

**ORDINANCE 394 - 2007**

**AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER FIVE OF THE CODE OF ORDINANCES, ENTITLED BOATS, BOAT TRAILERS, MARINE FACILITIES AND WATERWAYS; ARTICLE III. MARINE CONSTRUCTION AND IMPROVEMENTS, DOCKING OF BOATS; DIVISION 3. DOCKS, PIERS AND MOORING EQUIPMENT; SECTION 5-44. ALL OTHER BOAT LIFTING DEVICES; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Key Colony Beach has issued regulations relating to construction of boat lifts to ensure safe installation and use; and

**WHEREAS**, the City of Key Colony Beach has researched hydro and pontoon boat lifts and found that the manufacturers recommend removal in the event of a hurricane; and

**WHEREAS**, the City Commission finds hydro and pontoon lifts have a time-consuming dismantling system and may be less securely attached to the seawall; and

**WHEREAS**, the City Commission accepts the recommendation of the city engineer that although hydro lifts are well designed, there are better lifts for use in the Florida Keys; and

**WHEREAS**, the City Code provides for other types of boat lifts to be installed that are better suited for use in the Florida Keys that may better protect the safety of residents and property in the event of a hurricane.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA**, as follows: (Additions to the ordinance are underlined; deletions are ~~crossed-out~~.)

**CHAPTER 5. BOATS, BOAT TRAILERS, MARINE FACILITIES AND WATERWAYS**

**Article III. Marine Construction and Improvements, Docking of Boats**

**Division 3. Docks, Piers and Mooring Equipment**

**Section 5-44. All other boat lifting devices.**

The installation of all other boat lifts in the city waterways, including cradle lifts ~~and hydro or pontoon lifts~~, shall require approval of the city commission. Hydro or pontoon lifts are prohibited within the city.

This Ordinance, upon final passage, shall be included in the Code of Ordinances for the City of Key Colony Beach, Florida, and numbered as set forth herein above.

All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

If any singular provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise held invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.

This Ordinance shall become effective immediately upon passage.

(Seal)

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Clyde Burnett, Mayor

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Attest: Vickie L. Bollinger, City Clerk

Approved as to form and legal sufficiency:

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Thomas D. Wright, City Attorney

June 14, 2007    1st Reading  
June 16, 2007    Date of Notice, Florida Keys Keynoter  
June 28, 2007    Second Reading