

ORDINANCE NO. 09-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32, ARTICLE 11, DIVISION 2, SECTION 32-57 ENTITLED "PENALTIES.;" 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 water shortages which have been codified in Chapter 32, Article II of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, Town staff has recommended to the Town Commission that Town Code Section 32-57 be amended to provide for a fine schedule for first, second, and subsequent violations of water restrictions, which are in effect from time to time, and which may be enforced through the Town's Code compliance provisions and Chapter 162, Fla. Stat, as amended, within the Town; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend the Town's Code to provide for specific fines and penalties for violations of water restrictions in effect in the Town; and

WHEREAS, the amendment of Town Code Section 32-57 would further the public's health, safety and general welfare; and would preserve and enhance property values within the Town, generally; and

WHEREAS, the purpose and intent of the amendment of this Code Section is to provide for a fine structure for violations of watering restrictions during a publicly

declared water shortage within the Town and/or Palm Beach County.

**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 32, Article II, Division 2, Section 32-57 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 32-57. Penalties.

(a) Generally. ~~Violation of any provision of this division shall be subject to the following penalties:—Persons found to be in violation of watering restrictions imposed by the South Florida Water Management District and/or the Town Manager due to a declared water shortage condition or a water shortage emergency pursuant to the provisions of this division, shall be subject to the following penalties:~~

(1) First violation: ~~\$50.00~~ \$25.00.

~~(2) Second and subsequent violations: Fine to be determined by the code compliance board.~~

(2) Second repeat violation: \$250.00

(3) All subsequent repeat violations: \$500.00

(b) Separate offenses; written warning; other legal action. Each violation shall constitute a separate offense. Each day in violation of this division shall constitute a separate offense. Multiple violations can occur on a single day (within a 24 hour period) if the violator has been issued a citation or a notice of violation and subsequently is caught repeating the same violation within the same 24 hour period. Law enforcement

~~officials and code compliance officers may, in the exercise of their discretion and under the appropriate mitigating circumstances, may provide first time violators with not no more than one courtesy written warning of violation; however a first time violator of the provisions of this division is not automatically entitled to a courtesy warning. Violations of this section shall be prosecuted by the town through its code compliance division, but nothing contained herein, shall limit or prohibit the town from undertaking any and all available legal and equitable remedies to enforce the regulations of this division. The town, in addition to the sanctions contained herein, may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this division.~~

Section 4. **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 5. **Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6. **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 6 day of June, 2007,
 the foregoing Ordinance 09-2007 was offered by Commissioner Osterman
 who moved its approval. The motion was seconded by Commissioner Balius,
 and being put to a vote, the result was as follows:

	AYE		NAY
MAYOR PAUL CASTRO	_____	ABSENT	_____
VICE MAYOR ED DALY	<u>X</u>		_____
COMMISSIONER CHUCK BALIUS	<u>X</u>		_____
COMMISSIONER JEFF CAREY	<u>X</u>		_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>		_____

Upon Second Reading this 20 day of June, 2007, the foregoing
 Ordinance 09-2007, was offered by Commissioner Balius who
 moved its adoption. The motion was seconded by Commissioner Carey,
 and being put to a vote, the result was as follows:

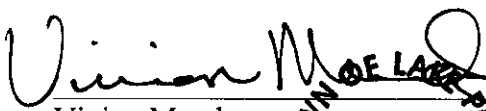
	AYE		NAY
MAYOR PAUL CASTRO	<u>X</u>		_____
VICE MAYOR ED DALY	<u>X</u>		_____
COMMISSIONER CHUCK BALIUS	<u>X</u>		_____
COMMISSIONER JEFF CAREY	<u>X</u>		_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>		_____

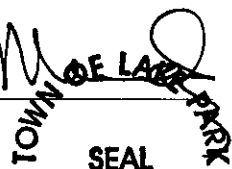
The Mayor thereupon declared Ordinance No. 09-2007 duly passed and adopted this
20 day of June, 2007.

TOWN OF LAKE PARK, FLORIDA

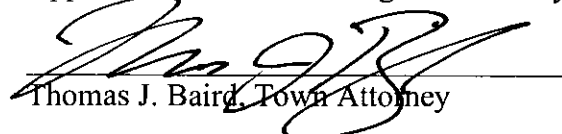
BY: 
 Mayor Paul Castro

ATTEST:


 Vivian Mendez
 Town Clerk



Approved as to form and legal sufficiency:


 Thomas J. Baird, Town Attorney

FLORIDA