

ORDINANCE 001- 2010

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 18-27, MONROE COUNTY CODE, BY THE ADDITION OF BURR BEACH PARK TO SECTION 18-27(a); AMENDING SECTION 18-27(c) SETTING HOURS OF OPERATION FOR BURR BEACH PARK; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 16, 1997, the Board of County Commissioners of Monroe County, Florida, passed and adopted Ordinance 01-1997, placing restrictions on the use of alcoholic beverages in parks, setting park hours for any parks enumerated within the Monroe County Code of Ordinances, and establishing penalties for violations of the applicable sections of the Monroe County Code; and

WHEREAS, section 18-27(c)(1) of the Monroe County Code of Ordinances currently designates park hours with exceptions;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Section 18-27(a), Monroe County Code, is hereby amended to read as follows:

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bay Point Park means the area described as follows: Lots 13, 14, 15, 16, 17, 18, 19 and 20, Block 2, Bay Point Amended Plat, Bay Point Key according to the Plat thereof as recorded in Plat Book 3, Page 75 of the Public Records of Monroe County, Florida, RE#'s 00160060, 00160070, 00160080, 00160090, 00160100-0160130.

Bernstein Park means the area described as follows: Lots 1, 2, 3, 4 and 5, Block 57, George L. McDonald's Plat of Part of Stock Island, less the Westerly eight feet of Lot 1 and less the Easterly 30 feet of Lot 5, according to the plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of Monroe County, Florida. Also a parcel of submerged land lying South of such Block 57, less that portion sold to Stock Island Utility Company by Warranty Deed recorded in Official Records Book 866, Pages 2446-2450, of the Public Records of Monroe County, Florida, TWP. 67/68 RNG. 25 SEC. 35, 36 & 2 RE# 12385 OR 380-381-382.

Big Coppitt Volunteer Fire Department Park means the area described as follows: Block 4, Lots 3, 4 and 5 Coppitt Subdivision Amended Plat, Big Coppitt Key, OR: 761-408, Plat Book: 4-50, Section 22, Township 67S, Range 26E.

Big Pine Key Park means Tract A, Whispering Pines subdivision, Plat #3 as recorded in Plat Book 4 at Page 59 in the Public Records of Monroe County, Florida (RE#286360-000000) formerly known as Mariners Resort.

Burr Beach Park means the area described as follows: Section 33, Township 62, Range 38, Park Sunny Haven PB1-185 Key Largo (Alternate Key: 8654944, Parcel ID: 00557181-000000)

Friendship Park means the area described as follows: Lots 29, 30, 31 and 32, Block 2, Hibiscus Park Subdivision. Lots 15, 16, 17, 18, 19, 20 and 21, Block 4, Industrial Acres Subdivision, Section 22 & 27, Township 61S, Range 39E.

Garden Cove Park means the area described as follows: Tract F, Key Largo Beach, a subdivision in Section 33, Township 61 South, Range 39 East, Key Largo Key, Monroe County, Florida, as recorded in Plat Book 2, page 149, Public Records of Monroe County, Florida.

Harry Harris Park means the area described as follows: Portions of Government Lot 3 and 4, Section 27, Township 62S, Range 38E, lying in open waters of Tavernier Harbor and Florida Bay. Government Lot 3, Section 27, Township 62S, Range 38E, Key Largo, Monroe County, Florida, as per Government Township Map made in 1873 and approved by the Surveyor-General in 1874, less the following described portion thereof, that is above the mean high tide line: Beginning at the SE corner of such Government Lot 3 and run N on the E line of Government Lot 3, a distance of 27 feet more or less to the mean high tide line on the shore of Florida Bay; thence SW'ly meandering such mean high tide line, a distance of 55 feet more or less to the S line of such Government Lot 3; thence E on the S line of such Government Lot 3; a distance of 38 feet more or less to the point of beginning. Government Lot 4 in Section 27, Township 62S, Range 38E, Key Largo, Monroe County, Florida, as per Government Township Map made in 1873 and approved by the Surveyor-General in 1874, less the following described portion thereof, that is above the high tide line: Beginning at the SW corner of Government Lot 4 and run E on the S line of such Government Lot 4, a distance of 220 feet more or less to the shore line on the W side of Tavernier Harbor; thence NW'ly along such shore line a distance of 400 feet more or less to the W side of such Government Lot 4, thence S 13 of 30' W along such W side of Government Lot 4, a distance of 400 feet more or less to the point of beginning. The above two parcels contain a net acreage of 70.98 acres, more or less.

