

## ORDINANCE NO. 2025-503

**AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CODE OF ORDINANCE, CHAPTER 12 PARKS AND RECREATION SECTION 12-2 RECREATION COMMITTEE CONTINUED, 12-6 MEETINGS, REPORTS OF COMMITTEE, 12-8 POWERS AND DUTIES OF COMMITTEES, AND 12-9 LIMITATIONS ON USE OF CERTAIN CITY PARK PROPERTY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Recreation Committee serves as an advisory body that assists the City Commission in preserving and enhancing community assets and quality of life; and

**WHEREAS**, the City Commission of Key Colony Beach has determined that it is necessary to amend Chapter 12, “Parks and Recreation,” Sections 12-2, 12-6, 12-8, and 12-9 to modify the residency requirements, meeting procedures, responsibilities of advisory or oversight committees related to the City’s parks and recreational resources, and prohibited activities at Sunset Park; and

**WHEREAS**, the City Commission finds that periodic updates to the composition, duties, and operating procedures of its committees help eliminate redundancies and better align their work with the City’s long-term goals and priorities; and

**WHEREAS**, the City Commission has reviewed the proposed ordinance and determined that its adoption is in the best interests of the public health, safety, and welfare of the residents of Key Colony Beach, Florida.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:**

### **Section 1: Recitals**

The above recitals are true and correct.

### **Section 2: Effective Date**

This Ordinance shall become effective upon approval by the City Commission.

### **Section 3: Amendment**

Chapter 12, “Parks and Recreation”, of the City of Key Colony Beach, Florida Code of Ordinances shall be amended to read as follows:

~~Strikethrough~~ = deletion

**Bold underline** = addition

## **Sec. 12-2. Recreation area committee continued.**

The recreation area committee is hereby continued and shall be referred to hereinafter as the recreation area committee. Sec. 12-3. Composition of committee; qualifications, compensation; removal of members.

The recreation committee shall consist of five (5) regular members and may consist of two (2) alternate members who are appointed by the city commission no later than the second regular meeting of the city commission in the month of April. Each member must be a resident of the City of Key Colony Beach. No city commissioner or city employee shall serve as a member of the recreation area committee. Each member shall serve without remuneration. Members shall serve their terms or until their successors are appointed, whichever comes last. Any member may be relieved of his duties by a majority vote of the city commission at its sole discretion. If any member fails to attend two (2) of three (3) successive meetings, without cause and without prior approval of the chairman, the board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy. Alternate members shall serve as full members in the absence of a regular member. The city commission may waive the residency requirements for membership of the committee in the case of unforeseen and unusual circumstances that are in the best interest of the city. Sec. 12-4. Appointment, terms of committee members; filling vacancies.

The members shall serve for terms of two (2) years. The terms of two (2) members and one (1) alternate shall expire in even-numbered years, and the terms of three (3) members and one (1) alternate shall expire in odd-numbered years. In the event of a vacancy caused by the expiration of a term, the city commission shall appoint a person to serve thereon for a period of two (2) years. In the event of a vacancy created other than by expiration of a term, the city commission shall appoint a person to serve thereon for the remainder of the unexpired term.

## **Sec. 12-6. - Meetings, reports of committee.**

The recreation area committee shall hold a regular meeting once every month unless there is no business to conduct. It will meet at such other times as the chair or city commission may direct. Minutes of all meetings shall be taken and copies shall be filed immediately with the city clerk. **If the Board is unable to establish a quorum at its regularly scheduled meeting, or within seven (7) days afterward, all matters that were to be considered shall be submitted to the Commission by the City Clerk to be considered at the next regular City Commission meeting, without a recommendation from the Board.**

## **Sec. 12-8. Powers and duties of committee.**

The recreation area committee shall have the following duties:

- (1) ~~Propose~~ **Recommend** to city commissioners:
  - a. Future improvements to the golf course and attendant buildings.
  - b. Area reserved for recreational uses, and activities to be conducted thereon.
  - c. Area reserved for municipal uses, and facilities to be developed thereon.
- (2) Subject at all times to city commission approval, it shall **observe and report to City regarding recreational activities** ~~supervise the recreational uses of this area.~~ It shall not supervise or be responsible for any municipal use to be conducted in said area. **The Recreation Committee shall not supervise self-funded groups or other entities operating under contractual agreements with the City.**

