

ORDINANCE NO. 2009-19 OF THE CITY OF LAKE WORTH, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY OF LAKE WORTH TO BE HELD ON NOVEMBER 3, 2009, AS TO WHETHER TO PROHIBIT DREDGE AND FILL BEACH RENOURISHMENT PROJECTS WITHIN THE MUNICIPAL BOUNDARIES OF THE LAKE WORTH BEACH AND TO PROHIBIT THE USE OF THE LAKE WORTH BEACH AS A MEANS OF INGRESS OR EGRESS FOR CERTAIN BEACH RENOURISHMENT PROJECTS ON OR FOR BEACHES ADJACENT TO THE LAKE WORTH BEACH; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE VOTERS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Constitution and applicable laws of the State of Florida authorize and empower the City of Lake Worth, Florida (the "City") to adopt this Ordinance; and

WHEREAS, the City Commission of the City of Lake Worth, Florida (the "Commission") has determined that the City of Lake Worth electors should determine whether to prohibit beach dredge and fill type artificial nourishment projects within the municipal boundaries of the Lake Worth Beach; and

WHEREAS, the City Commission of the City of Lake Worth, Florida (the "Commission") has determined that the City of Lake Worth electors should determine whether to also prohibit the use of the Lake Worth Beach as a means of ingress or egress for beach dredge and fill type artificial nourishment projects on or for beaches adjacent to the Lake Worth Beach; and

WHEREAS, it is necessary and essential to call and to hold a referendum submitting the above issue to the electors as provided in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF LAKE WORTH, FLORIDA, as follows:

Section 1. That the findings of the Commission set forth in the foregoing recitals are hereby adopted.

Section 2. That a referendum is hereby ordered to be held in the City on the 3rd day of November 2009, to determine whether or not to protect the City of Lake Worth's beaches by prohibiting beach dredge and fill type artificial nourishment projects within the municipal boundaries of the Lake Worth Beach and by prohibiting the use of Lake Worth Beach as a means of ingress and egress for beach dredge and fill type artificial nourishment projects adjacent to the Lake Worth Beach.

Section 3. To amend the Lake Worth City Charter, Article II, by adding a new Section 6 as follows:

Section 6. Prohibition of Beach Dredge and Fill Type Artificial Nourishment Projects.

To protect the Lake Worth Public Beach, beach dredge and fill type artificial nourishment projects are prohibited within the legal boundaries of the Lake Worth Public Beach area. Further, the use of the Lake Worth Public Beach as a means of ingress or egress for beach dredge and fill type artificial nourishment projects adjacent to the Lake Worth Public Beach is also prohibited.

Section 4. The form of the ballot for the Charter issue provided for herein shall be as follows:

1. LAKE WORTH CHARTER AMENDMENT TO PROHIBIT BEACH DREDGE AND FILL ARTIFICIAL NOURISHMENT PROJECTS.

The present Charter does not protect Lake Worth Beach from beach dredge and fill type artificial nourishment projects. This referendum protects the 19.2+ acres of Lake Worth Beach by prohibiting beach dredge and fill type artificial nourishment projects on Lake Worth Beach and by prohibiting the use of Lake Worth Beach as a means of ingress and egress for beach dredge and fill type artificial nourishment projects on shorelines adjacent to the Lake Worth Beach.

Shall the above described amendment be adopted?

Yes [ ]

No [ ]

Section 5. If any provision of this Ordinance, or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 6. This Ordinance shall become effective immediately after passage.

The passage of this Ordinance on first reading was moved by Commissioner Lowe, seconded by Commissioner Jennings, and upon being put to a vote, the vote was as follows:

Mayor Jeff Clemens	AYE
Vice Mayor Jo-Ann Golden	AYE
Commissioner Cara Jennings	AYE
Commissioner Retha Lowe	AYE
Commissioner Suzanne Mulvehill	AYE

The Mayor thereupon declared this Ordinance duly passed on first reading on the 4th day of August 2009.

The passage of this Ordinance on second reading was moved by Commissioner Jennings, seconded by Commissioner Lowe, and upon being put to a vote, the vote was as follows:


Mayor Jeff Clemens	AYE
Vice Mayor Jo-Ann Golden	AYE
Commissioner Cara Jennings	AYE
Commissioner Retha Lowe	AYE
Commissioner Suzanne Mulvehill	AYE

The Mayor thereupon declared this Ordinance duly passed and enacted on the 7th day of August 2009.

LAKE WORTH CITY COMMISSION

By:   
Jeff Clemens, Mayor

ATTEST:

  
Pamela J. Lopez, City Clerk