Key Largo Community Park means Lots 312 to 384, Port Largo Fourth Addition, Section 33, Township 61S, Range 39E, Monroe County, Florida. This parcel contain 615,623 square feet.

Little Duck Key Park means the area described as follows: Little Duck Key, Lot 1, Section 19, Township 66S, Range 31 E, OR: 15-374-376, RE# 00106160-000000; Alternate Key: 1124800.

Old Settlers Park means the area described as follows: A tract in Government Lot 2, Section 34, Township 62 South, Range 38 East, comprising portions of Lots 16 & 17, according to the George L. McDonald Plat of the Albury property, as

recorded in Plat Book 1, Page 64, RE# 90020, 90030, 90040-0001, 90070, 90090, 90100, 90120 and 90130 and that portion of Lot 16 as identified in Book 397 Page 737 of the Official Records of Monroe County.

Palm Villa Park means the area described as follows: Park-Palm Villa, Big Pine Key RE# 00285080-00000; Plat Book 1-89, Section 23, Township 66S, Range 29E (.61 acres).

Ramrod Park means Lot 2, Block 3, Silver Shore Estates, according to the plat thereof as recorded in Plat Book 4, Page 111 of the public records of Monroe County, Florida, RE# 00211080-000000.

Sunset Point Park means the area described as follows: Tract A of Sunset Point, according to the Plat thereof, recorded in Plat Book 2, Page 81 of the Public Records of Monroe County, Florida, together with all riparian rights thereunto belonging or in any use appertaining, less the following tracts: Less that part of Tract 4 above described as platted in Sunset Point Addition, according to the Plat thereof, recorded in Plat Book 3, Page 41 of the Public Records of Monroe County, Florida, and thereon referred to as Lot 12 and Sunset Lane; and Less a tract or strip of land ten feet wide and extending from the "Boat Basin" as shown on the plat of Sunset Point Addition above referred to and running parallel to the SW'ly boundary line of such Lot 12 and the SW'ly line of Sunset Lane and as shown on such plat and such strip ten feet wide extending as above stated from the "Boat Basin" to the north line of Sunset Road.

Wilhelmina Harvey Park means the area described as follows: Block 2. Lot 4, 5, 6 and 7, amended Plat of Coppitt Subdivision, Section 22, Township 67S, Range 26E as recorded in Plat Book 4, Page 50 of the Public Records of Monroe County, Florida. Such amended plat is a resubdivision of that subdivision originally recorded in Plat Book 3, Page 116.

Section 2. Section 18-27(c)(1), Monroe County Code, is hereby amended to read as follows:

(c) *Park hours.*

(1) The parks and beaches listed above are open to the public, Monday through Sunday, for 7:30 a.m. until sunset with the following exceptions:

- Bay Point Park, and Bernstein Park are open everyday from 7:30 a.m. until 10:30 p.m.;
- Big Coppitt Volunteer Fire Department is open everyday from 7:30 a.m. until 10:00 p.m.;
- Burr Beach Park is open everyday from sunrise until sunset;
- Friendship Park is open everyday from 7:30 a.m. until 8:30 p.m.;
- Key Largo Community Park is open everyday from 7:00 a.m. to 9:00 p.m.
- Big Pine Key Park is open everyday from 7:30 a.m. to 8:30 p.m.

Section 3. If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance; does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

Section 6. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances in the County of Monroe, Florida, as additions or amendments thereto, and the Monroe County Code shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 8. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said Board held on the 20th day of January, 2010.

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| Mayor Sylvia Murphy | <u>Yes</u> |
| Mayor Pro Tem Heather Carruthers | <u>Yes</u> |
| Commissioner Kim Wigington | <u>Yes</u> |
| Commissioner George Neugent | <u>Yes</u> |
| Commissioner Mario DiGennaro | <u>Yes</u> |



Attest: **DANNY L. KOLHAGE, Clerk**

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

By: *Gamela Danvers*
Deputy Clerk

By: *Sylvia J. Murphy*
Mayor

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Pedro J. Mercado
PEDRO J. MERCADO
ASSISTANT COUNTY ATTORNEY
Date 12/1/09

FILED FOR RECORD
2010 FEB -2 PM 12: 10
DANNY L. KOLHAGE
CLERK C.R. CT.
MONROE COUNTY, FL