

ORDINANCE NO. 02-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE II, SECTION 9-37, OF THE TOWN'S CODE OF ORDINANCES PERTAINING TO THE STATUTORY INTEREST RATE TO BE APPLIED TO FINES WHICH HAVE ACCRUED FROM CODE ENFORCEMENT PROCEEDINGS; 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 statutory interest rate which applies to liens arising out of code enforcement proceedings has been revised in accordance with Section 55.03, Florida Statutes; and

WHEREAS, the interest rate charged on code enforcement liens is determined by reference to this Statute; and

WHEREAS, the Town staff has recommended to the Town Commission that Chapter 9, Article II, Section 9-37(c) entitled "Collection of Costs" of the Code of Ordinances be amended to comply with Section 55.03, Florida Statutes.

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 findings of the Town Commission.

Section 2. Chapter 9, Article II, Section 9-37(c) is hereby amended to read as follows:

Sec. 9-37. Conduct of Hearing

(c) *Collection of costs.* If the Town Commission prevails in prosecuting a case before the compliance board, it shall be entitled to recover all costs incurred in prosecuting the case before the board, including attorney's fees. If the property owner is found in violation under subsection (e) of this section and costs are assessed, but a fine is not imposed pursuant to section 9-39, a code compliance lien may be recorded against the property for the amount of the costs. Such lien shall be superior to all other liens and shall bear interest ~~of ten percent~~ per annum in accordance with Section 53.01(1), Florida Statutes, as determined by the Palm Beach County Chief Financial Officer. The interest to be charged shall be calculated from the date the order is entered by the board.

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 re-lettered 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 adoption.

Upon First Reading this 4 day of January, 2012, the foregoing Ordinance, was offered by Commissioner Hockman, who moved its approval. The motion was seconded by Commissioner Stevens and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KENDALL RUMSEY	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>/</u>	_____
COMMISSIONER TIM STEVENS	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 8 DAY OF January 2012

Upon Second Reading this 18 day of January, 2012, the foregoing Ordinance, was offered by Vice-Mayor Rumsey, who moved its adoption. The motion was seconded by Commissioner Hockman and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KENDALL RUMSEY	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>/</u>	_____
COMMISSIONER TIM STEVENS	<u>/</u>	_____

The Mayor thereupon declared Ordinance No. 02-2012 duly passed and adopted this 18 day of January, 2012.

TOWN OF LAKE PARK, FLORIDA
BY: [Signature]
Mayor, James DuBois

ATTEST:

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

Approved as to form and legal sufficiency:
[Signature]
Town Attorney, Thomas J. Baird

