

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 541.09

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTION 58-38 ENTITLED "MAILBOXES" OF THE TOWN CODE OF ORDINANCES, REMOVING PROVISIONS FOR SELECTION OF MAILBOXES BY TOWN RESIDENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach (the "Town") adopted Ordinance No. 537.09 on June 23, 2009 to establish uniform standards for the design, location, installation, and maintenance of mailboxes within the Town; and

WHEREAS, the Town Council desires to amend Section 58-38 "Mailboxes" contained in Chapter 2 "Development Standards" of the Code of Ordinances of the Town, to remove provisions related to the selection of mailboxes by Town residents; and

WHEREAS, the Town Council finds this amendment to be in the best interest and welfare of the residents of the Town.

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.

Section 2. Amendment to Section 58-38 of the Town Code of Ordinances.

That Section 58-38 "Mailboxes" of Chapter 58 "Development Standards" of the Code of Ordinances of the Town of Golden Beach, Florida is hereby amended as follows:

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.

Sec. 58-38. Mailboxes.

- (a) *Selection and Location.* Each owner of a residence within Zone Two (as defined in Section 66-66 of the Town Code) of the Town shall be required to maintain a mailbox and supporting post ~~chosen by the owner from a selection of mailboxes and posts~~ that has been ~~pre-approved~~ selected by the Town Council. The mailbox and supporting post shall be installed near the paved portion of the road surface fronting each residence in a location, height, and manner ~~approved~~ determined by the Town Manager or his designee.
- (b) *Cost.* The Town shall pay for ~~and install the~~ initial purchase and cost of installing a mailbox and supporting post ~~initially selected for residences located within Zone Two.~~ After such initial installation, in the event a new mailbox or supporting post is requested or otherwise required, the real property owner shall be responsible for all costs ~~and for compliance with this section~~ of such replacement and installation by the Town.
- (c) *Maintenance.* Each real property owner (in all Zones of the Town) shall maintain his or her mailbox and supporting post, ~~if any,~~ in good working condition, order and appearance. Failure to comply with this section that ~~shall~~ shall subject the owner to penalties set forth in section 2-211 of this Code.
- ~~(d) *Time for Compliance.* From and after the effective date of this section, each real property owner shall have ninety (90) days to select the initial mailbox and supporting post. In the event no selection is made within the allotted timeframe, the Town Manager shall select a mailbox and~~

~~supporting post on behalf of the real property owner taking into consideration the aesthetics of the location in which the mailbox will be installed.~~

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 Councilmember Rojas, seconded by Councilmember Einstein, 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>Aye</u>

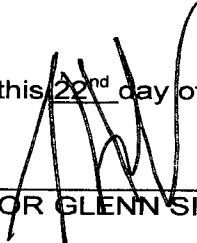
PASSED on first reading this 26th day of August, 2009.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Rojas, seconded by Councilmember Einstein 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>Absent</u>

PASSED AND ADOPTED on second reading this 22nd day of September, 2009.

ATTEST:



MAYOR GLENN SINGER


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY