

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 537.09

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTION 22-6 OF THE TOWN CODE OF ORDINANCES ENTITLED "USE OF BEACH PAVILION/'THE LOGGIA' AND TOWN BEACH FACILITIES" REGARDING ADOPTION OF RULES AND REGULATIONS FOR USE OF THE BEACH PAVILION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 22-6 of the Town of Golden Beach (the "Town") Code of Ordinances is entitled "Use of Beach Pavilion/'The Loggia'; and Town beach facilities" and contains rules and regulations governing use of certain Town facilities and the issuance of a permit in connection with such use; and

WHEREAS, the Town Council desires to amend the Town Code of Ordinances to permit such rules and regulations to be adopted by resolution rather than by ordinance on an ongoing basis; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interest and welfare of the citizens of the Town; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:¹

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

and confirmed.

¹ Proposed amendments to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strike through~~. Highlighted text indicates proposed amendments made between first and second reading.

Section 2. Amendment to Section 22-6 of the Town Code of Ordinances.

That section 22-6 of the Code of Ordinances of the Town of Golden Beach, Florida, is hereby amended to read as follows:

Sec. 22-6. Use of Beach Pavilion/"The Loggia"; and Town beach facilities.

~~The Beach Pavilion/"The Loggia" (referred to interchangeably) and all related Town beach facilities (restroom, outdoor showers and water, chickee huts and beach chairs) are for the sole use and enjoyment of all the Town residents, and accompanied guests, and They shall not be used for any commercial activities, or by non-residents (unless said non-residents are visitors of residents in compliance with the rules set out below). The Town may sponsor and hold activities/events for residents at the Beach Pavilion without necessity of a Town permit. The Town may issue a permit to a resident for a date and time certain for said resident's exclusive use of the Beach Pavilion/"The Loggia" (referred to interchangeably) for any proper activity/event (referred to interchangeably) only in conformity with the following rules~~ The use of the Beach Pavilion and all related facilities shall be regulated and governed by Rules and Regulations for Use of the Beach Pavilion that shall be adopted by Resolution of the Town Council. Said Rules and Regulations for Use of the Beach Pavilion may be amended by the Town Council from time to time and at any time. The Rules and Regulations for Use of the Beach Pavilion may include restrictions on use including, but not limited to, restrictions on hours, noise, permitted activities, usage fees, and lifeguard requirements. The Rules and Regulations for Use of the Beach Pavilion may also contain restrictions and conditions upon granting a permit for the exclusive use of the Beach Pavilion.:-

- ~~(1) Only a resident of the Town can apply for a permit for exclusive use of the Beach Pavilion for a particular social and non-commercial event/activity on a date and time certain.~~
- ~~(2) An application form provided by the Town must be completed by the Town resident applying for the permit and said form must be submitted to the Town along with a security deposit of \$200.00, which deposit shall be refundable less any amounts required to restore the Town's facilities to the condition existing at the commencement of the permitted activity.~~
- ~~(3) Only completed applications will be processed; and processing will occur in the order they are received by the Town; with Town events to take precedence.~~
- ~~(4) A \$50.00 fee must be submitted with each permit application which shall be used by the Town to purchase liability insurance with coverage of \$500,000.00 and to defray administrative and maintenance expenses of the Town incurred in the permitting process. The liability insurance shall insure the resident permit holder and the Town against liability for use of the Beach Pavilion, beach and beach facilities for the permitted activity.~~
- ~~(5) No permit shall be issued for use of the Beach Pavilion for less than 20 nor more than 60 persons.~~
- ~~(6) The permit holder must hire an off-duty police officer to be present if there are 30 or more persons at the Beach Pavilion for a permitted activity. The off-duty police officer shall be paid by the permit holder for the hours incurred which must be at least coextensive with the hours of the permitted activity.~~
- ~~(7) Any permitted activity which may include swimming, and at which there are 20 or more persons (whether all are swimming or not) must take place in the presence of the Town lifeguard during regular hours; except if the activity extends after 5:00 p.m. or~~

~~takes place when there is no Town lifeguard on duty, then the permit holder must hire at the permit holder's expense an off-duty lifeguard to watch over the water activity.~~

~~(8) The permit holder is responsible for the permitted activity and the condition of the Loggia and facilities used by the persons attending the permitted activity and are required to insure that their guests are to leave the Loggia and/or beach at the conclusion of the event as specified on the permit (three-hour limit daytime event, four-hour limit nighttime event).~~

~~(9) At the commencement and the conclusion of the permitted activity, there will be a checklist inspection of the Beach Loggia and the facilities (including restrooms, outside showers, water, chairs, lounges and chickee huts) conducted by the police, public service aide or maintenance person of the Town. The checklist will be one created by the Town and each completed checklist is to be maintained with the permit application as part of the Town records to help assess the use and condition of the facilities and the effectiveness of this program. Any costs incurred by the Town to clean or restore the Loggia, or the facilities to their condition as noted at the commencement of the permitted activity will be deducted from the security deposit. In the event that costs to clean and/or restore exceeds the security deposit, the permit holder will be required to reimburse the Town upon receipt of an itemized billing.~~

