

ORDINANCE NO. 01-2011

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 70, ARTICLE IV, SECTION 70-103(1), OF THE TOWN CODE ENTITLED "RESIDENTIAL SIGNS"; PROVIDING FOR AMENDMENTS TO THE REGULATIONS PERTAINING TO GARAGE OR YARD SALE SIGNS; PROVIDING FOR ADDITIONAL REGULATIONS PERTAINING TO SIGN REMOVAL; 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 such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has a comprehensive sign code which has been codified in the Town's Code of Ordinances, Chapter 70, Articles I through IV, and Sections 70-1 through 70-108; and

WHEREAS, the Town Commission has determined that an amendment to the regulations contained Town Code, Chapter 70, Article IV, Section 70-103(1)(c), pertaining to garage sale and yard sale signs to provide additional regulations pertaining to required content, sign removal and sign location;

WHEREAS, the Town Commission has determined that providing for changes to signage regulations in Section 70-103(1)(c) would further the public's health, safety and general welfare.

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 70, Article IV, Section 70-103(1)(c) of the Town Code is hereby amended to read as follows:

ARTICLE IV. SIGN REGULATIONS.

Sec. 70-103. Permitted Signs.

(c) Garage sale and yard sale signs. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsection 70-102 (9), (22). Signs with one or two faces, and wall-mounted signs with one face shall be permitted subject to the following restrictions:

(1) Permitted content: Type of sale, the address, dates and hours of the sale, directional information and other related information.

(2) Required content: The property owner shall provide the address of the site of the garage or yard sale and the date of same. Any sign posted without an address or date shall be subject to immediate removal by the town's code compliance officers.

~~(2) (3) Maximum area: Four square feet per face.~~

~~(3) (4) Maximum number: Not more than one per lot, per street side, nor four per sale. No Limit.~~

(5) Placement of Signs:

- a. An offsite garage sale or yard sale sign may be placed in the public swale.
- b. No sign shall be placed on private property without the owner's permission.
- c. No sign shall be posted on any utility pole or column, fence, or similar structure or object. Such signs will be subject to immediate removal and a fine of \$50 will be assessed.

(4) (6) Maximum height:

- a. If freestanding, four feet;
- b. If wall-mounted, no higher than the wall on which it is mounted;

(7) Sign Removal: 1) Weekend Sales. All approved signs shall be removed by 8:00 A.M. on the Monday following the sale. 2) Weekday Sales. All approved signs shall be removed by 8:00 A.M. on the day immediately following the date of the sale. Signs not removed by the required time shall be subject to immediate removal and a fine of \$50 may be assessed to the person or property owner responsible for the permit for the garage or yard sale.

(8) The town may remove signs not in compliance with this section in accordance with the provisions of section 70-64

~~(5) Illegally placed signs shall be removed by the town, at the expense of the property owner and/or the sign owner and/or the individual responsible for the illegal placement.~~

~~(6) A garage sale or yard sale sign may be placed in the swale on the day of the sale only.~~

~~(7) All such signs shall be removed within 12 hours of the sale. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an~~

~~assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together with an assessment of the town's administrative costs.~~

~~(8) The town may remove signs not in compliance with this section in accordance with the provisions of section 70-64.~~

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. Codification.

The Sections of the Ordinance 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 5. Repeal of Laws in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Town Commission.

Upon First Reading this 16 day of February, 2011, the foregoing Ordinance, was offered by Commissioner Hockman who moved its approval. The motion was seconded by Commissioner Osterman and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR KENDALL RUMSEY	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 20 DAY OF February, 2011

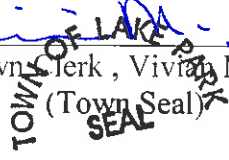
Upon Second Reading this 2 day of March, 2011, the foregoing Ordinance, was offered by Vice-Mayor Rumsey who moved its adoption. The motion was seconded by Commissioner Hockman and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR KENDALL RUMSEY	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>Absent</u>	_____

The Mayor thereupon declared **Ordinance No. 01-2011** duly passed and adopted this 2 day of March, 2011.

TOWN OF LAKE PARK, FLORIDA
 BY: Desca DuBois
 Mayor, Desca DuBois

ATTEST:
Vivian M. Lemley
 Town Clerk, Vivian M. Lemley
 (Town Seal)



Approved as to form and legal sufficiency:
Thomas L. Baird
 Town Attorney, Thomas L. Baird

FLORIDA