

First Draft  
December 9, 1986

ORDINANCE NO. 167

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT CREATING REGULATIONS FOR THE PROTECTION OF MANGROVES WITHIN THE TOWN OF SEWALL'S POINT; ADOPTING BY REFERENCE STATE LAW AND REGULATIONS; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR INSERTION INTO 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, the Town Commission for the Town of Sewall's Point has determined that the protection and preservation of mangroves is necessary to protect and enhance the delicate ecology of shoreline and estuarial areas; and

WHEREAS, the Town Commission for the Town of Sewall's Point has determined that the following ordinance would enhance the protection of mangroves located within the Town and that said protection would benefit the public health, welfare and safety.

NOW THEREFORE, BE IT ORDAINED by the Town Commission for the Town of Sewall's Point as follows:

PART ONE

There is hereby adopted by reference as fully and to the same extent as if set out at length herein Florida Statute §§403.93 through 403.938 and §§17-27.010 through 17-27.090 of the Florida Administrative Code, as currently enacted and as the same may be from time to time amended. A copy of said statutory provisions and regulations are now and have been for the ten days next preceding the adoption of this section on file in the Office of the Town Clerk.

PART TWO

No individual, corporation, or entity may alter or cause to be altered any mangrove within the Town of Sewall's Point, Florida, except in compliance with Florida Statute §§403.93 through 403.938 and §§17-27.010 through 17-27.090 of the Florida Administrative Code.

PART THREE

Any individual, corporation, or entity who violates this ordinance shall be subject to a fine not to exceed \$100.00 or

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imprisonment not to exceed one month, or both, for each offense. Each individual mangrove unlawfully altered under the provision of this ordinance shall constitute a separate offense. In addition, no building permit shall issue, and all work under any existing building permit shall cease with regard to any improvement of property upon which any unlawful alteration of mangroves has occurred until such violation(s) has been properly abated or remedied to the satisfaction of the Town Building Official.

This ordinance and the applicable provisions of state law incorporated herein shall provide the sole criteria for the alteration of mangroves within the Town of Sewall's Point, Florida.

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.

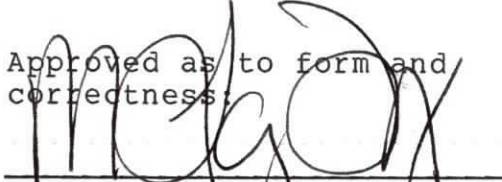
Passed first reading at the regular meeting of the Town Commission held on the 10<sup>th</sup> day of December, 1986.


Passed second reading at the regular meeting of the Town Commission held on the 14<sup>th</sup> day of January, 1987.

ATTEST:

  
JOAN BARROW, Town Clerk

  
JOHN C. GUENTHER, Mayor -  
Commissioner

Approved as to form and  
correctness:  
  
M. LANNING FOX, Town  
Attorney

  
GILBERT C. STRUBELL, Vice-Mayor -  
Commissioner

  
ROBERT R. AUNE, Commissioner

  
CLIFFORD B. DRAKE, Commissioner

  
IRENE E. O'BRIEN, Commissioner