

ORDINANCE 13- 2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 71, ARTICLE IV, SECTION 71-5(5) RELATED TO THE CASH SECURITY DEPOSIT FOR QUALIFICATION OF PARTICIPATING ARTISTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; 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 and the Board of Commissioners of the Town's Community Redevelopment Agency (CRA) have previously determined that the encouragement of the arts in the community redevelopment area of the Town and particularly within the Park Avenue Downtown District (PADD) would further redevelopment; and

WHEREAS, the Town Commission established Mural regulations in Chapter 71 of the Town of Lake Park Code of Ordinances through the adoption of Ordinance 02-2016 on February 17, 2016 to allow for murals under certain conditions in the Park Avenue Downtown District (PADD); and

WHEREAS, since certain property owners within the PADD own multiple, consecutive buildings, Town Code Section 71-5(5) related to the cash security deposit for qualification of participating artists is being amended to allow for one cash security deposit per property owner.

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

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

Section 2. Chapter 71-5(5) of the Town Code is hereby amended to read as follows:

ARTICLE IV. PARTICIPATING ARTISTS.

Sec. 71-5. Qualification as a participating artist.

- (5) A cash security deposit in the amount of \$1,500.00 payable to the Town of Lake Park. Consecutive building walls under the same property ownership will be required to submit only one cash security deposit. Should the ownership change throughout the duration of the mural, an additional cash security deposit will be required from the new property owner of record. The Town shall be authorized to utilize the cash security deposit in the event the applicant is determined by the Town's Special Magistrate to be in violation of any provision of this chapter, ~~and any fines assessed by the Special Magistrate are not paid within 30 days of the order;~~ and

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. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 13 day of September, 2017, the foregoing Ordinance was offered by Commissioner Flaherty, who moved its approval. 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>	_____

PUBLISHED IN THE PALM BEACH POST THIS 17 DAY OF September, 2017

Upon Second Reading this 27 day of September, 2017, the foregoing Ordinance, was offered by Vice Mayor Glas-Castro, who moved its adoption. 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>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	_____	_____
COMMISSIONER ERIN FLAHERTY	<u>Absent</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 13-2017 duly passed and adopted this 27 day of September, 2017.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
Mayor, Michael O'Rourke

ATTEST:

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

Approved as to form and legal sufficiency:

[Signature]
Town Attorney, Thomas J. Baird

FLORIDA