

ORDINANCE NO. 0-1-15

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES AMENDING CHAPTER 2. ADMINISTRATION. OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH SHORES BY AMENDING SECTION 2-73 TO PROVIDE REGULATIONS REGARDING CODE ENFORCEMENT FINES AND LIENS, IN CONFORMANCE WITH STATE LAW; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 2. ADMINISTRATION. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Commission of the Town of Palm Beach Shores, Florida desires to amend Chapter 2. Administration. Section 2-73. of the Town Code of Ordinances to provide regulations regarding code enforcement fines and liens in conformance with state law; and

WHEREAS, the Town Commission believes these amendments to its Code of Ordinances is in the best interests of the citizens of the Town of Palm Beach Shores.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: Chapter 2. Administration. Section 2-73 of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended to provide revised regulations regarding code enforcement fines and liens in conformance with state law; providing that Sections 2-73 shall hereafter read as follows:

Sec. 2-73. - Fines; liens.

- (a) *Fines.* The special magistrate, upon notification by the code inspector that a previous order of the special magistrate has not been complied with by the time set, may order the violator to pay a fine. A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and in addition, may include costs of repairs. However, if the special magistrate finds the violation to be irreparable or irreversible in nature, he may impose a fine not to exceed \$5,000.00 per violation. Each day that any such violation may continue shall be considered a separate violation.

(b) *Liens.* A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the town, and the town may execute a satisfaction or release of lien entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the special magistrate may authorize the town attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under § 4, Art. X of the State Constitution. The money judgment provision of this section shall not apply to real property or personal property which is covered under § 4(a), Art. X of the State Constitution.

Section 2: Each and every other section and subsection of Chapter 2. Administration. of the Code of Ordinances of the Town of Palm Beach Shores, Florida, shall remain in full force and effect as previously enacted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

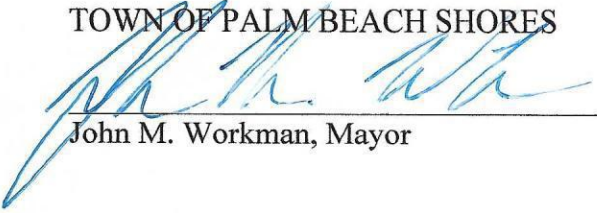
Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon adoption.

FIRST READING this 15th day of December, 2014.

SECOND AND FINAL READING this 26th day of January, 2015.

TOWN OF PALM BEACH SHORES


John M. Workman, Mayor

Attest:


Evyonne Browning, Town Clerk

Approved as to form and legal sufficiency.


Keith Davis, Town Attorney

