

Worth, the Intracoastal Waterway and other water areas throughout the village which under normal circumstances support vegetation typically adapted for life in the water and for the preservation and growth of fish breeding, recreation and aesthetic areas.

(b) *Areas designated.* The village nominates all water areas within its corporate limits, and, in particular, Lake Worth and the Intracoastal Waterway, to be designated as "a marine and wildlife sanctuary" as provided for under Title III of the Marine Protection, Research and Sanctuaries Act of 1972. The village clerk is hereby directed to request the secretary of commerce to so designate those portions of North Palm Beach to be marine sanctuaries.

(c) *Area to be regulated.* The village hereby declares the waters of Lake Worth and the Intracoastal Waterway within its municipal boundaries to be a marine sanctuary in accordance with its findings that these waters support substantial fish breeding and are one of the last known fish breeding areas in Lake Worth, and contain therein unique mangrove species, mud flats and other areas conducive to fish breeding and ecological conservation of marine life. Further, that such areas are necessary to be conserved for their ecological purposes, as well as for the substantial recreational purposes of fishing and boating which occur thereon, as well as for the aesthetic value of the substantial expanse of water, together with the marine life, mangroves and foliage connected therewith. Accordingly, the village council hereby undertakes to regulate water areas, mangrove areas and other fish breeding and recreation areas within the village to the extent that such regulations do not conflict with either state or federal law, and no disturbance of existing areas within the village where the tide ebbs and flows may occur without the specific authorization, permit and license of the village, after due notice and hearing as to the ecological, conservation, recreation and aesthetic affect upon these areas shall be had.

(d) *Construction of section.* The terms of this section shall be in addition to any other terms set forth in this Code which are concerned with applications for dredge and fill permits, applica-

tions for building, setback applications, etc., and shall not be considered to be in lieu of any requirements contained in the village Code. (Ord. No. 18-79, § 1, 9-13-79)

Cross reference—Filling permits, §§ 7-16—7-20.

ARTICLE V. WATERWAYS BOARD

Sec. 5-102. Created.

A waterways board (hereinafter referred as the "board") for the village is hereby created. (Ord. No. 18-2004, § 1, 7-22-04)

Sec. 5-103. Composition; terms; vacancies.

(a) *Composition.* The waterways board shall consist of five (5) members and two (2) alternate members who shall be village residents.

(b) *Terms.* At the first appointment of the five (5) members, one (1) member shall be appointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. Thereafter, resident members shall be appointed for terms of three (3) years. The terms of all members appointed subsequent to November 1, 2005, that have terms ending in November shall be shortened to April 30 of the last year of the appointed term; thereafter, terms of all members shall expire on April 30. Alternate members shall be appointed on the same day that regular members are appointed and on an annual basis during April of each year to take effect the following May 1 of each year and shall have the duty to sit for any regular member that is absent. Alternate members shall be appointed as first alternate and second alternate and shall serve in that order when required. The members shall serve at the pleasure of the village council.

(c) *Vacancies.* An appointment to fill any vacancy shall be for the remainder of the unexpired term of office. (Ord. No. 18-2004, § 1, 7-22-04; Ord. No. 2006-09, § 1, 6-22-06)

Sec. 5-104. Organization.

At the first organizational meeting of the board, the members shall elect a chairman and vice

chairman from among its members. Subsequent to the initial organizational meeting where officers are elected, the members shall elect the officers from among its members at the first regular meeting in may of each year. The presence of three (3) members shall constitute a quorum, and motions shall be approved by a majority of members present. The members shall serve without compensation. All meetings of the waterways board shall be held at Village Hall, 501 U.S. Highway One, North Palm Beach, Florida, and shall be open to members of the public.

(Ord. No. 18-2004, § 1, 7-22-04)

without such absence being excused by majority vote of the board, the chairman shall promptly notify the village council. The council may thereafter declare the member's office vacant and promptly fill such vacancy for the unexpired term of office.

(Ord. No. 18-2004, § 1, 7-22-04)

Sec. 5-105. Duties.

The waterways board shall have the following missions and responsibilities:

- (1) The mission of the waterways board is to ensure that the waterways located within the Village of North Palm Beach and the marina located at Anchorage Park are maintained, operated and improved to provide the safest, most efficient, economical and environmentally-sound water transportation route in the village and to provide sound use of village waterways that serve business, commercial fisheries and recreation.
- (2) The board shall identify, analyze, address and publicize issues that affect the village waterways, village citizens and users.
- (3) The board shall endeavor to build a growing community of support through education of its members, prospective members, community groups and relevant government officials.
- (4) The board shall make recommendations to the village council as to recommended improvements and establishment of policies.

(Ord. No. 18-2004, § 1, 7-22-04)

Sec. 5-106. Removal.

If a member of the waterways board or a designated alternate of the board is absent from three (3) regularly-scheduled meetings of the board within any twelve (12) consecutive month period