

ORDINANCE 03-2023

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V OF THE LAKE PARK CODE OF ORDINANCES BY ADOPTING A NEW SECTION 78-156 TO BE ENTITLED “LITTLE FREE LIBRARY BOOK DISPENSARIES” PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 78, of the Town’s Code of Ordinances (Code) regulates through its Zoning Code the location of uses within the Town; and

WHEREAS, Article V, of the Town’s Code of Ordinances sets forth certain supplementary regulations that are permitted in the zoning districts; and

WHEREAS, the Community Development Director has recommended that the Town Commission amended Chapter 78, Article V, to create supplementary regulations to authorize the location of book Dispensaries throughout the Town known as “Little Free Libraries.”

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

Section 2. Chapter 78, Article V, Section 78-156 of the Code, entitled “Little Free Libraries” is hereby created and shall read as follows:

Sec. 78-156. - Little Free Libraries.

(a) Purpose and intent. The purpose of this section is to regulate the locations of Little Free Library book dispensaries on private and public properties within the Town.

- (b) Definition. Little free library book dispensary shall mean a publicly-accessible structure which is designed, constructed and placed on private or public property for collecting and distributing reading materials in accordance with the Town Library's Little Free Library Program.
- (c) Enrollment of participants in the Little Free Library Program. All those who are enrolled in the Little Free Library book dispensary program shall operate and maintain their book dispensaries in accordance with this section and the terms and conditions established by the Town of Lake Park Public Library (Library). Book dispensaries established prior to the adoption of this ordinance shall be eligible to participate in the program, subject to meeting the requirements of this section and the terms and conditions established by the Library.
- (d) Design. All book dispensaries shall conform to one of the designs approved by the Library. Little Free Library book dispensaries are "temporary structures" and shall be subject to removal upon the declaration of a severe weather event or other emergencies declared by the Town.
- (e) Permitting. All participants in the Lake Park Little Free Library Program shall submit an application for review by the Community Development Department prior to placing a book dispensary on the participants' property. A zoning review fee shall not be charged for reviews of Little Free Library placements.
- (f) Location. Lake Park Little Free Libraries shall only be located on properties within a single-family residential zoning district or on a public property and shall be placed no more than two feet from the front or side yard property line.
- (g) Lake Park Little Free Libraries shall not be placed within visibility triangles as defined under Sec. 78-253 or in such a way as to obstruct the sightlines of motor vehicles.
- (h) Maintenance. All participants in the Little Free Library book dispensary program shall maintain the structure in accordance with this section and in good condition. Where a Little Free Library book dispensary becomes discolored, faded, or shows other visible signs of deterioration, it shall be repaired or replaced. Prior to its replacement, the participant shall submit a new application to the Community Development Department.

Section 4. Codification. The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Lake Park. The sections of the ordinance may be re-numbered or re-lettered to accomplish such.

Section 5. Severability. If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance

Section 6. Effective date. This ordinance shall take effect immediately upon execution.

Upon First Reading this 18 day of January, 2023, the foregoing Ordinance was offered by Commissioner Michaud, who moved its approval. The motion was seconded by Commissioner Linden and being put to a vote, the result was as follows:

	AYE	NAY
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____
COMMISSIONER MARY BETH TAYLOR	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 22 DAY OF January, 2023

Upon Second Reading this 1 day of February, 2023, the foregoing Ordinance, was offered by Commissioner Linden, who moved its adoption. The motion was seconded by Commissioner Taylor and being put to a vote, the result was as follows:

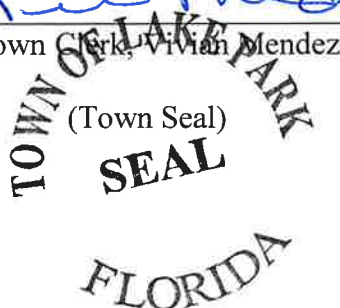
	AYE	NAY
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____
COMMISSIONER MARY BETH TAYLOR	<u>/</u>	_____

The Mayor thereupon declared **Ordinance 03-2023** duly passed and adopted this 1 day of February, 2023.

TOWN OF LAKE PARK, FLORIDA
BY: Kimberly Glas-Castro
Vice-Mayor, Kimberly Glas-Castro

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez



Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird