

ORDINANCE 2020-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA AMENDING CHAPTER 14, SECTION 14-212 OF THE TOWN CODE OF ORDINANCES TO PROVIDE LIMITATIONS ON COMMERCIAL USE OF TOWN-OWNED BOAT RAMPS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town owns a boat ramp which is currently used for public access to the water bodies surrounding the Town; and

WHEREAS, the Town desires to ensure that the boat ramp remains easily accessible for personal recreational use by residents of the Town and Volusia County; and

WHEREAS, commercial use of the boat ramp can cause delays for others seeking to use the boat ramp for such personal recreational use; and

WHEREAS, the Town finds that it is in the public interest to prohibit use of the boat ramp for commercial purposes in order to preserve and improve personal recreational access to the water bodies surrounding the Town; and

WHEREAS, this ordinance is enacted under the general home rule and police powers of the Town of Ponce Inlet.

NOTE: Underlined words constitute additions to the Town of Ponce Inlet Code of Ordinances, ~~strikethrough~~ constitutes deletions from the current Code of Ordinances, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this ordinance.

SECTION 2. Chapter 14, Section 14-212 of the Town of Ponce Inlet Code of Ordinances is hereby amended as follows:

Sec. 14-212. ~~Reserved.~~ Use of the Town-Owned Boat Ramp Facility.

- (a) It is unlawful and prohibited for any person to use any Town-owned boat ramp facility for any commercial purpose or in furtherance of any commercial purpose, including but not limited to:
1. Using the facility for picking up or dropping off commercial passengers;

- 2. Using the facility to launch commercial vessels; and
- 3. Using the facility to perform regular vessel maintenance services.
- (b) The following commercial activity shall be excepted from this prohibition:
 - 1. Launching or retrieving of noncommercial vessels in exchange for compensation.
- (c) The Town manager is authorized to post signage at the facility which is consistent with this Section.
- (d) Violations of this Section may be prosecuted as provided under Section 1-11(a) of the Code.

SECTION 3. Codification. It is the intent of the Town Council of the Town of Ponce Inlet that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

SECTION 4. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this Town, this Ordinance shall prevail.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

It was moved by Vice-Mayor Paritsky and seconded by Councilmember Milano that said Ordinance be passed on first reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Smith, Seat #1	Yes
Councilmember Milano, Seat #2	Yes
Councilmember Hoss, Seat #3	Yes
Councilmember Israel, Seat #4	Yes
Vice-Mayor Paritsky, Seat #5	Yes

Passed upon first reading this 19th day of November 2020.

It was moved by Vice-Mayor Paritsky and seconded by Councilmember Milano that said Ordinance be adopted on second reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Smith, Seat #1	Yes
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Councilmember Milano, Seat #2	Yes
Councilmember Hoss, Seat #3	Yes
Councilmember Israel, Seat #4	Yes
Vice-Mayor Paritsky, Seat #5	Yes

Passed and Adopted upon second reading this 10th day of December 2020.

Town of Ponce Inlet, Florida

Gary L. Smith, Mayor

ATTEST:

Jeaneen Witt, CMC
Town Manager/Town Clerk