

An ordinance amending the Code of Ordinances of the Town of Golden Beach adopting Land Development Regulations; establishing a Unified Code together with administrative procedures for making all land use decisions consistent with the Town's Comprehensive Plan as required by Fla. Statute #163.3202; Recodifying, renumbering, revising and rearranging, sections of the existing Ordinances of the Town, adding new matter and repealing various Ordinances; Adopting a uniform Code of Ordinances, matrix and numbering system by providing for: A table of contents, General provisions, Definitions, general administrative procedures, Reenacting and incorporating various portions of the Town's present ordinances as referenced therein; Establishing an Unified Code together with administrative procedures and inclusion in an Uniform Code of Ordinances and the method of amendment thereof; Providing for a Unified Land Development Regulation Manual; Providing for a concurrency management system; Severability; Repealing all ordinances or parts of ordinances in conflict; Effective Date.

WHEREAS, the provisions of the Florida Statute §163.3202 requires the adoption of a unified set of administrative procedures for making all land use decision consistent with the Town's Comprehensive Plan, and

WHEREAS, the present Code of Ordinances of the Town of Golden Beach is inadequately arranged in regard to titles, topics, and subject matter, some sections now being insufficient in form and substance, and

WHEREAS, the Town Council finds that it is necessary and proper to complete the recodifying, renumbering, revising and rearranging of the general permanent ordinances of the Town in printed form in order to establish a unified code and set of administrative procedures for making all land use decisions consistent with the Town's Comprehensive Plan, and

WHEREAS, The Town Council finds that the health, safety and welfare of the Town and all persons residing therein requires the recodification, renumbering, revision, rearrangement of all ordinances of the Town in book form to be known as the "Code of Ordinances of the Town of Golden Beach",

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL, OF THE TOWN OF GOLDEN BEACH.

Section 1: Revision and Recodification:

The general and permanent ordinances of the Town are revised, rearranged, renumbered, and recompiled as to sections into component titles as set forth in the chapter indices attached hereto and made a part hereof.

Section 2: Adoption of Codified Ordinances:

(A) The general and permanent ordinances of the Town as attached hereto and so revised, rearranged, recompiled and renumbered as to section, in form the same as that designated and on file in the office of the Town Clerk, bearing number the same as this ordinance are hereby made a part of this ordinance and are hereby adopted and enacted, and the same shall be printed and published in book form as the Code of Ordinances of the Town of Golden Beach, Florida and when so printed, published and assembled in book form and certified as correct by the Clerk of the Town, shall be admitted in evidence, effectiveness and regularity of all persons as to the existence, effectiveness and regularity of all enactments so published in the said book form as of the effective date designated herein. The adopted codified Ordinances are as follows:

Chapter II	General Provisions
Sections	2.01 thru 2.40
Chapter IV	Administrative Departments
Sections	4.01 thru 4.10
Sections	4.30 thru 4.60
Chapter V	Golden Beach Comprehensive Plan
Sections	5.01 thru 5.03
Chapter IX	General Regulations
Sections	9.01 thru 9.13
Chapter X	Marine
Sections	10.01 thru 10.05
Chapter XII	General Offenses
Sections	12.01 thru 12.05
Chapter XIII	Land Development Criteria
Sections	13.01 thru 13.26
Chapter XIV	Noise
Sections	14.01 thru 14.15
Chapter XV	Public Works
Sections	15.01 thru 15.71
Chapter XVI	Code Enforcement and Nuisance Abatement
Sections	16.01 thru 16.03

Chapter XVII Unified Land Development Regulations  
(L.D.R) Manual  
Sections 17.01 thru 17.13

(B) One copy of the Code Of Ordinances, upon certification as to the correctness thereof in such book form by the Clerk of the Town shall be kept in its initial form on file in the office of the Clerk and retained as a permanent ordinance record of the Town.

(C) Subsequently revised, rearranged, renumbered, and recompiled sections of the ordinances of the Town as described in the indices set forth herein may be adopted by the Town Council at a future time, after public hearing, in the manner required by law. Until such time, all existing ordinances not subject to adoption herein shall remain in full force and effect.

Section 3: Other Amendments and Supplements:

The Code of Ordinances may be amended or supplemented at any time, and when any amendment or supplement is adopted in such form as to indicate the intention of this council to make the same a part hereof, such amendment or supplement shall be incorporated in, and deemed a part of the Code of Ordinances so that any reference to the Code of Ordinances shall be understood and construed as including the Code of Ordinances, and any and all such amendments and supplements thereto.

