

ORDINANCE NO. 448

AN ORDINANCE AMENDING ORDINANCE NO. 242 TO INCLUDE STANDARD CODES BY REFERENCE RELATIVE TO THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF MEXICO BEACH; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Council has determined that it is in the best interest of the City that this Ordinance be enacted, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:

SECTION 1. The following Codes are hereby adopted as an essential part of the City of Mexico Beach Code of Ordinances.

(1) Limitation on number of animals.

No person shall keep or maintain on a residential property within the City more than a total of or any combination of five domestic animals at any one time.

(a) Concealment of animals prohibited.

Any person who shall hold, hide, or conceal any animal to which he does not have legal title to shall be a violation of this section and shall be punished in accordance with the provisions within the code of the City of Mexico Beach, Florida; provided, however, that no person shall be in violation of this section if he shall have reported his possession of such animal to the impounding officer within forty-eight (48) hours after acquiring possession of such animal.

(b) Unlicensed animals prohibited.

Any person who shall own, keep, sustain, or harbor any animal within the City of Mexico Beach that is not licensed as provided in this article shall be in violation of this section and shall be punished in accordance with the provisions, of the code of the City of Mexico Beach, Florida. The lack of a license tag on the collar or harness of an animal or lack of approved license marking shall be deemed prima facie evidence that the animal has not been licensed or vaccinated and is evidence of the violation of this article.

(c) Wild, ferocious animals.

It shall be unlawful for any person to keep any wild or ferocious animal without a permit issued by the City Administrator of the City of Mexico Beach.

(d) Feeding of wild animals prohibited.

It shall be unlawful for any person to feed or fail to take appropriate precautions to prevent the unintentional feeding of any wild animal known to be high risk species for rabies, including but not limited to Raccoons, Bats, Foxes, and Skunks within the corporate limits of the City.

(e) Rabbits.

(1) All rabbits kept within the City for the purpose of sale shall be kept in coops or pens. There shall be a limit of no more than 15 rabbits.

(2) It shall be unlawful for any person to keep or harbor on any premises in the City more than (5) rabbits, except set forth in (a) above.

(3) It shall be unlawful for any person to keep rabbits within the City for the purposes of breeding, except in compliance with zoning regulations.

Section 2. Sleeping on municipal beaches in the nighttime prohibited.

(A) Legislative intent. It is the intent of the City Council in the adoption of this section to preserve and protect the beauty of the City's public beaches since such beaches are invaluable natural assets which are held in trust by the City for recreational use by residents and visitors alike. The City Council has made the following findings in reaching the determination that sleeping on the City's beaches during nighttime hours must be prohibited:

(1) The City's beaches are its most valuable natural asset.

(2) The City's beaches are intended to be used solely for recreational purposes and are not intended to be used for sleeping during nighttime hours.

(3) The City's economic well being is substantially dependent upon, tourism which is, in turn, dependent of maintaining attractive and inviting beaches. Permitting persons to sleep upon the City's beaches during nighttime hours will negatively affect the appearance of the City's beaches, will have a deleterious effect upon the City's tourism industry and will require an unwarranted expenditure of City funds in order to provide a reasonably safe and healthy sleeping environment for those who may choose to sleep upon the City's beaches during nighttime hours.

(4) Person's asleep on the City's beaches during nighttime hours are exposed to the risk of harm from others or from the elements.

(5) Prohibiting person from sleeping upon the City's beaches during nighttime hours will promote the public health, safety and welfare.

(B) Prohibition. It shall be unlawful for any person to sleep on any public beach within the corporate limits of the City between the hours of 6:00pm and 6:00am of the following day.

(C) Sleeping on streets, avenues, etc.

No person shall sleep on any of the streets, avenues, or other public property of the City.

Section 3. Permit required.

No person shall stage, promote, conduct, or manage either as owner, principal entertainer or entrepreneur, within the City of Mexico Beach, a musical or entertainment festival unless he shall first secure from the City Administrator a special entertainment permit for such festival.

Section 4. City not liable for damages.

The owner, lessee or his agent shall resume all responsibility and save the City free and harmless from the liability for damages to persons or property in any way connected with, arising of, or incidental to the installation, maintenance or use of municipally owned property or the granting or exercise of permit or privilege. They shall pay all expenses for any charge or grade of municipally owned property, and shall hereby waive all claims for damage or expense in connection therefore.

Section 5. Right of entry by the City.

The City Administrator and his or her agents shall have the right to enter upon real property, and shall be immune from prosecution, civil and criminal, for trespassing upon such real property, in the discharge of his, her or their duties in the removing, termination, or abating a public nuisance under this article.

All authorized City Officials as determined by the City Administrator shall enforce these adopted Codes. These Codes are also enforced by all City Law Enforcement Officers.

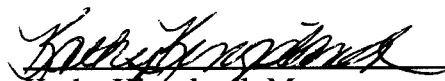
SECTION 2. All Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. Violation: Any person or persons violating this Ordinance are subject to the maximum penalties as prescribed by law.

SECTION 4. This Ordinance shall become effective immediately upon passage.

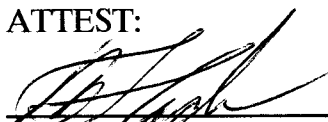
INTRODUCED at a regular meeting of the City Council on the 12th day of August, 2003, and ADOPTED by the City Council on the 9th day of September 2003.

CITY OF MEXICO BEACH, FLORIDA



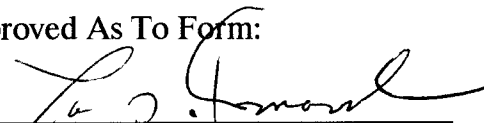
Kathy Kingsland, Mayor

ATTEST:



Henry Flack, City Clerk

Approved As To Form:



Paul Komarek, City Attorney