

ORDINANCE NO. 12-2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 24, ARTICLE I, OF THE TOWN CODE CREATING SECTION 24-15 PERTAINING TO THE COLLECTION OF DEBRIS, TRASH, VEGETATIVE YARD WASTE OR RECYCLING MATERIALS DURING THE TIME OF AN EMERGENCY DECLARATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; 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, the Town Commission has adopted regulations and criteria in Chapter 24 of the Town’s Code of Ordinances (Code) pertaining to residential property solid waste and recyclable collection service; and

WHEREAS, the Town Commission has determined that the Town’s employees, public safety personnel and the general public’s health, safety and general welfare would be furthered by prohibiting the collection of trash, vegetative yard waste, debris, and recycling materials during those times when a declaration of emergency is in effect; and

NOW, THEREFORE, be it ordained by the Town Commission of the Town of Lake Park, Florida that:

Section 1. The whereas clauses are incorporation herein as true and correct and as legislative findings of the Town Commission.

Section 2. Chapter 24, Article I of the Town Code of Ordinances is hereby amended to add a new Section 24-15 as follows:

Section 24-15 – Collection and Enforcement during an Emergency Declaration.

A property owner, or the tenant of a residence or business shall not place any debris, trash vegetative yard waste, or recycling materials out for collection once the Mayor has rendered a declaration of emergency for the Town. In the event of a violation of this section occurs, the Town may immediately dispose of the materials and charge its actual costs of collection and disposal, along with a one-time \$250 fee and any other administrative charges it incurs and invoice the property owner or business for the payment of these costs. If the costs are not paid, the Town may record a lien against the property.

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall take effect immediately upon execution.

Upon First Reading this 3 day of October, 2018, the foregoing Ordinance was offered by Commissioner Michaud, who moved its approval. The motion was seconded by Commissioner Lynch and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>Absent</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>Absent</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF October, 2018

Upon Second Reading this 17 day of October, 2018, the foregoing Ordinance, was offered by Commissioner Flaherty who moved its adoption. The motion was seconded by Commissioner Michaud and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 12-2018 duly passed and adopted this 17 day of October, 2018.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
Mayor, Michael O'Rourke

Approved as to form and legal sufficiency:

[Signature]
Town Attorney, Thomas J. Baird

ATTEST:

[Signature]
Town Clerk, Vivian Mendez
(Town Seal)

FLORIDA

**LEGAL NOTICE OF PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, October 17, 2018 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 07-2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE IV, SECTION 18-120 OF THE TOWN CODE PERTAINING TO SPECIAL EVENT PERMIT REQUIREMENTS; PROVIDING FOR THE AMENDMENT OF SECTION 18-120(b) RELATED TO THE FREQUENCY OF SPECIAL EVENTS; PROVIDING FOR THE CREATION OF SECTION 18-120(c); PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 12-2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 24, ARTICLE I, OF THE TOWN CODE CREATING SECTION 24-15 PERTAINING TO THE COLLECTION OF DEBRIS, TRASH, VEGETATIVE YARD WASTE OR RECYCLING MATERIALS DURING THE TIME OF AN EMERGENCY DECLARATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida

PUB: The Palm Beach Post October 7, 2018.