

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING CHAPTER 34, ARTICLE II OF THE CITY CODE GOVERNING BOAT EQUIPMENT AND OPERATION; CREATING A NEW 34-39 DESIGNATING SWIM AREAS, AND ESTABLISHING A RELATED VESSEL-EXCLUSION ZONE, ON THE LAKE CONWAY CHAIN OF LAKES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, DIRECTION TO CITY STAFF, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, for years, members of the public have utilized that certain area located on the Lake Conway Chain of Lakes, as more particularly described in this Ordinance and including the sandbar located therein, as a public swim area (hereinafter the “Swim Areas”); and

WHEREAS, the City finds that protection of the safety, health, and welfare of the public necessitates that the City establish a vessel-exclusion zone at the Swim Areas; and

WHEREAS, the City is authorized to establish a vessel-exclusion zone at the Swim Areas in accordance with Section 327.46(1)(b)3., Florida Statutes.

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. A new Section 34-39 is hereby created in Chapter 34, Article II of the City Code, as follows:

Sec. 34-39. – Swim Area Vessel-Exclusion Zone.

The City hereby designates the following described areas as public swim areas and establishes vessel-exclusion zones corresponding to such areas in accordance with Section 327.46(1)(b)3., Florida Statutes:

- a. **Swann Beach (Coordinates: 28.4601; -81.3553)**
- b. **Delia Beach (Coordinates: 28.4685; -81.3602)**
- c. **LaBelle Beach (Coordinates: 28.4742; -81.3595)**
- d. **Peninsular Beach (Coordinates: 28.4751; -81.3577)**
- e. **Cross Lake Beach (Coordinates: 28.4867; -81.3531)**
- f. **The Sand Bar (Coordinates: 28.4708; -81.3414)**

SECTION 3. Codification. This Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be

deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Direction to City Staff. City staff, under direction of the City Manager, are hereby directed and authorized, as of the Effective Date of this Ordinance, to apply to the Florida Fish and Wildlife Conservation, Boating and Waterways Section to construct, install, and/or contract for the construction and installation of such regulatory markers and signs as necessary to implement and inform the public of the swim areas and vessel-exclusion zones established by this Ordinance.

SECTION 7. Effective date. This ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2021

SECOND READING: _____, 2021

ADOPTED this ____ day of _____, 2021, by the City Council of the City of Belle Isle, Florida.

CITY COUNCIL
CITY OF BELLE ISLE

Nick Fouraker, Mayor

ATTEST:

Yolanda Quiceno, City Clerk

Date