

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2003.09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING RULES AND REGULATIONS FOR USE OF THE BEACH PAVILION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 22-6 of the Town of Golden Beach's (the "Town") Code of Ordinances, the Town's Beach Pavilion and Town beach facilities, including the restroom, outdoor showers and water, chickee huts and beach chairs (collectively, the "Beach Pavilion") are for the use and enjoyment of all Town residents; and

WHEREAS, the Town Council believes that reasonable rules and regulations are necessary to, among other things, extend the life of the Beach Pavilion and to ensure use of the Beach Pavilion is not a nuisance to surrounding properties; and

WHEREAS, the Town Council desires to adopt the attached Rules and Regulations for Use of the Beach Pavilion to govern use of the Beach Pavilion and the issuance of permits for the exclusive use of the Beach Pavilion; and

WHEREAS, it is the desire of the Town Council and in the best interest and welfare of the residents of the Town of Golden Beach that the attached Rules and Regulations for Use of the Beach Pavilion be adopted on behalf of the Town.

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

Section 1. Recitals Adopted. The foregoing findings are incorporated herein by reference and made a part hereof.

Section 2. Adoption of Rules and Regulations for Use of the Beach Pavilion. The Rules and Regulations for Use of the Beach Pavilion attached hereto as Exhibit "A" and effective June 23, 2009 are hereby adopted. The restrictions contained in the Rules and Regulations for Use of the Beach Pavilion shall be considered "Rules" as that term is defined in section 22-1 of the Town Code of Ordinances.

Section 3. Conflict. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 4. Severability. If any word, sentence, clause, phrase, or provision of this resolution, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this resolution shall not be affected thereby.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

[remainder of page intentionally left blank]

The Motion to adopt the foregoing Resolution 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>Absent</u>
Councilmember Amy Rojas	<u>Aye</u>
Councilmember Ken Bernstein	<u>Absent</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 23rd day of June, 2009.

ATTEST:



MAYOR GLENN SINGER


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

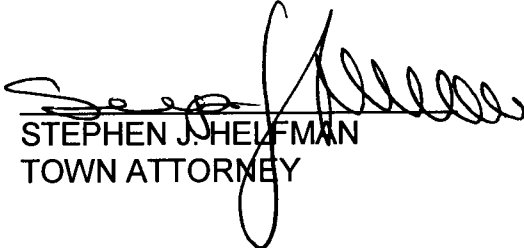

STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT "A"

TOWN OF GOLDEN BEACH

RULES AND REGULATIONS FOR USE OF THE BEACH PAVILION

Effective Date: June 23, 2009

Use of the Beach Pavilion / The Loggia (referred to interchangeably herein) and the issuance of permits to residents for the exclusive use of the Beach Pavilion / The Loggia for any activity/event (referred to interchangeably herein) is subject to the following rules and regulations:

- (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 \$500.00, 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. Processing will occur in the order completed applications are received by the Town, provided Town events shall take precedence over resident applications. No applications will be granted permitting the exclusive use of the Beach Pavilion on a national holiday and Sundays. At the discretion of the Town Manager, applications may be granted permitting the exclusive use of the Beach Pavilion one (1) Sunday per month maximum.
- (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 no more than 60 persons, this is to be strictly enforced.
- (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, in which case 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 is required to ensure 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 shall reimburse the Town upon receipt of an itemized billing.

(10) Except for Town sponsored events, no noise or music shall be permitted past 9:00 p.m. Monday through Thursday and 10:00 p.m. on Friday and Saturday so as not to disturb the peace and quiet of any Town resident.

(11) No daytime event shall begin 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. No events are permitted on Sundays, other than Town events which are allowed on Sundays.

(12) Other than daytime events, a permit may be issued for an activity to take place between the hours of 4:00 p.m. and 9:00 p.m. Monday through Thursday and between 4:00 p.m. and 11:00 p.m. on Friday and Saturday. All permit commencement times include setup 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; provided, however

that bounce houses will be allowed filled with air and self-contained walls if the bounce house does not interfere with other residents' peace and enjoyment of the beach.

(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.

(16) Every visitor (Section 22-1 of the Town Code of Ordinances defines non-resident and 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 in the presence of the sponsoring Town resident, or in exceptional circumstances and in the police officer's discretion, 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; 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 Loggia or make use of the Town's facilities.