

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 525.07

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING SECTION 22-80 "COMMERCIAL FISHING ON BEACHES PROHIBITED" OF ARTICLE III "RULES AND REGULATIONS" OF CHAPTER 22 "PARKS AND RECREATION"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN TOWN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town desires to enhance the health, safety and welfare of the general public using the beaches located within Town limits by creating Section 22-80 "Commercial Fishing on Beaches Prohibited" of Article III "Rules and Regulations" of Chapter 22 "Parks and Recreation" of the Town of Golden Beach (the "Town") Code of Ordinances to prohibit commercial fishing on beaches located within Town limits:

WHEREAS, commercial fishing on beaches poses a health and safety risk to the general public using the beaches. These risks include, among others, possible injury to the general public from fishing hooks and fishing lines (i.e. tripping) both within and outside the Town beach waters and possible injury from exposure to fish that may be attracted to the Town beach waters due to commercial fishing; and

WHEREAS, the Town Council finds that the creation of Section 22-80 "Commercial Fishing on Beaches Prohibited" as provided herein is in the Town's best interest; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF GOLDEN BEACH,
FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Town Code Amended. That Article III "Rules and Regulations" of Chapter 22 "Parks and Recreation" of the Code of Ordinances of the Town of Golden Beach, Florida is hereby amended by creating Section 22-80 "Commercial Fishing on Beaches Prohibited" to read as follows:

Section 22-80. Commercial Fishing on Beaches Prohibited.

(a) Purpose: Commercial Fishing Prohibited: Commercial fishing is prohibited on beaches located within Town limits.

For purposes of this provision, "Commercial Fishing" shall be defined to mean all fishing, other than recreational fishing, including but not limited to, the taking of finfish for purposes of sale or exchange, whether by means of rod and reel, hook and line, haul nets, gill nets, stop nets, seines and traps, or in any manner whatsoever that such fish may be reduced to possession.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance

but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Golden Beach, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Conflict. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be effective upon adoption on second reading.

Sponsored by the Administration

PASSED AND ADOPTED on first reading this 21st day of August, 2007.

PASSED AND ADOPTED on second reading this 18th day of September, 2007.

The Motion to adopt the foregoing Ordinance was offered by Council Member Lusskin, second by Council Member Einstein and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Ken Bernstein	<u>Aye</u>
Councilmember Ben Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>



MAYOR GLENN SINGER

ATTEST:


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


TOWN ATTORNEY