

ORDINANCE NO. 27-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 14, ARTICLE I OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, TO CREATE SECTION 14-4 TO BE ENTITLED "MAINTENANCE OF PRIVATE PROPERTY;" PROVIDING FOR THE REGULATION OF THE GROWTH AND ACCUMULATION OF VEGETATION AND DEBRIS ON PRIVATE PROPERTIES 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 the maintenance of private property, which have been codified in Chapter 14 of the Code of Ordinances; and

**WHEREAS**, the Town's code enforcement division has identified a need for the additional regulation of the maintenance standards for private property; and

**WHEREAS**, the Town's code enforcement division has observed numerous private properties within the Town which are very poorly maintained because the vegetation on the property is extremely overgrown and debris is allowed to accumulate, resulting in an unsightly condition and appearance; and

**WHEREAS**, the Town's code enforcement division has recommended to the Town Commission that Section 14-4 of Chapter 14, Article I, of the Town's Code of Ordinances be created to provide property maintenance standards for private property in order to improve the overall aesthetic appearance of the Town, and further the public health, safety, and general welfare; and

**WHEREAS**, the Town Commission has reviewed the recommendations of Town staff, and has determined that creating Section 14-4 of Chapter 14, 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 14, Article I, Section 14-4 of the Code of Ordinances of the Town of Lake Park, Florida is hereby created to read as follows:

**Sec. 14-4. Maintenance of private property.**

**(a)** It shall be unlawful for the owner, occupant, lessee or person in control of any land 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 which is within the town limits to allow grass or weeds to grow to a height in excess of eight (8) inches on any property.

**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 15th day of December, 2004, the foregoing ORDINANCE was offered by Commissioner Garretson who moved its approval. The motion was seconded by Commissioner Daly, 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 5th day of January 2005, the foregoing ORDINANCE was offered by Commissioner Garretson 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. 27-2004 duly passed and adopted this 5th day of January, 2005.

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*  
Mayor Paul Castro

ATTEST:

*Stephanie Thomas*  
Stephanie Thomas  
Town Clerk

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

