

**RESOLUTION NO. 72-09-17**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION NO. 08-02-17 TO REVISE THE CITATION FINE SCHEDULE FOR TOWN CODE SECTION 24-39 RELATED TO THE PLACEMENT OF SANITATION CONTAINERS PURSUANT TO EXHIBIT "A" WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission had previously adopted a fine schedule for various violations of the Town's Code of Ordinances which are enforced by citation and which has been previously codified in Chapter 9, Section 9-71 of the Town Code; and

**WHEREAS**, the Town Commission provides for the establishment of a fine schedule for citations by Resolution; and

**WHEREAS**, the Town Commission recognizes that the use of citations to enforce certain sections of the Town will be an efficient and cost effective additional method of code enforcement; and

**WHEREAS**, the Town Commission desires to revise the list of citations; and

**WHEREAS**, the Town Commission has determined that it is in the best interest of the public health, safety and general welfare to revise the schedule of fines previously established in Resolution No. 08-02-17; and

**WHEREAS**, a copy of the revised fine schedule listing the Code Section and corresponding fine for violations of the Town Code to be enforced by citation is attached hereto and incorporated herein as **Exhibit "A"**.

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

**Section 1.** The foregoing recitals are hereby incorporated as true and correct as the legislative findings of the Town Commission.

**Section 2.** The Town Commission hereby approves the revised schedule of fines for violations of the Town Code to be enforced by citation, as presented in **Exhibit "A"**, and Town staff is directed to implement the revised list of citations commencing with the effective date of this Resolution.

**Section 3.** This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Commissioner Michaud, who moved its adoption. The motion was seconded by Commissioner Lynch and upon being put to a roll call vote, the vote was as follows:



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

The Town Commission thereupon declared the foregoing Resolution NO. 72-09-17 duly passed and adopted this 13 day of September, 2017.

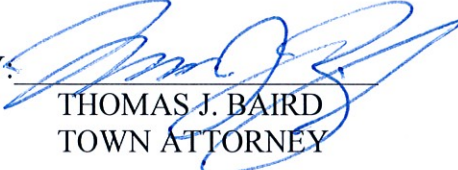
TOWN OF LAKE PARK, FLORIDA

BY:   
MICHAEL O'ROURKE  
MAYOR

ATTEST:

  
VIVIAN MENDEZ  
TOWN CLERK  
  
TOWN OF LAKE PARK  
FLORIDA

Approved as to form and legal sufficiency:

BY:   
THOMAS J. BAIRD  
TOWN ATTORNEY

**Exhibit A**

Code Section	VIOLATION DESCRIPTION	FINE
10-32	Nuisance	\$100
10-153 and 10 -154	Noise disturbance	
	1 <sup>st</sup> Offense	\$250
	2 <sup>nd</sup> Offense (minimum of 30 minutes following the 1 <sup>st</sup> offense and within the same 24-hour period)	\$350
	3 <sup>rd</sup> Offense and every subsequent offense occurring a minimum of 30 minutes after the 3 <sup>rd</sup> offense and within the same 24-hour period after the 1 <sup>st</sup> Offense)	\$450
16 -3	Unlawful trespass on public land	\$125
18 -61	Domestic animals prohibited in park	\$50
18 -85	Violation of permit terms for use of park	\$50
18 -81	No permit for special event	\$250
20 -32	No permit for garage sale	\$50
24 -34	Illegal roll-off (residential)	\$250
24 -74	Illegal roll-off (commercial)	\$250
24 -8	Illegal dumping / littering	\$250
24-39	Overloaded sanitation container (Residential) Unpermitted placement of refuse and refuse containers for collection	\$50
24 -78	Overloaded sanitation container (Commercial)	\$50
30 -2 and 31-9	Prohibited parking	\$50

31-9	Blocking Parking Aisles in the Marina	\$100
30 -33	Commercial loading and unloading	\$250
30 -35	Parking commercial vehicle in residential area	\$125
32 -57	Illegal watering 1 <sup>st</sup> offense	\$50
32 -57	Illegal watering 2 <sup>nd</sup> offense	\$250
32-57	Illegal watering 3 <sup>rd</sup> or more offense	\$500
34 -6	Hatracking; tree topping	\$250
70 -32	Sign code violation	\$125
2-320	No out of Town Business Registration	\$50
70-103(1)(c)	Garage/Yard Sale Signage Violation	\$50
76-95	Failure to pay Marina Overnight Parking Fee, or Marina Launching Ramp Fee	\$100 <i>per violation</i>

## TOWN CODE

### **Sec. 24-39.** - Placement of containers, materials and vehicles.

- (a) *Placing of refuse and refuse containers for collection.* No refuse or refuse container shall be kept upon or adjacent to any street, sidewalk, parkway, front yard, side yard or other place within the view of persons using the town's streets and sidewalks, except that:
  - (1) No earlier than 4:00 p.m., on the day preceding that upon which refuse collections are customarily made from such premises, refuse containers and noncontainerized yard or household trash shall be placed within six feet of the street or just inside the public walk for the purpose of permitting the collection of refuse therefrom, and such refuse containers shall be removed from such place on the same day collection is made.
  - (2) On streets where no parkways or lawn areas near the street are available for the placement of refuse containers of noncontainerized trash, the owner or occupant shall place same adjacent to the driveway but not further than six feet from the street.
- (b) *Overloading refuse containers.* It shall be unlawful to overload a refuse container by allowing materials to accumulate above the "water level" of a container. The water level is the highest level that water could stand in a container when situated on a level surface.
- (c) *Blockage of storm drains.* It shall be unlawful for any person to place any refuse, trash, refuse receptacle or container on, upon, or over any storm drain or so close thereto as to be drawn by the elements into the storm drain.
- (d) *Access to mechanical containers.* It shall be unlawful for anyone to place or maintain materials or place any vehicle, whether temporarily or permanently, so as to block access to any mechanical container.
- (e) *Penalty.* The town may assess a special fee, established pursuant to section 24-111, for a return trip or other additional service made necessary by a violation of this section.

(Ord. No. 14-1993, § II, 5-5-1993; Code 1978, § 10-27)