

ORDINANCE NO. 25-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 27, ARTICLE I, TO CREATE SECTION 27-5 ENTITLED "MAINTENANCE STANDARDS FOR PRIVATE SWIMMING POOLS" REQUIRING THE MAINTENANCE OF SWIMMING POOLS ON PRIVATE PROPERTY WITHIN THE TOWN; 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 adopted general provisions pertaining to swimming pools on private property, which have been codified in Chapter 27 of the Code of Ordinances; and

WHEREAS, the Town's code enforcement division has identified a need for the adoption of maintenance standards for swimming pools on private property; and

WHEREAS, the Town's code enforcement division has observed numerous swimming pools on private properties within the Town, which are poorly maintained, and have been allowed by the property owner and/or occupant to accumulate dirt, algae, and scum thereby resulting in unsanitary conditions; and

WHEREAS, the Town's code enforcement division has recommended to the Town Commission that Section 27-5 of Chapter 27, Article I, of the Town's Code be created to provide swimming pool maintenance standards on private property in order to facilitate sanitary conditions, and further the public health, safety, and general welfare; and

WHEREAS, the Town Commission has reviewed the recommendations of the Town's code enforcement division and staff, and has determined that creating Section 27-5 of Chapter 27, Article I of the Town's Code of Ordinances is necessary to further the public's health, safety and 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 findings of the Town Commission.

Section 2. Chapter 27, Article I, Section 27-5 of the Code of Ordinances of the Town of Lake Park, Florida is hereby created to read as follows:

Sec. 27-5. Maintenance standards for private swimming pools.

All swimming pools, located on private property within the town, shall be maintained so as not to constitute a nuisance. For purposes of this section, a nuisance may include, but not be limited to, the existence or accumulation of dirt, algae, scum, or other materials and debris, which would render a swimming pool generally unusable for recreational purposes. It shall be the duty of every person or entity owning, leasing, or having an interest in any real property located in the town, upon which a swimming pool is installed, erected or constructed, to maintain the swimming pool in a clean and sanitary condition. Dirt, algae, scum, and other materials and debris shall be removed as often as necessary to maintain good, clean, and sanitary conditions. Swimming pools shall be thoroughly cleansed at least once each week by the use of disinfectant agents, chemicals and/or proper pool cleansing materials, and the water in the pool shall be clear and completely circulated at least twice each week.

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.

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Upon First Reading this 17th day of November 2004, the foregoing ORDINANCE No. 25-2004 was offered by Commissioner Daly who moved its approval. 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 CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER PAUL GARRETSON	<u>X</u>	_____
COMMISSIONER ED DALY	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____

Upon Second Reading this 1st day of Dec., 2004, the foregoing ORDINANCE was offered by Vice Mayor Balius who moved its adoption. The motion was seconded by Commissioner Carey, and being put to a vote, the result was as follows:

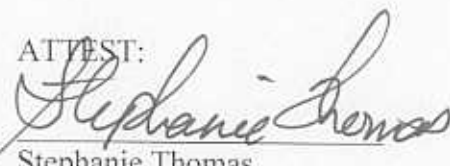
	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER PAUL GARRETSON	<u>X</u>	_____
COMMISSIONER ED DALY	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____

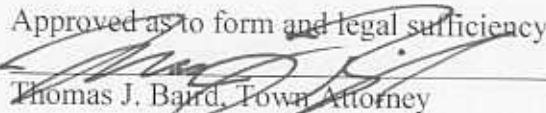
The Mayor thereupon declared Ordinance No. 25-2004 duly passed and adopted this 1st day of Dec., 2004.

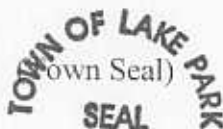
TOWN OF LAKE PARK, FLORIDA

BY: 
Mayor Paul Castro

ATTEST:


Stephanie Thomas
Town Clerk

Approved as to form and legal sufficiency:

Thomas J. Baird, Town Attorney



FLORIDA