

ORDINANCE NO. 01-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE V OF CHAPTER 78 OF THE TOWN CODE TO CREATE NEW SUPPLEMENTARY REGULATIONS AT SECTION 78-154 PERTAINING TO THE IMPLEMENTATION OF SECURITY MEASURES FOR CERTAIN TYPES OF BUSINESSES; PROVIDING FOR PENALTIES FOR THOSE BUSINESSES WHICH FAIL TO COMPLY WITH THE PROVISIONS CONTAINED HEREIN; 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 as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town’s law enforcement agency the Palm Beach County Sherriff’s Office (PBSO) has in the furtherance of the public’s health, safety and general welfare, recommended that the Commission adopt regulations pertaining to certain business categories which are operating or may operate in the Town ; and

WHEREAS, a public hearing before the Town Commission was held at which the Commission considered this ordinance and invited public comment from businesses or individuals regarding it; and

WHEREAS, the Town Commission has determined that the PBSO’s recommended amendments to the Town Code 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 hereby incorporated as the legislative findings of the Town Commission.

SECTION 2. Chapter 78, Article V, entitled “Supplemental Regulations” is hereby amended to create a new Section 78-154, entitled, “Business Security,” to read as follows:

Sec. 78-154 — Business Security.

- (a) Purpose and intent. It is the purpose and intent of this section to protect the public’s health, safety, and welfare of residents and visitors to the Town by requiring that certain businesses in the town which are open to the public and have a Point-of-Sale Terminal or cash registers, and which are exempt from the standards in F. S. § 812.173, to use security cameras for the protection of employees and the invitees to those businesses from robbery, burglary, injury, other violent crimes, and credit card theft.
- (b) Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Convenience business shall mean a place of business that is primarily engaged in the retail sale of limited groceries and/or gasoline, and that is open for business at any time between the hours of 11:00 p.m. and 5:00 a.m. A Convenience Business shall not include:

- (1) A business that is solely or primarily a restaurant.
- (2) A business that always has at least five employees on the premises after 11:00 p.m. and before 5:00 a.m.
- (3) A business that has at least 10,000 square feet of retail floor space.

Late night business shall mean a place of retail or commercial business that is open for business to the public at any time between the hours of 11:00 p.m. and 5:00 a.m. and which does not meet the definition for a Convenience Business.

Point of sale shall mean the “point” where a transaction is finalized or the moment where a customer tenders payment in exchange for a good or service.

Secured building shall mean a building operated with 24-hour on-site security or 24-hour camera monitoring of the building, including parking areas.

- (c) Required security measures for Businesses with a Point-of-Sale Terminal or cash registers. The following security measures are required for all Point-of-Sale Terminals equipped businesses and Late-night businesses, except for Late-night Businesses located within Secured Buildings.

- (1) Every business that is open to the public with a Point-of-Sale Terminal or cash registers shall maintain a video or security camera system that is capable of monitoring, recording and retrieving clear and identifiable images and videos to assist law enforcement personnel in offender identification and apprehension. Said system shall comply with all of the following standards:
 - i. Be operable at all times;
 - ii. Be readily available for viewing by employees;
 - iii. At least one camera shall be maintained on site which is capable of surveilling the interior of the business;
 - iv. At least one camera shall be maintained on site which is capable of surveilling the business' parking areas; and
 - v. Retain and produce upon the request of law enforcement any recording for a period of 72 hours from the date of recording;
- (2) All Late-night businesses shall maintain a clear and unobstructed view from outside of the building of the cash register and sales transaction area.
- (3) Establishments that meet the requirements of a Convenience Business as set forth in F. S. § 812.171, are hereby exempt from the requirements of this section.

(d) Compliance. All new businesses applying for a Town business tax receipt (BTR), which are required by this section to have a security camera system, shall comply with the regulations set forth in this section prior to the issuance of their BTR.

(e) Failure to comply. Failure to comply with the provisions of this section by a property owner whose property is subject to this section shall constitute a violation of the town code. The Town Magistrate is authorized to enforce the terms of this section.

Section 3. **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 4. **Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5. **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 6. **Effective date.** This Ordinance shall take effect immediately upon execution.

