence, clause, or phrase of this
388 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
389 then said holding shall in no way affect the validity of the remaining portions of this
390 Ordinance.

391 **SECTION 5. Conflicting Ordinances.** All prior ordinances or resolutions or
392 parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

393 **SECTION 6. Effective Date.** This Ordinance shall become effective
394 immediately upon passage on second reading.

395 Passed on the first reading, this ____ day of _____, 2011.

396 Passed on the second reading, this ____ day of _____, 2011.

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Mayor Roseann Minnet

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First Reading

Second Reading

Mayor Minnet	_____	_____
Vice-Mayor Dodd	_____	_____
Commissioner Clottey	_____	_____
Commissioner Sasser	_____	_____
Commissioner Vincent	_____	_____

408

Attest:

409

Town Clerk, June White, CMC

411

(CORPORATE SEAL)

412

Approved as to form only for the use

413

by the Town of Lauderdale-By-The-Sea:

414

415

Town Attorney, Susan L. Trevarthen

417