- ~~(3) In the event that all or any part of this area shall be leased for a recreational use, it shall insure the protection of the city's interest in the drawing of the lease and the operation and performance of the lessee.~~
- (4) It shall assist the beautification commission with the plans of the latter for the beautification of the area.
- (5) Annually, at the time of preparation of the city budget, it shall present to the city commission a list of ~~proposed~~ **recommended** activities and improvements, together with an estimate of the cost thereof.
- (6) Upon direction by the city commission, it shall plan, supervise and implement any activity or improvement which may be assigned to it by the city commission.
- (7) It shall have such other powers and duties as may be assigned to it from time to time by the city commission.

**Sec. 12-9. Limitations on use of certain city park property.**

- (a) Use of the park property of the City of Key Colony Beach as described in section 12-1 shall be limited to the time from 6:00 a.m. to 10:00 p.m. each day unless otherwise posted. Persons on the subject properties during the prohibited hours shall be subject to penalties as set forth in section 1-9 of the Key Colony Beach Code.
- (b) Sunset Park rules and regulations:
  - (1) Sunset Park shall be open from 6:00 a.m. to one-half hour after sunset. The time of sunset is defined as the moment when the trailing edge of the sun's disk disappears below the horizon.
  - (2) Special events must be pre-registered at City Hall forty-eight (48) hours in advance, and permits are subject to availability.
  - (3) Dog waste is a threat to public health and can transmit disease, therefore persons must leash and clean up after their dogs.
  - (4) Swimming **and snorkeling**, ~~snorkeling, or wading in the park~~ is prohibited. ~~No persons are allowed into the water at any time.~~ Crocodiles live in the coastal water of South Florida, and swift currents exist in the area immediately surrounding the park area, making the water unsafe.
  - (5) ~~No fishing is permitted from or in the water's edge or observation deck.~~ **Fishing is permitted only in the designated areas of the pier.**
  - (6) No shrimp, crab or lobster trapping/netting is permitted from the water's edge or the observation deck.
  - (7) ~~Entry into the water from the observation deck is prohibited.~~ **Jumping off the observation deck is prohibited.**
  - (8) Docking is prohibited.
  - (9) No floating vessels shall launch or port from the water's edge, including but not limited to, boats of any kind, kayak, jet-ski, paddleboard, surfboard or windsurfing board.
- (c) Use of tennis or pickleball courts owned by the City of Key Colony Beach shall be limited to the time from 7:30 a.m. to sunset each day unless otherwise posted.

**Section 4: Severability and Conflict**

If any portion of this ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portions of this ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5: Inclusion in the Code of Ordinances**

The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the City of Key Colony Beach, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code:

**Section 6: Effective Date**

This ordinance shall become effective upon its adoption by the City of Key Colony Beach Commission.

**FIRST READING** by the City of Key Colony Beach City Commission this 21st day of August, 2025.

Mayor Freddie Foster	NO_____	YES____x____
Vice-Mayor Doug Colonell	NO_____	YES____x____
Commissioner Tom Harding	NO_____	YES____x____
Commissioner Tom DiFransico	NO_____	YES____x____
Commissioner Kirk Diehl	NO_____	YES____x____

**SECOND READING AND DULY ADOPTED** by the City of Key Colony Beach City Commission on this 18th day of September, 2025.

Mayor Freddie Foster	NO_____	YES_____
Vice-Mayor Doug Colonell	NO_____	YES_____
Commissioner Tom Harding	NO_____	YES_____
Commissioner Tom DiFransico	NO_____	YES_____
Commissioner Kirk Diehl	NO_____	YES_____

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**DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA**, this 18th day of September, 2025.

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Freddie Foster, Mayor

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Silvia Roussin, City Clerk

*Approved as to form and legal sufficiency:*

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Dirk M. Smits, Esq. B.C.S., City Attorney