ORDINANCE NO. 07-2010

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-103(3)(e)(10) OF CHAPTER 70, ARTICLE IV, PERTAINING TO TEMPORARY SIGNS; PROVIDING FOR THE WAIVER OF PERMIT FEES FOR TEMPORARY SIGNS ANNOUNCING THE OPENING OF A NEW BUSINESS OR A CHANGE IN THE OWNERSHIP OF AN ESTABLISHED BUSINESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; 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 a comprehensive sign code which has been codified in the Town's Code of Ordinances, Chapter 70, Articles I through IV, and Sections 70-1 through 70-108; and

WHEREAS, Town Manager has recommended that the Town Commission amend Town Code, Chapter 70, Article IV, Section 70-103(3)(e)(10), to waive permit fees for Temporary signs as defined in Chapter 70 of the Town Code; and

WHEREAS, the Town Commission has determined that waiving permit fees for Temporary signs would be of benefit to new businesses in the Town; and

WHEREAS, the Town Commission has determined that waiving permit fees for Temporary signs 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 incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. Chapter 70, Article IV, Section 70-103(3)(e)(10) of the Town Code is hereby amended to read as follows:

ARTICLE IV. SIGN REGULATIONS.

Sec. 70-103. Permitted Signs.

3. *Temporary Signs*

(e) Temporary signs for commercial special events. Temporary signs and displays announcing and promoting a special business event such as a sale, introduction of a new product, store liquidation, etc., shall be permitted in addition to other signs which may be permitted on the lot where located. Such signs shall not remain in place for more than seven consecutive days. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsection 70-102(9). Application for temporary event signage must be accompanied by a special event application.

(10) Temporary signs and displays announcing the opening of a new business or the change in ownership of an established business. Temporary signs and displays announcing the opening of a new business or the change of ownership of an established business shall be permitted in addition to other signs which may be permitted on the lot where located. Such signs shall not remain in place for more than 60 days ~~commencing immediately upon the opening of a new business or the change of ownership of an established business~~. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsection 70-102~~(9)~~ and shall be exempt from any permit fee. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed $250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a $500.00, fine together with an assessment of the town's administrative costs.

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. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Repeal of Laws in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Town Commission.

Upon First Reading this 4 day of August, 2010, the foregoing Ordinance, was offered by Commissioner Rumsey who moved its approval. The motion was seconded by Commissioner Hockman and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	✓	
VICE MAYOR PATRICIA OSTERMAN	✓	
COMMISSIONER STEVEN HOCKMAN	✓	
COMMISSIONER JEANINE LONGTIN	✓	
COMMISSIONER KENDALL RUMSEY	✓	

PUBLISHED IN THE PALM BEACH POST THIS 8 DAY OF August, 2010

Upon Second Reading this 18 day of August, 2010, the foregoing Ordinance, was offered by Commissioner Rumsey, who moved its adoption. The motion was seconded by Commissioner Hockman and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	Absent	
VICE MAYOR PATRICIA OSTERMAN	✓	
COMMISSIONER STEVEN HOCKMAN	✓	
COMMISSIONER JEANINE LONGTIN	✓	
COMMISSIONER KENDALL RUMSEY	✓	

The Mayor thereupon declared **Ordinance No.** 07-2010, duly passed and adopted this 18 day of August, 2010.

TOWN OF LAKE PARK, FLORIDA

BY: _____
Mayor, Desca DuBois

ATTEST:

_____
Town Clerk, Vivian M. Lemley
(Town Seal)

TOWN OF LAKE PARK SEAL FLORIDA

Approved as to form and legal sufficiency:

_____
Town Attorney, Thomas J. Baird