Section 4: Form of Amendment or Supplement:

All amendments and supplements enacted as part of the Code of Ordinances shall be integrated therewith by following the form of arrangement and plan hereby and therein adopted. Each title shall be subdivided into chapters and chapter shall be subdivided into sections.

Section 5: How Known and Cited:

This adopting ordinance, the Code of Ordinances of the Town of Golden Beach, Florida hereby adopted any and all amendments and supplements which may be adopted shall be known and referenced to as the Code of Ordinances and shall be known and referred to either as "the code", "this code", "component code", or as designated in Section 1 hereof.

Section 6: Master Copy:

The clerk of the Town in addition to the book form copy in its initial form to be kept on file in the clerk's office pursuant to Section 2 hereof, shall keep a complete master copy in book form and in connection therewith or attached thereto in such form and manner as the clerk may determine to be the most easily available for the easiest reference, a copy of all amendments and supplements bearing such title, chapter or section

designations as may be proper. If in doubt as to such designation, the clerk of the Town shall be guided by the advice of the Town Attorney.

Section 7: Unified Land Development Regulations Manual:

The Town shall compile from the adopted Code of Ordinances, in accordance with the Town's Comprehensive Plan and Rule 9J-24.008 of the Florida Administrative Code (F.A.C.), an Unified Land Development Regulations Manual. The specific sections that shall be integrated into the manual, or as may be amended from time to time, are the following:

Chapter II	Sections 2.06 thru 2.10	General Provisions
Chapter IV	Section 4.50 Section 4.51	Building Regulation Board Procedures on Appeal to Town Council
	Section 4.60	Right to Judicial Review
Chapter V	Sections 5.01 thru 5.03	Golden Beach Comprehensive Plan
Chapter IX	Section 9.03	Waste Removal and Property Maintenance
	Section 9.07	Street Closings
	Section 9.08	Signs
	Section 9.10	Parking
	Section 9.11	Truck Weight Restrictions
	Section 9.13	Regulation of Devices for Collection of Electromagnetic Solar Radiation
Chapter X	Section 10.01 Section 10.03 Section 10.04 Section 10.05	Beach Cleaning Boats Houseboats Sea Walls & Docks
Chapter XIII	All sections	Land Development Criteria
Chapter XVII	All sections	Land Development Regulations Manual

Section 8: Interpretation:

(A) In the interpretation of any provision of the Code of Ordinances, or of any ordinance amending or supplementing the same, general terms, phrases, and expressions therein shall be liberally construed so as to carry out the intent and meaning of this Council, and shall have the meaning commonly ascribed thereto, unless a different meaning is required by the context or to give effect to such ordinance.

(B) The heading of sections contained in the Code of Ordinances shall be printed in all capital letters and are to be deemed to be in the nature of "catch words," and in case of conflict between such heading and the contents of any section, the contents of the section shall control, not withstanding such headings.

Section 9: Separability:

Each section and each part of each section of the Code of Ordinances is hereby declared to be an independent section or part of a section and notwithstanding any other evidence of legislative intent that if nay such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Code of Ordinances would have been adopted independently of such section, sections, or part of a section so held to be invalid.

Section 10: Repeal of Prior Ordinances:

The Code of Ordinances contains all of the provisions of a general and permanent nature pertaining to the subjects therein enumerated and embraced. All prior ordinances, parts of ordinances and sections of the prior Code of Ordinances in force, which are incorporated in or pertain to the subjects enumerated and embraced in the Code of Ordinances of the Town are hereby repealed as of 12:01 p.m. Eastern Standard Daylight Savings Time on the effective date of this ordinance as provided in Section 13 hereof.

Section 11: Prior Ordinances not affected by Repeal:

The repeal of ordinances and Code of Ordinances sections as provided in Section 9 hereof shall not affect:

- (1) All ordinances of a temporary or special nature, and all other ordinances pertaining to subjects not enumerated and embraced in the Code of Ordinances;
- (2) Any offense or act committed or done or nay penalty or forfeiture incurred, or any contract or right established or accruing before the date of repeal of prior ordinances set forth in Section 10 above.
- (3) Any ordinance or resolution, promising or guaranteeing the payment of money to or by the Town, authorizing the issuance of any bonds or notes of the Town or any other evidence of the Town's indebtedness, or any contract or obligation assumed by the Town.

