

TOWN of SEWALL'S POINT

ORDINANCE

ORDINANCE NO. 121

AN EMERGENCY ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING TOWN OF SEWALL'S POINT CODE OF ORDINANCES, APPENDIX B-ZONING; PROVIDING FOR REGULATION OF FUEL STORAGE FACILITIES; PROVIDING FOR SEPARATION IN THE EVENT A SECTION OR PORTION IS DECLARED TO BE UNCONSTITUTIONAL; PROVIDING FOR INCORPORATION IN THE TOWN CODE; PROVIDING REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; DECLARING A GRAVE EMERGENCY TO EXIST; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes, and the Town Charter of the Town of Sewall's Point, styled Chapter 57-1865, Laws of Florida, the Town of Sewall's Point has the authority to enact zoning ordinances, and

WHEREAS, the Town Commission of the Town of Sewall's Point has the authority pursuant to Chapter 166 of the Florida Statutes and the Town of Sewall's Point Code of Ordinances to determine and declare the existence of an emergency and to immediately adopt and pass an ordinance concerning such emergency and,

WHEREAS, the Town Commission of the Town of Sewall's Point has determined upon investigation and consultation with the Fire Department serving the Town that gasoline and similar petroleum-based products are extremely explosive and dangerous, and

WHEREAS, the Town Commission of the Town of Sewall's Point, after investigation, has determined that to allow installation of any further gasoline and similarly explosive and volatile liquid storage facilities would constitute a great and immediate hazzard to life and limb of the residents, and

WHEREAS, the Town Commission of the Town of Sewall's

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Words in underscore type are additions.

JAMES E. KNIGHT

ATTORNEY AT LAW

40 E. OSCEOLA STREET
STUART, FLA. 33494

Point has determined that in the best interests of the Town and for the health, safety and welfare of its residents,

NOW THEREFORE, be it ordained by the Town Commission of the Town of Sewall's Point that:

I. Appendix B-Zoning, Section VI. A. 2. a. of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended to read as follows:

Other customary accessory uses in buildings provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building. Such permitted accessory buildings and uses shall include private garages and swimming pools. Storage of Class I, Flammable Liquids, and subdivisions thereof as defined in the South Florida Building Code, shall not be permitted to be stored, kept, or in any other manner maintained within the Town. Storage of Class II and Class III flammable and combustible liquids is permitted in underground storage containers which shall not exceed 560 gallons capacity. However, storage of flammable and combustible liquids which is required for maintenance or equipment operation is permitted, provided such storage shall not exceed 10 gallons, and shall be stored in metal closed containers or safety cans.

AS DEFINED IN THE SOUTH FLORIDA BUILDING CODE

B

II. SEPARATION.

If any section, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding or invalidity shall be construed to have been the intent of the Board to adopt this Ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this Ordinance or any

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provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect its applicability to any other person, property, or circumstances.

III. INCORPORATION IN TOWN CODE.

Provisions of this Ordinance shall be incorporated in the Town Code and the word "Ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.


IV. CONFLICTS WITH OTHER ORDINANCES.

Town Ordinances and Town Resolutions, or parts thereof, in conflict with this Ordinance are hereby abolished and repealed to the extent of such conflict.


V. GRAVE EMERGENCY AND EFFECTIVE DATE. This Ordinance is hereby declared to be an emergency measure upon the grounds of grave emergency and urgent need for the preservation of public safety and welfare due to the hazardous and explosive nature of the substances herein regulated and shall take effect immediately upon its passage and adoption.

Passed and adopted by the Town Commission of the Town of Sewall's Point, this 11th day of June, 1980.

ATTEST:



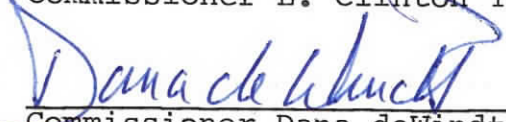
Mayor-Commissioner Edward H. Gluckler



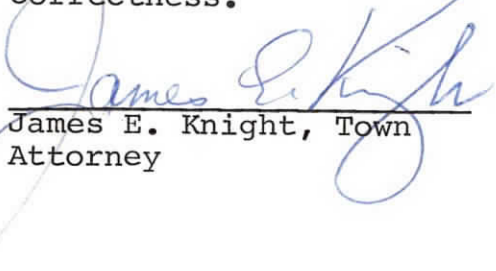
Joan Beckley, Town Clerk

Commissioner E. Clinton Towl

Approved as to form and correctness.




Commissioner Dana deWindt



James E. Knight, Town Attorney



Commissioner William E. Barton, III



Commissioner Gilbert Strubell

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AFFIDAVIT OF POSTING

STATE OF FLORIDA :

COUNTY OF MARTIN :

I, Joan H. Beckley, Town Clerk of the Town of Sewall's Point, Florida, do hereby state that I did post a copy of Ordinance No. 121 on the Town Bulletin Board, on the 30th day of May, 1980, the Ordinance being an Emergency Ordinance amending Town of Sewall's Point Ordinances, Appendix B-Zoning, providing for regulation of fuel storage facilities.

Joan H. Beckley
Town Clerk, Town of Sewall's Point

Sworn to and subscribed before me
this 30th day of May, 1980.

Joan H. Beckley
Notary Public