

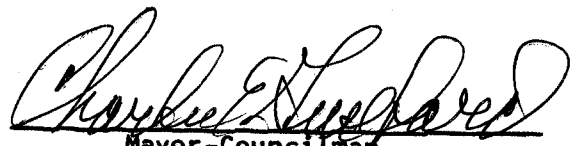
ORDINANCE NO. 66

AN ORDINANCE REPEALING ORDINANCE NO. 6 AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING AN EFFECTIVE DATE.


WHEREAS, the Town Council of the Town of Mexico Beach is of the opinion that an enactment of this ordinance is required for the protection and preservation of the peace, safety, health and the general welfare of the Town and its inhabitants, now, therefore,

BE IT ORDAINED BY THE PEOPLE OF THE TOWN OF MEXICO BEACH THAT ORDINANCE NO. 6 OF THE TOWN OF MEXICO BEACH IS HEREBY REPEALED.

This Ordinance INTRODUCED at a regular meeting of the Town Council on the 13th day of April, 1976, and ADOPTED by the Town Council on the 8th day of June, 1976.


Mayor-Councilman

ATTEST:


Town Clerk

State of Florida



REUBIN O'D. ASKEW
Governor
BRUCE A. SMATHERS
Secretary of State
ROBERT L. SHEVIN
Attorney General
GERALD A. LEWIS
Comptroller
BILL GUNTER
Treasurer
DOYLE CONNER
Commissioner of Agriculture
RALPH D. TURLINGTON
Commissioner of Education

DEPARTMENT OF NATURAL RESOURCES

HARMON W. SHIELDS
Executive Director

CROWN BUILDING / 202 BLOUNT STREET / TALLAHASSEE 32304

January 13, 1977

Honorable Harmon C. Perryman
Mayor
Town of Mexico Beach
Mexico Beach, Florida 32410

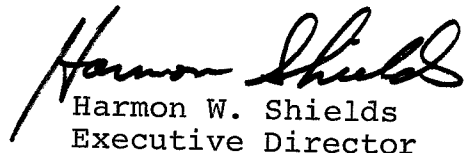
Dear Mayor Perryman:

I have discussed the Town's Ordinance No. 67 with my legal staff.

From the discussions and review of the pertinent statutes and case law, I am of the opinion that even if the Town owns the bottom of the Mexico Beach Canal, it does not have jurisdiction over the water column. The water column is being held in trust for the people of the State of Florida and that trust is administered by the Board of Trustees of the Internal Improvement Trust Fund, whose staff is the staff of the Department of Natural Resources.

From the above, it is my opinion that Ordinance No. 67 is invalid, as it applies to a vessel entering, using or leaving the canal. If the proposed ordinance as drafted is enforced, the Department will be forced to take whatever action it deems necessary to have the ordinance declared invalid.

Sincerely,


Harmon W. Shields
Executive Director

HWS/jpt