

ORDINANCE NO. 2528-03

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 114 "WATERWAYS", EXPANDING THE MEMBERSHIP OF THE LAKES AND WATERWAYS BOARD, PROVIDING FOR A NEW ARTICLE III, SO AS TO ESTABLISH A LAKE KILLARNEY ADVISORY BOARD; AMENDING SECTION 114-58, "USER FEES" TO WAIVE THE REQUIREMENTS FOR SUCH FEES ON LAKE KILLARNEY; AMENDING SECTION 114-75 "USE OF LAKES AS LANDING PLACES FOR SEAPLANES" SO AS TO PERMIT SEAPLANES TO USE LAKE KILLARNEY AND ADOPTING A NEW SECTION 114-80 "PUBLIC BOATS RAMPS PROHIBITED" TO PROHIBIT BOAT RAMPS ON LAKE KILLARNEY.

WHEREAS, the City of Winter Park proposes to annex the area around and encompassing Lake Killarney and there is the need to adopt regulations consistent with those currently in effect within Orange County and to provide for the continuance of the Lake Killarney Advisory board.

NOW THEREFORE BE IT ENACTED BY THE CITY OF WINTER PARK:

SECTION 1. That Chapter 114 "Waterways" of the Code of Ordinances is hereby amended and modified by adopting a new Article III entitled "Lake Killarney Advisory Board" and renumbering the current Article III "Boating and Water Safety" to become a new Article IV, to provide for the establishment of a Lake Killarney Advisory Board to read as follows:

ARTICLE III. LAKE KILLARNEY ADVISORY BOARD

Sec. 114-41. Creation and membership.

- (1) There is created and established the Lake Killarney Advisory Board. Such board shall consist of seven members, who shall be appointed in accordance with section 2.06 of the Charter.
- (2) Members shall be residents of the city and shall be appointed from persons in a position to represent the public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. No city employee, officer, official or commissioner shall be appointed to the board.
- (3) If requested by the Board, a secretary designated by the city manager shall serve as secretary to the board, but shall have no vote in any proceeding.

Sec. 114-42. Terms of Office.

- (1) All appointed members of the Lake Killarney Advisory Board shall be appointed for terms of three years. Initial terms shall be staggered. Vacancies shall be filled by appointment for the unexpired term only. Members of the Lakes and Waterways Board may be permitted to serve more than two terms if specifically approved by the city commission.
- (2) Board members may be removed by the city commission for any reason, but they shall be removed for failure to attend three consecutive regular meetings in any one-year, unless excused by the chairperson of the board. Resignations shall be in writing and delivered to the mayor.

Sec. 114-43. Organization and Meetings.

- (1) The Lake Killarney Advisory Board shall meet for the purpose of transacting such business as may properly come before it. Regular meetings shall be held each month, on a day, time and place convenient to the members. The board shall annually select a chairperson who shall preside at all meetings, and a vice-chairperson who shall serve in the absence of the chairperson. A majority of the board shall constitute a quorum, and the affirmative vote of a majority of a quorum present shall be required for any action to be taken. Members of the board shall serve without compensation.
- (2) The board shall adopt rules necessary to the conduct of its affairs in keeping with this article and subject to approval by the city commission.
- (3) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its hearings and other official actions, all of which shall be of public record retained by the city clerk. All meetings and proceedings of the board shall be open to the public and notice of all meetings shall be posted in city hall not less than 24 hours prior to the meeting.
- (4) Special meetings may be convened from time to time upon 24 hours prior written notice delivered to the members. The chairperson, vice-chairperson or a majority of the members shall have the power to convene special meetings.

Sec. 114-44. Functions, powers and duties.

The functions, powers and duties of the Lake Killarney Advisory Board shall be, in general, to:

- (1) To advise the city commission on all aspects of Lake Killarney and the interaction of that lake with water bodies outside the city.

