

ORDINANCE NO. 08-2026

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE II, SECTIONS 9-37(c) AND 9-39(e) OF THE TOWN CODE, ENTITLED “COLLECTION OF COSTS” AND “FILING OF LIEN”, PERTAINING TO HEARINGS AND FINES; 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 conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to the Town’s Code Enforcement procedures which have been codified in Chapter 9 of the Town’s Code of Ordinances; and

WHEREAS, the Town Staff has recommended to the Town Commission that Chapter 9, Article II, Sections 9-37(c) and 9-39(e) of the Code of Ordinances be amended to eliminate the ability to charge and collect interest on code liens pursuant to the Town Attorney’s recommendation based on class action suit filed against Palm Beach County which began in 2019 and resulted with the class action representative prevailing on their challenge to the County’s assessment of interest on code violation orders; and

WHEREAS, the Town Commission has reviewed the recommendations of the Town Attorney, and has determined that amending Sections 9-37(c) and 9-39(e) of Article II, Chapter 9 of the Town’s Code of Ordinances is necessary.

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 findings of the Town Commission.

Section 2. Chapter 9, Article II, Sections 9-37 and 9-39 of the Town Code is hereby amended to read as follows:

Sec. 9-37. Conduct of hearing.

- (c) *Collection of costs.* If the town commission prevails in prosecuting a case before the compliance board, or Special Magistrate, it shall be entitled to recover all costs incurred in prosecuting the case before the board, including attorney's fees. If the property owner is found in violation under subsection (e) of this section and costs are assessed, but a fine is not imposed pursuant to section 9-39, a code compliance lien may be recorded against the property for the amount of the costs. Such lien shall be superior to all other liens, ~~and shall bear interest per annum in accordance with F.S. § 53.01(1), as determined by the Palm Beach County Chief Financial Officer. The interest to be charged shall be calculated from the date the order is entered by the board.~~

Sec. 9-39. Fines, cost of repair and liens.

- (e) *Filing of lien; foreclosure.* 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. Such lien shall be superior to all other liens, ~~and shall bear interest at the rate of ten percent per annum from the date the order is entered by the board.~~ Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including 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 part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this article, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the town commission and the town commission, through the Town Mayor, 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 compliance board, or special magistrate, may authorize the town attorney to foreclose on the lien. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution (Fla. Const. art. X, § 4).

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

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and 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 6. Effective Date. This Ordinance shall take effect immediately upon adoption.