

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2011-009

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A TOWN ORDINANCE RELATING TO CODE ENFORCEMENT AUTHORITY AND PROCEDURES WITHIN THE TOWN PURSUANT TO CHAPTER 162, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 10(5) of the Charter of the Town of Loxahatchee Groves provides that all applicable county ordinances in place at the time of the referendum approving incorporation shall apply within the Town until rescinded by action of the Town Council; and,

WHEREAS, pursuant to the Charter, the Town had been using County ordinances for its land development code and code enforcement, as well as other matters, except as in those instances where the Town Council has adopted ordinances to be in effect in the Town on a specific subject matter; and,

WHEREAS, on November 16, 2010, the Town Council adopted the Town's Unified Land Development Code (ULDC), which provides the Town's own ordinances for land use and zoning matters; and,

WHEREAS, the ULDC will be codified into a Code of Ordinances for the Town; and,

WHEREAS, as the primary use of code enforcement within the Town is likely to be enforcement of the Town's ULDC, the Town Attorney recommends that the Town provide for its own ordinance to confirm the Town's use of Chapter 162, Florida Statutes, for code enforcement within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: The Town Council of the Town of Loxahatchee Groves hereby adopts a Chapter within the Town’s Code of Ordinances, entitled “Code Enforcement,” which will read as follows:

Chapter _____, Code Enforcement.

Section 1. Town Code Enforcement Process. The Town of Loxahatchee Groves shall use and comply with the provisions of Part I, Chapter 162, Florida Statutes, as amended from time to time, for its code enforcement actions and procedures, including without limitation definitions, notice requirements, powers, hearing procedures, the establishment of fines, certification of fines and the recordation of liens.

Section 2. Fines. The maximum fine to be imposed for a violation of the Town’s ordinances is \$250 per day for an initial violation, \$500 per day for a repeat violation, and a maximum of \$5000 in the event that a violation is deemed irreparable.

Section 3. Special Magistrate. The Town Council authorizes the use of special magistrates pursuant to Section 162.03, Florida Statutes, as appointed by the Town Council, to hold hearings and assess fines for violations of the Town’s codes and ordinances.

Section 4. Supplemental Municipal Code Enforcement Procedures. The Town Council authorizes the use of supplemental code enforcement procedures through county court procedures pursuant to Part II, Chapter 162, Florida Statutes, as may be deemed necessary by the Town Manager and authorized by the Town Council.

Section 3. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

~~Strike thru~~ represents deleted text, and underline represents added text.

Section 5: Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6: Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 15th DAY OF February, 2011.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 1st DAY OF March, 2011.

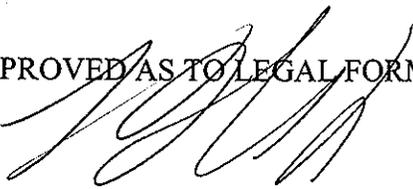
TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:



Ann Harper, Town Clerk

APPROVED AS TO LEGAL FORM:



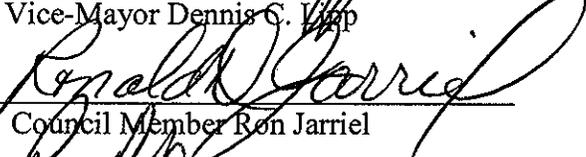
Michael D. Cirullo, Jr., Town Attorney



Mayor David Browning



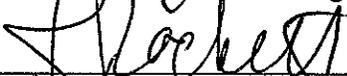
Vice-Mayor Dennis G. Lipp



Council Member Ron Jarriel



Council Member Ryan Liang



Council Member Jim Rockett