

**ORDINANCE 01-2021**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ESTABLISHING A COMPREHENSIVE CIVIL RIGHTS POLICY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; 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 wishes to adopt a comprehensive non-discrimination statement to demonstrate, as a matter of public policy, that the Town opposes discrimination based on race, color, national origin, ancestry, religion, gender, gender identity or expression, marital status, veteran's status, age, national 17 origin, disability, pregnancy, familial status, sexual orientation and genetic information; and

**WHEREAS**, so that the Town could avoid the substantial expense of defending itself from additional erroneous claims of discrimination by the Palm Beach County Office of Equal Opportunity through the adoption of Resolution 47-08-18, the Town Commission opted out of Chapter 15, Article III of the Palm Beach County Code; and

**WHEREAS**, the Commission's decision to "opt out" of Chapter 15, Article III, was predicated upon the County's erroneous claims that the Town was discriminating against certain individuals who sought housing in Sober Homes based on the definition of the term "family" in the Town Code and the County's incorrect and inappropriate application of this definition of the "family" to claims of discrimination in housing within the Town; and

**WHEREAS**, this Ordinance is intended to provide all persons in the Town with the same protections afforded by Article III of Chapter 15 the Palm Beach County Code of Ordinances,

provided however that the Town's definition of the term "family" shall prevail over the County's definition of the term "family"; and

**WHEREAS**, through the adoption of this ordinance, any person in the Town who has been the subject to discrimination may pursue a claim through the County's Office of Equal Opportunity as set forth in Article III of Chapter 15 of the County's Code of Ordinances.

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

**Section 1.** The whereas clauses are true and correct and shall constitute the legislative findings of the Town Commission.

**Section 2.** The Town Commission hereby adopts this ordinance as its "Civil Rights Policy," providing as follows.

(a) *Purpose.* The Town Commission of Lake Park desires to secure for its citizens freedom from discrimination because of race, color, national origin, ancestry, religion, gender, gender identity or expression, marital status, veteran's status, age, national origin, disability, pregnancy, familial status, sexual orientation and genetic information, and thereby protect their interest in personal dignity; preserve the public safety, health and general welfare; and promote the interests, rights and privileges of individuals within the Town. The Town Commission also desires to adopt an ordinance that is consistent with federal, state and local laws and affords its citizens access to remedies in the case of alleged discrimination namely, the Equal Employment Opportunity Commission, the Florida Commission on Human Relations and the Palm Beach County Office of Equal Opportunity.

(b) *Adoption of the Town of Lake Park Civil Rights Act.* The Florida Civil Rights Act of 1992, Chapter 760, Section 760.01 through 760.11 and Section 509.092; Florida's Fair Housing Act, Chapter 760, Section 760.20 through 760.37; the Palm Beach County Equal Employment Ordinance, Chapter 2, Article VI, Division 1, Sections 2-251 through 2-313; and the Palm Beach County Ordinance for Equal Opportunity to Housing and Places of Public Accommodation, Chapter 15, Article III, Sections 15-36 through 15-67 with the exception of the County Code's definition of the term "family" as set forth in Section 15-37(7) therein, are collectively adopted by reference by the Town Commission as the Town's Civil Rights Act.

**Section 3.** The provisions of Article III of Chapter 15 of the Palm Beach County Code of Ordinances are adopted by the Town and may be enforced by the County's Office of Equal

Opportunity, with the exception that the Office of Equal Opportunity is required to apply the definition of the term “family” as contained in Chapter 78, Article I, § 78-2 of the Town Code and is prohibited from applying the definition of the term “family” in County Code § 15-27 (7) within the municipal limits of the Town of Lake Park.

**Section 4. Severability.**

If any section, phrase, sentence 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 5. Repeal of Laws in Conflict.**

All ordinances or parts of ordinances of the Town of Lake Park, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.** This Ordinance shall take effect upon execution.

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Upon First Reading this 20 day of January, 2021, the foregoing Ordinance was offered by Commissioner Flaherty, who moved its approval. The motion was seconded by Commissioner Michaud 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 24 DAY OF January, 2021**

Upon Second Reading this 3 day of February, 2021, the foregoing Ordinance, was offered by Commissioner Flaherty, who moved its adoption. The motion was seconded by Commissioner Michaud 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>	_____

The Mayor thereupon declared **Ordinance No.** 01-2021 duly passed and adopted this 3 day of February, 2021.

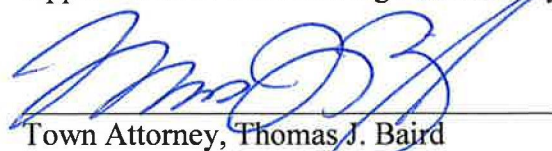
TOWN OF LAKE PARK, FLORIDA

BY:   
Mayor, Michael O'Rourke

ATTEST:

Approved as to form and legal sufficiency:

  
Town Clerk, Vivian Mendez  
TOWN SEAL  
(Town Seal)

  
Town Attorney, Thomas J. Baird

FLORIDA

**Palm Beach Post, The**  
Jan. 24, 2021  
Miscellaneous Notices

LEGAL NOTICE OF PROPOSED ORDINANCE TOWN OF LAKE PARK Please take notice that on Wednesday, February 3, 2021 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida to be held at 535 Park Avenue, Lake Park, Florida 33403 will consider the following Ordinances on second reading and proposed adoption thereof: ORDINANCE 01-2021 AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ESTABLISHING A COMPREHENSIVE CIVIL RIGHTS POLICY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; 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 1-24/2021