~~(10) Except for Town sponsored events, no noise or music shall be permitted past 10:00 p.m.; unless same is contained within the Beach Loggia and does not disturb the peace and quiet of any Town resident.~~

~~(11) No daytime event shall take place earlier than 10:00 a.m. nor later than 4:00 p.m. No permit shall be issued for any daytime event exceeding three hours in duration. Daytime events are permitted only for the first and third Sundays of each month, and one (1) weekday per week, except if the designated Sunday falls on a Town event day~~

~~or a legal holiday, Christmas Eve or New Year's Eve, then the following Sunday may be substituted for a daytime event.~~

~~(12) Other than daytime events, a permit may be issued for an activity to take place from 4:00 p.m. - 10:00 p.m. Sunday thru Friday and 4:00 p.m. - 11:00 p.m. Saturday. All permit commencement times include set-up time.~~

~~(13) Charcoal grills and fires are not allowed except at Town sponsored events. The Town Manager may approve use of gas grilling which approval must be in writing. Gas grilling must be done in a designated area and with a fire extinguisher available.~~

~~(14) No trampolines are allowed, including floating trampolines. Any activity involving extended use of the Town's water or water hose shall require \$50.00 to be withheld and not subject to refund from the security deposit of the permit holder, providing however that bounce houses will be allowed filled with air and self-contained walls.~~

~~(15) All use of the Town's Beach Loggia and beach facilities (including restrooms, outside showers, water, chairs, lounges and chickee huts) shall remain under the scrutiny, enforcement and discretion of the Town police, Town Manager and Town lifeguard. If any event or activity, whether by permit or otherwise, is, in the opinion of the Town police, Town Manager or Town lifeguard, creating or likely to create a risk to the health, safety or welfare of any person, or is damaging or is likely to damage Town property, or is unreasonably wasting or depleting Town resources, or is in material violation of the terms or conditions of the permit, then the event/ activity shall be forthwith terminated or prohibited.~~

~~(Section 22-1 defines non-resident and visitor.)~~

~~(16) Every visitor must obtain either a visitor pass or visitor parking pass from a Town police officer at the Strand Gate Guardhouse. Visitor passes and visitor parking passes shall be issued to the visitor only if in the presence of the sponsoring Town resident; or, in exceptional circumstances, then in the police officer's discretion the visitor parking~~

~~pass or visitor pass may be issued to the visitor based upon phone confirmation with the sponsoring resident. If a Town resident has not obtained a permit for an event/activity, but wishes to bring guests to the Town's beach facilities, then the Town resident may sponsor up to eight (8) visitors per Town resident household. Under special circumstances a resident can apply to the Town Manager for additional guest passes not to exceed one (1) day for a total of twelve (12) guest passes. Visitor passes and visitor parking passes are good only for the time period of the day of issuance; and for a permitted activity the pass shall not exceed the time period of the permitted activity. A copy of the visitor parking pass must be prominently visible on the inside dash of the visitor's vehicle. Each visitor must retain a copy of the visitor pass or visitor parking pass with him/her while at the Beach Loggia or while using the beach facilities of the Town. Except in unusual circumstances, the sponsoring Town resident is to attend the beach with said resident's visitors; and violation of this provision may result in the Town limiting or denying said resident future visitor passes.~~

~~(17) Visitor parking passes shall contain or be accompanied by printed information regarding use of the Beach Pavilion and beach facilities.~~

~~(18) Visitors of residents may not park their vehicles in the east parking lot (nearest the Pavilion) except for those visitors with valid handicap parking decals; however, at least one handicap space at the east parking lot shall be reserved for resident handicap parking.~~

~~(19) Visitors with parking passes must park in the west Lot. If there is no space in the west lot then visitors may park at the home of their sponsoring resident.~~

~~(20) A means of identification will be issued by the Town by key ring or some other form of identification at no cost to the resident. Said identification will serve to assist the police to readily identify residents and visitors of residents of Golden Beach who are using the Golden Beach facilities. Visitors who are not accompanied by a Town resident,~~

~~or who do not have in their possession a valid visitor parking pass or resident identification will not be permitted to remain at the Beach Leggia or make use of the Town's facilities.~~

Section 3. Severability. That if any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Inclusion in the Code. 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, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions.

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

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

Sponsored by Town Administration.

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor Lusskin, seconded by Councilmember Rojas, and on roll call the following vote ensued:

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

PASSED AND ADOPTED on first reading this 19th day of May, 2009.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Rojas, seconded by Vice Mayor Lusskin and on roll call the following vote ensued:

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

PASSED AND ADOPTED on second reading this 23rd day of June, 2009.



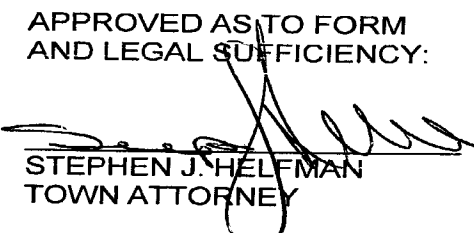
MAYOR GLENN SINGER

ATTEST:



ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY