

**ORDINANCE NO. 06-2012**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CHARTER AT ARTICLE IX, ENTITLED "DUTIES OF CERTAIN TOWN OFFICERS" TO CREATE A NEW SECTION 7, TO BE ENTITLED "TOWN ATTORNEY"; 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 is a duly constituted municipality having the power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, prior to July 1, 1973 the Town Commission adopted a municipal Charter, which contains among other matters, provisions pertaining to the operation of the Town under a Town Commission-Town Manager form of government; and

**WHEREAS**, both Section 166.021(4) and Section 166.031, Fla. Stat. (2007), set forth the procedures to be followed in amending municipal charters adopted prior to July 1, 1973, and which charters have not been subsequently readopted; and

**WHEREAS**, pursuant to the provisions of Section 166.021(4), Fla. Stat. (2007), amendments to municipal charter provisions which were adopted prior to July 1, 1973, such as the Town's Charter, may be made by ordinance if the proposed changes do not affect the basic organizational and administrative structure of the municipal government, and if the proposed changes do not fall within any of the statutorily excluded areas which expressly require a referendum in order to adopt the proposed charter amendment; and

**WHEREAS**, the Town Commission has determined that Article IX of the Town Charter be amended to create a new Section 7 creating f the Office of the Town Attorney consistent with

Section 2-87 of the Town Code;; and

**WHEREAS**, this proposed Charter amendment does not fundamentally alter the Commission-Manager form of government set forth in the Town Charter, the creation of this office may be effectuated through the adoption of an Ordinance a referendum..

**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 the legislative findings of the Town Commission.

**Section 2.** The municipal Charter for the Town of Lake Park, Article IX, entitled “Duties of Certain Town Officers” is hereby amended to read as follows:

**Section 7. Town Attorney.**

The Commission shall appoint a Town Attorney who shall be responsible for the town’s legal affairs and act as legal counsel for the commission, its officers, employees and appointed boards or committees in the performance of their official duties. The Town Attorney shall be properly qualified, the minimum qualifications being a member in good standing of the Florida Bar, and at least five years experience as a full time county or municipal attorney. The responsibilities and duties of the Town Attorney and his appointment and removal shall be as set forth in section 2-87 of the Town’s Code of ordinances .

**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 adoption.

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

	AYE	NAY
MAYOR JAMES DUBOIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR KENDALL RUMSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER STEVEN HOCKMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER JEANINE LONGTIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER TIM STEVENS	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PUBLISHED IN THE PALM BEACH POST THIS 15 DAY OF April, 2012**

Upon Second Reading this 2 day of May, 2012, the foregoing Ordinance, was offered by Commissioner Stevens 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR KENDALL RUMSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER STEVEN HOCKMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER JEANINE LONGTIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER TIM STEVENS	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared **Ordinance No. 06-2012** duly passed and adopted this 2 day of May, 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

FLORIDA

NO. 6657332  
LEGAL NOTICE OF  
PROPOSED ORDINANCE  
TOWN OF LAKE PARK

Please take notice that on Wednesday, May 2, 2012 immediately following the CRA Board Meeting, 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. 05-2012**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE, ENTITLED "OFFICERS AND EMPLOYEES"; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 ENTITLED "TO POWERS AND DUTIES OF TOWN MANAGER"; PROVIDING FOR THE AMENDMENT OF SECTION 2-87 ENTITLED "POWERS AND DUTIES OF TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

**ORDINANCE NO. 06-2012**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CHARTER AT ARTICLE IX, ENTITLED "DUTIES OF CERTAIN TOWN OFFICERS" TO CREATE A NEW SECTION 7, TO BE ENTITLED "TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 07-2012**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV - (NOISE CONTROL) OF THE LAKE PARK CODE, PROVIDING REVISIONS TO SECTION 10-185, TABLE 1, NOISE LEVELS BY LAND USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; 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-Lemley, Town Clerk at 561-881-3311.

Vivian Mendez-Lemley, Town Clerk  
Town of Lake Park, Florida  
PUB: The Palm Beach Post  
April 15, 2012