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**ORDINANCE
NUMBER 2023-01**

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AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA; AMENDING THE CITY OF LABELLE CODE OF ORDINANCES, CHAPTER 14, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE V, OTHER PUBLIC PLACES, SECTION 14-86, MUNICIPAL DOCK; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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RECITALS

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WHEREAS, the City of LaBelle, Florida has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapter 166, Florida Statutes; and

WHEREAS, the City Commission recognizes the need for regulations to protect public health, safety and welfare and uphold the City’s vision for the preservation of quality of life for all residents; and

WHEREAS, the City of LaBelle desires to maintain minimum regulations to ensure the protection of public health, safety and welfare; and

WHEREAS, the proposed ordinance was properly advertised and has received public hearings before the City Commission on January 12, 2023 and February 9, 2023; and

WHEREAS, the City finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of LaBelle, Florida:

Section 1. Recitals. The forgoing recitals are hereby ratified and confirmed as being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.

Section 2. Amendment to the City Code. Chapter 14, Streets, Sidewalks and Other Public Places, Article V – Other Public Spaces, of the City of LaBelle Code is hereby amended with the following provisions with additions depicted as underlined language, deletions as ~~strikethrough~~, and editorial content in [*bracketed italics*]:

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CODE OF ORDINANCES

CHAPTER 14

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE V. OTHER PUBLIC PLACES

Sec. 14-86. – Municipal Dock.

- (a) No person owning or having control of any water vessel shall permit same to be docked at the municipal dock located on the south side of the Caloosahatchee River adjacent to Bridge Street for more than three (3) consecutive days. Once having left the municipal dock, the person shall not return to dock the boat there until a period of eight (8) days has elapsed but no more than twice for a total of six (6) days within any calendar month.
- (b) If a vessel remains longer than provided by subsection (a) above ~~three (3) consecutive days or once having left returns sooner than the passage of eight (8) days~~, then the city may ~~shall~~ tow the vessel at the owner's expense and assess a penalty of ~~sixty cents (\$0.60) per day per foot calculated on the overall length of the vessel or~~ cause the vessel to be removed from the dock.
- (c) The City may provide for fees for dockage and penalties by resolution.

Section 3. Codification. This ordinance shall be incorporated into the City of LaBelle Land Development Code. The sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification. Omissions, grammatical, and typographical errors, as well as clarifications of ambiguous wording that do not affect the intent of this Ordinance, may be authorized by the Mayor without need for a public hearing.

Section 4. Severability. In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, 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. The provisions of this article shall supersede any provisions of existing ordinances in conflict herewith to the extent of said conflict.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Commission.