- (2) Inquire into the condition of Lake Killarney, including the clarity, cleanliness, the desirability or undesirability of vegetation and growth therein, the use of the lake, the alteration of their shorelines and canals, the level of waters therein and all other matters pertaining to Lake Killarney.
- (3) Prepare and recommend to the city commission ordinances, regulations and other proposals promoting, protecting and enhancing Lake Killarney and the proper patrol, regulation, restoration and maintenance of the lake and boating-related activities thereon.
- (4) Recommend expenditures and revenues for the proper patrol, regulation, restoration and maintenance of Lake Killarney and for boating-related activities in the city. Such recommendations shall be submitted by the board to the city manager for necessary and appropriate action.
- (5) Keep the city commission and the general public informed and advised as to these matters.
- (6) Conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of ordinances, regulations and other proposals relating to Lake Killarney.
- (7) Perform such other duties as may be requested by the city commission.

SECTION 2. That Article III "Boating and Water Safety" of Chapter 114 "Waterways" of the Code of Ordinances is hereby amended and modified by repealing within Section 114-58 "User fees" subsection (a) and adopting a new subsection (a) to read as follows:

Sec. 114-58. User fees.

- (a) Required. Every owner of a motorboat having an inboard or outboard motor operating upon any waterway, either partially or wholly within the corporate limits of the city, shall be required to pay the city a user fee to offset the cost of patrolling and maintaining such waterways. However, owners of boats on Lake Killarney shall not be required to pay such fee for use of their boat on Lake Killarney.

SECTION 3. That Article III "Boating and Water Safety" of Chapter 114 "Waterways" of the Code of Ordinances is hereby amended and modified by repealing within Section 114-75 "Use of lakes as landing places for seaplanes" adopting a new Section 114-75 to read as follows:

Sec. 114-75. Use of lakes as landing places for seaplanes.

It shall be unlawful for any person to use any lake within the City of Winter Park excluding Lake Killarney covered by this chapter as a regular landing place or base of operation for float planes or seaplanes, but nothing in this section shall be construed to prohibit the use of the lakes by such planes in case of emergency.

SECTION 4. That Article III "Boating and Water Safety" of Chapter 114 "Waterways" of the Code of Ordinances is hereby amended by adding a new Section 114-80 as follows:

Sec. 114-80. Boat ramps prohibited.

The City of Winter Park shall be prohibited from permitting the construction or use of any public boat ramp on Lake Killarney. The prohibition on public boat ramps shall also include any commercial boat ramps used for the sale of boats, jet ski's etc. Private boat ramps used exclusively by a private neighborhood association, apartment or condominium complex shall not be construed to be public boat ramps if use of those boat ramps is restricted exclusively to property owners or members of that association.

SECTION 5. That Article II "Lakes and Waterways Advisory board" of Chapter 114 "Waterways" of the Code of Ordinances is hereby amended and modified by amending Section 114-31 "Creation and membership" to add two new members representing Lake Killarney to read as follows:

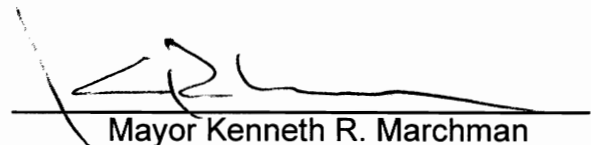
Sec. 114-31. Creation and membership.

(a) There is hereby created and established the Lakes and Waterways Advisory Board. Such board shall consist of nine members, which shall include representation from Lake Killarney, who shall be appointed in accordance with section 2.06 of the Charter.

SECTION 6. All ordinances or in conflict herewith are hereby repealed.

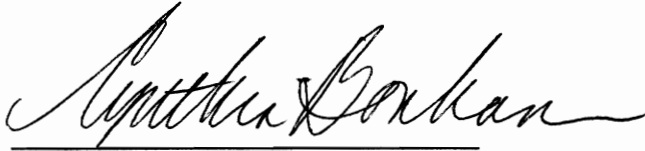
SECTION 7. This ordinance shall become effective upon the annexation by the City of Winter Park of more than 67% of the lakefront properties on Lake Killarney.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 8th day of September, 2003.



Mayor Kenneth R. Marchman

ATTEST:

A handwritten signature in cursive script, appearing to read "Cynthia Bonham". The signature is written in black ink and is positioned above a horizontal line.

City Clerk Cindy Bonham