

1 ORDINANCE NO. 2018-11081

2 AN ORDINANCE OF THE TOWN COMMISSION OF THE
3 TOWN OF SURFSIDE, FLORIDA, REPEALING SECTION
4 86-1 "SURFBOARDS" OF THE TOWN'S CODE OF
5 ORDINANCES; PROVIDING FOR CODIFICATION;
6 PROVIDING FOR SEVERABILITY; PROVIDING FOR
7 CONFLICTS; AND PROVIDING FOR AN EFFECTIVE
8 DATE.

9 WHEREAS, the Town of Surfside ("Town") Commission wishes to amend Chapter 86
10 of the Town's Code of Ordinances to repeal Section 86-1 which prohibits the use of surfboards
11 in any area in the Town not specifically designated for such sport by posted signs; and

12 WHEREAS, the Town Commission finds that this Ordinance is in the best interest of the
13 Town.

14 NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE
15 HEREBY ORDAINS:¹

16 **Section 1. Recitals.** The above-stated recitals are true and correct and are
17 incorporated herein by this reference.

18 **Section 2. Town Code Amended.** The Code of the Town of Surfside, Florida is
19 hereby amended by repealing Section 86-1 in its entirety as follows:

20 Chapter 86 – WATERWAYS

21 Article I. – IN GENERAL

22 ***

23 ~~Sec. 86-1. Surfboards.~~

24 (a) ~~Legislative findings.~~ The town commission does make a legislative determination and
25 finding that the uncontrolled use of surfboards in the town has resulted in serious injury to
26 persons and property; that, if not controlled, additional injury to persons and property will
27 result; and, that the public health, welfare and safety require that regulations be implemented
28 to control surfing and prevent additional injury to persons and property.

29 (b) ~~Use prohibited.~~ The use of surfboards is prohibited in any area in the town not specifically
30 designated for such sport by posted signs.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

31 ~~(e) *Penalty for violation.* Any person violating any of the provisions of this section shall, upon~~
32 ~~conviction thereof, be punished as provided in section 1-8.~~

33 **Section 3. Codification.** It is the intent of the Town Commission that the provisions
34 of this ordinance shall become and be made a part of the Town's Code of Ordinances, and that
35 the sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may
36 be changed to "section," "article," "regulation," or such other appropriate word or phrase in
37 order to accomplish such intentions.

38 **Section 4. Severability.** The provisions of this Ordinance are declared to be
39 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
40 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
41 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
42 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
43 part.

44 **Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of
45 resolutions, in conflict herewith, are repealed to the extent of such conflict.

46 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon
47 final adoption on second reading.

48 **PASSED** on first reading on the 13th day of March, 2018.

49 **PASSED AND ADOPTED** on second reading on the 10th day of April, 2018.

50 **On Final Reading Moved By:** Commissioner Karukin

51 **On Final Reading Second By:** Commissioner Paul

52 **FINAL VOTE ON ADOPTION**

53 Commissioner Barry Cohen	<u>yes</u>
54 Commissioner Michael Karukin	<u>yes</u>
55 Commissioner Tina Paul	<u>yes</u>
56 Vice Mayor Daniel Gielchinsky	<u>yes</u>
57 Mayor Daniel Dietch	<u>yes</u>

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Daniel Dietch
Mayor

65 **ATTEST:**

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69 Sandra Novoa, MMC

70 Town Clerk

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72 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**

73 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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77 Weiss Serota Helfman Cole & Bierman, P.L.

78 Town Attorney

