

Second Draft
August 3, 1983

Coding: Words underscored are deletions from existing ordinance;
words in **BOLDFACE** type are additions

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ORDINANCE NO. 141

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING THE TOWN OF SEWALL'S POINT CODE OF ORDINANCES; PROVIDING FOR A TEMPORARY MORATORIUM ON ISSUANCE OF BUILDING PERMITS FOR SATELLITE ANTENNAE; PROVIDING FOR INSERTION IN THE TOWN CODE; PROVIDING REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PROVIDING FOR SEPARATION IN THE EVENT A SECTION OR PORTION IS DECLARED TO BE UNCONSTITUTIONAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town Commission of the Town of Sewall's Point is concerned with the protection and preservation of the appearance, character and value of property within the Town in order to promote the general welfare by providing for installation and maintenance of landscaping for screening around satellite antenna installations and other regulation of such installations to perpetuate the aesthetic characteristics and qualities of the Town; and

WHEREAS, the Town Commission wishes to provide sufficient time to itself and the public to give due deliberation to the nature and extent of the regulations that will be justified to accomplish this objective; and

WHEREAS, the Town Commission has determined that an emergency condition exists with regard to possible installations of satellite antennae within the Town of Sewall's Point before the Commission has had an opportunity to determine the exact nature and extent of the regulations and impose by ordinance the regulations required to protect and preserve the aesthetic characteristics and qualities of the Town in connection with such installations; and

WHEREAS, the Town of Sewall's Point is authorized to enact emergency ordinances without notice or publication upon the vote of two-thirds of the membership of the Town Commission.

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Sewall's Point, Florida, that the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended by addition of the following provisions:

There is hereby instituted a moratorium on the issuance of building permits by the Town of Sewall's Point, Florida, for the installation of satellite antennae within the Town, such moratorium to be effective immediately and continue for a period of 3 months hereafter in order for the Town Commission to give due deliberation to landscaping for screening and other requirements that may be necessary to protect and preserve the aesthetic qualities and characteristics of the Town and promote the general welfare.

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 not affect the remaining portions of this Ordinance, and it 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 provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect its applicability to any other person, property or circumstances.

REPEAL.

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

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.

EFFECTIVE DATE.

This Ordinance shall become effective immediately upon the date of its passage according to law.

Passed first reading at the regular meeting of the Town Commission held on the 13th day of July, 1983.

Passed second reading at the regular meeting of the Town Commission held on the 10th day of August, 1983.

ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

Approved as to form and
correctness.
M. Lanning Fox
M. LANNING FOX
Town Attorney

G. C. Strubell
GILBERT C. STRUBELL,
Mayor-Commissioner

Helena B. Towl
HELENA B. TOWL, Vice Mayor -
Commissioner

Clifford B. Drake
CLIFFORD B. DRAKE, Commissioner

Edward H. Gluckler
EDWARD H. GLUCKLER, Commissioner

John C. Guenther
JOHN C. GUENTHER, Commissioner