Upon First Reading this 29 day of January, 2020, the foregoing Ordinance was offered by Commissioner Linden, who moved its approval. The motion was seconded by Commissioner Flaherty and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 26 DAY OF January, 2020

Upon Second Reading this 5 day of February, 2020, the foregoing Ordinance, was offered by Commissioner Michaud who moved its adoption. The motion was seconded by Commissioner Linden and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>Absent</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 01-2020 duly passed and adopted this 5 day of February, 2020.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
Mayor, Michael O'Rourke

ATTEST:

Approved as to form and legal sufficiency:

[Signature]
Town Clerk, Vivian Mendez
SEAL
(Town Seal)
FLORIDA

[Signature]
Town Attorney, Thomas J. Baird

Select Year:

The 2019 Florida Statutes

[Title XLVI](#)
CRIMES

[Chapter 812](#)
THEFT, ROBBERY, AND RELATED CRIMES

[View Entire Chapter](#)

812.173 Convenience business security.—

- (1) Every convenience business shall be equipped with the following security devices and standards:
- (a) A security camera system capable of recording and retrieving an image to assist in offender identification and apprehension.
 - (b) A drop safe or cash management device for restricted access to cash receipts.
 - (c) A lighted parking lot illuminated at an intensity of at least 2 foot-candles per square foot at 18 inches above the surface.
 - (d) A conspicuous notice at the entrance which states that the cash register contains \$50 or less.
 - (e) Window signage that allows a clear and unobstructed view from outside the building and in a normal line of sight of the cash register and sales transaction area.
 - (f) Height markers at the entrance of the convenience business which display height measures.
 - (g) A cash management policy to limit the cash on hand at all times after 11 p.m.
- (2) A convenience business shall not have window tinting that reduces exterior or interior view in a normal line of sight.
- (3) Every convenience business shall be equipped with a silent alarm to law enforcement or a private security agency, unless application for an exemption is made to and granted by the Attorney General. An application for exemption must be in writing and must be accompanied by an administrative fee of \$25 for each store for which an exemption would apply.
- (4) If a murder, robbery, sexual battery, aggravated assault, aggravated battery, or kidnapping or false imprisonment, as those crimes are identified and defined by Florida Statutes, occurs or has occurred at a convenience business since July 1, 1989, and arises out of the operation of the convenience business, that convenience business shall implement at least one of the following security measures:
- (a) Provide at least two employees on the premises at all times after 11 p.m. and before 5 a.m.;
 - (b) Install for use by employees at all times after 11 p.m. and before 5 a.m. a secured safety enclosure of transparent polycarbonate or other material that meets at least one of the following minimum standards:
 - 1. American Society for Testing and Materials Standard D3935 (classification PC110 B 3 0800700) and that has a thickness of at least 0.375 inches and has an impact strength of at least 200 foot pounds; or
 - 2. Underwriters Laboratory Standard UL 752 for medium power small arms (level one), Bullet Resisting Equipment;
 - (c) Provide a security guard on the premises at all times after 11 p.m. and before 5 a.m.;
 - (d) Lock the business premises throughout the hours of 11 p.m. to 5 a.m., and only transact business through an indirect pass-through trough, trapdoor, or window; or
 - (e) Close the business at all times after 11 p.m. and before 5 a.m.

(5) For purposes of this section, any convenience business that by law implemented any of the security measures set forth in paragraphs (4)(a)-(e) and has maintained said measures as required by the Department of Legal Affairs without any occurrence or incidence of the crimes identified by subsection (4) for a period of no less than 24 months immediately preceding the filing of a notice of exemption, may file with the department a notice of exemption from these enhanced security measures. In no event shall this exemption be interpreted to preclude full compliance with the security measures set forth in subsection (4) should any occurrence or incidence of the crimes identified by subsection (4) cause subsection (4) to be statutorily applicable. As of the date this act becomes law, the Department of Legal Affairs will provide notice to any convenience business to which a subsection (4) incident has previously occurred. In no event shall the state or the Department of Legal Affairs incur any liability for the regulation and enforcement of this act.

History.—s. 5, ch. 90-346; s. 5, ch. 92-103.

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**LEGAL NOTICE OF
PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, February 5, 2020 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 01-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE V OF CHAPTER 7B OF THE TOWN CODE TO CREATE NEW SUPPLEMENTARY REGULATIONS AT SECTION 7B-154 PERTAINING TO THE IMPLEMENTATION OF SECURITY MEASURES FOR CERTAIN TYPES OF BUSINESSES; PROVIDING FOR PENALTIES FOR THOSE BUSINESSES WHICH FAIL TO COMPLY WITH THE PROVISIONS CONTAINED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 02-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, MMC, Town Clerk
Town of Lake Park, Florida
1-26/2020

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