- (4) The administrative ordinances or resolutions of this Council not in conflict or inconsistent with the provision of the Code of Ordinances.
- (5) Any right or franchise conferred by any ordinance or resolution of this Council to a person or corporation.
- (6) Any ordinance naming, relocating or vacating any street or public way, or any ordinance identifying stop streets at intersections, one-way streets or any other traffic regulations.
- (7) Any ordinance levying or imposing taxes, assessments, or charges.
- (8) Any ordinance fixing salaries, wage rates, fringe benefits or other emoluments or compensation of Town officers or employees.
- (9) Any prosecution, suit or other proceeding pending, or any judgment rendered on or prior to the date of repeal or prior ordinances set forth in Section 10 above.
- (10) Any ordinance which may be adopted by Council after the date of repeal of prior ordinances set forth in Section 10 above.

Section 12: Publication:

- (A) The Clerk of the Town, having caused the titles of the Code of Ordinances with their component chapters and sections to be printed, having assembled all of such titles as the Code of Ordinances of the Town of Golden Beach, Florida, for certification as correct by the Clerk of the Town, shall have on file one such complete set of the Code of Ordinances in its initial form with this Adopting Ordinance as provided in Section 6.
- (B) The Clerk of the Town is authorized to sell to the public to the extent they are not needed by the Town organization, the complete set of books comprising of the Code of Ordinances, separately by volume, or by the component title, as well as supplements hereafter published, at such prices as the Clerk of the Town may from time to time determine, considering overhead, handling and other related costs of the Town. The Clerk of the Town is also authorized to exchange copies of the Code of Ordinances with Town Attorneys of other cities as may be directed by the Town Attorney, extending like courtesy to the Town of Golden Beach Town Attorney.
- (C) The Clerk of the Town shall prepare and distribute periodically, the amendments and supplements to the Code of Ordinances, which shall be prepared and published no less than once per year insofar as is possible and practicable.

(D) The Clerk of the Town shall file the Code of Ordinances with the Clerk of the Dade County Commission and the clerk of the Circuit Court of the Eleventh Judicial Circuit of the State of Florida.

Section 13: Concurrency:

That no Development Order, Development Permit or other Building Permit nor any tentative plat, final plat or waiver of plat shall be issued by the Town of Golden Beach nor approved on appeal by the Town Council until after the building official has examined the plan or plat and noted in writing that the issuance of such permit will meet the criteria contained in Chapter XVII of the Code.

Section 14: That all ordinances and parts of ordinances in conflict herewith be, and the same are hereby repealed insofar as they are inconsistent or in conflict with the provisions of this ordinance.

Section 15: Should any section, paragraph, sentence, phrase, clause or other part of provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 16: It is intended that this Ordinance be included in the Codified Ordinances of Golden Beach, Florida.

Section 17: Effective Date:

This ordinance shall take effect upon adoption.

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida this 2 day of November, 1989.

The motion to adopt the foregoing ordinance was offered on second reading by:

Vice Mayor Sorota


seconded by:

Councilman Duffner

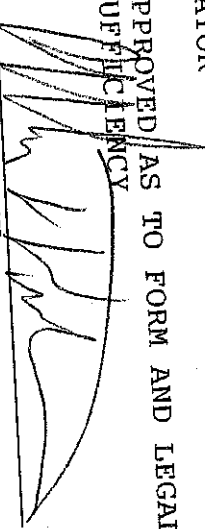
and on roll call, the following vote ensued

Mayor Herbert A. Tobin  
Vice Mayor John M. Tweddle  
Councilmember Lee R. Duffner  
Councilmember Jerome Fried  
Councilmember Samuel Sorota

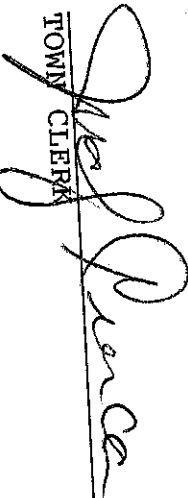
aye  
aye  
aye  
aye  
aye

  
MAYOR

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

  
TOWN ATTORNEY

ATTEST

  
TOWN CLERK