

ORDINANCE NO.: 12-2010

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING VARIOUS AMENDMENTS TO THE TOWN CODE TO ADDRESS SWALE AREAS IN THE TOWN; PROVIDING FOR THE AMENDMENT OF SECTION 16-10 OF THE CODE TO REQUIRE THE MAINTENANCE OF SWALES, DRIVEWAYS, DRIVEWAY APRONS, ALLEYS, AND CURBS BY THE PROPERTY OWNERS WHOSE PROPERTIES ABUT OR ARE ADJACENT TO SUCH AREAS; PROVIDING FOR THE AMENDMENT OF SECTION 34-2 OF THE CODE CREATING A DEFINITION OF THE TERM "SWALE OR SWALE AREAS"; PROVIDING FOR THE AMENDMENT OF SECTION 54-74 OF THE CODE, ENTITLED "ADDITIONAL LANDSCAPE AND PROPERTY STANDARDS" TO APPLY THESE STANDARDS TO SWALES, SWALE AREAS, SIDEWALKS, DRIVEWAY APRONS, AND DRIVEWAYS; PROVIDING FOR THE AMENDMENT OF SECTION 72-2 OF THE CODE, ENTITLED "OBLIGATION OF PROPERTY OWNER TO MAINTAIN PUBLIC SIDEWALKS ADJACENT TO PROPERTY OWNERS PROPERTY" TO PROHIBIT THE DAMAGE OF SIDEWALKS, DRIVEWAY APRONS, DRIVEWAYS, CURBS, SWALES, OR SWALE AREAS; TO PROHIBIT PAINTING OF TOWN SIDEWALKS; TO REQUIRE APPROVAL FROM THE COMMUNITY DEVELOPMENT DEPARTMENT TO PAINT, RESURFACE OR MARK DRIVEWAY APRONS; 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 has adopted general provisions pertaining to maintenance, vegetation, property standards and other improvements in swale or swale areas, sidewalks and driveways within the Town which, among other provisions, have been codified in Chapters 16, 34, 54 and 72 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, Town staff has recommended to the Town Commission that certain Sections of Chapters 16, 34, 54 and 72 be amended to provide additional guidelines, controls, and standards for the maintenance, vegetation and other improvements in swale or swale areas, sidewalks and driveways within the Town; and

WHEREAS, the amendments to Town Code Chapters 16, 34, 54 and 72 would preserve and protect property maintenance standards in swale or swale areas, sidewalks and driveways, and preserve and enhance property values within the Town; and

WHEREAS, the Town Commission, deems it to be in the interest of the public health, safety and general welfare to amend the Town's Code as detailed herein above, to provide for these amendments.

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

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

Section 2. Chapter 16, Article 1, Section 16-10 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 16-10. - ~~Maintenance of private property.~~ Property Maintenance.

(a) It shall be unlawful for the owner, occupant, lessee, or person in control of any land including the swales, sidewalks, driveways, alleys, driveway aprons, or curbs, which abut, or are adjacent or contiguous to the property owner's real property, which is within the town limits, whether the area is unoccupied or occupied, to permit, maintain, or allow to remain thereon any accumulation of undergrowth, rubbish, debris, and unsightly and unsanitary matters, including, but not limited to, any accumulation of debris, decayed vegetable matter, filth, overgrown vegetation, including trees, bushes, or brush, rubbish or trash, or growth of weeds or noxious plants.

(b) It shall be unlawful for the owner, occupant, lessee, or person in control of any land including the swales, sidewalks, driveways, alleys, driveway aprons, or curbs, which abut, or are adjacent or contiguous to the property owner's real property, which is within the town limits to allow grass or weeds to grow to a height in excess of eight inches on any property. All such areas shall be maintained in a neat and healthy condition, and reasonably free of weeds; any infringement of vegetation onto adjoining properties or public-rights-of-way is prohibited.

Section 3. Chapter 34, Article I, Section 34-2 of the Code of Ordinances of Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 34-2. Definitions.

The following words and phrases shall have the meanings ascribed to them in this section:

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Swale or swale areas. A broad manmade depression or a grassed area designed to store, route or filter storm water runoff running parallel from a property line to a public street, roadway, or other form of right-of-way, and which may be used for among other things, retention or channeling of storm water runoff. Swale or swale areas includes sidewalks, and driveway aprons.

Section 4. Chapter 54, Division I, Section 54-74 of the Code of Ordinances of Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 54-74. - Additional landscape and property standards.

- (1) Developed lots including those swale, swale areas, sidewalks, driveway aprons, swales, swale areas, and driveways which are adjacent to, or abut a developed lot:
- (a) Shall be kept free of debris, rubbish, trash or litter.
 - (b) Shall be maintained free of diseased or dead trees and plant materials.
 - (c) Shall be kept free and clear of all exotic invasive pest plant species prohibited by the Florida Department of Environmental Protection.
 - (d) Shall be maintained in a neat and healthy condition, and reasonably free of weeds; any accumulation of decayed, dead or dying vegetative matter; and bare (dead) areas (except that a reasonable bare area may be permitted along a property line to prevent the infringement of growth onto an adjoining property).
 - (e) Lawns shall be maintained no higher than eight (8) inches in height.

Section 5. Chapter 72, Article 1, Section 72-2 of the Code of Ordinance of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 72-2. - Obligation of property owner to maintain public sidewalks, driveways, alleys, driveway aprons, or curbs adjacent to a property owner's property.

(a) General prohibition. It is unlawful for the owner of real property, and/or his tenant, licensee, lessee, occupant, and/or agent and any other persons or entities who have the care, custody and/or control of the subject real property ("responsible parties"), to cause or allow to be caused damage to town sidewalks, driveways, alleys; driveway aprons, swales, swale areas, or curbs, which abut, or are adjacent or contiguous to the property owner's real property, where such damage renders such areas either defective, defaced, unsafe, dangerous, and/or detrimental to pedestrians, bicyclists, and motorists. ~~using these areas for the normal purposes for which they were intended.~~ Painting of town sidewalks is prohibited. Painting, re-surfacing or marking of driveway aprons requires approval from the Community Development Department; driveway apron painting, re-surfacing or marking must match the color, style, and design of the corresponding, abutting driveway.

Section 6. Severability. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 7. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 8. Codification. The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance maybe renumbered or re-lettered to accomplish such.

Section 7. Effective date. This Ordinance shall take effect immediately upon passage.







Upon First Reading this 20 day of October, 2010, the foregoing Ordinance, was offered by Commissioner Rumsey, who moved its approval. The motion was seconded by Vice-Mayor Osterman and being put to a vote, the result was as follows:

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

PUBLISHED IN THE PALM BEACH POST THIS 24 DAY OF October, 2010

Upon Second Reading this 3 day of November, 2010, the foregoing Ordinance, was offered by Vice-Mayor Osterman, who moved its adoption. The motion was seconded by Commissioner Rumsey and being put to a vote, the result was as follows:

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

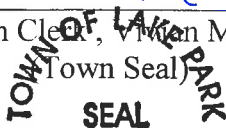
The Mayor thereupon declared **Ordinance No. 12-2010** duly passed and adopted this 3 day of November, 2010.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois
Mayor, Desca DuBois

ATTEST:

Vin M. Lemley
Town Clerk, Vin M. Lemley
(Town Seal)



Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA