

ORDINANCE NO. 2018-001

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 153, ENTITLED “CODE ENFORCEMENT” BY AMENDING SECTION 153.04 TO INCREASE THE FINE FOR GENERAL LITTERING AND FINES UNDER SECTION 91.03 FOR REPEAT VIOLATIONS; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE VILLAGE CODE; AND AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR EDDIE LIM)

WHEREAS, Section 153.04 of the North Bay Village Code of Ordinances sets forth the schedule of civil penalties for code enforcement violations; and

WHEREAS, the Village Commission desires to increase the fines for general littering and fines under Section 91.03 for repeat violations in the interest of the general welfare of the Village.

WHEREAS, NOW, THEREFORE, BE IT ENACTED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. Chapter 153 of the North Bay Village Code of Ordinances, entitled “Code Enforcement” is hereby amended by revising Section 153.04 as follows:

Section 153.04

§ 153.04 - Schedule of civil penalties.

Section	Description of Violation	Penalty Fee
10.16	Altering Code	\$250.00
51.07	Taking and using water without paying for same	200.00
52.01	Installing septic tanks, privies	200.00
52.02	Installing illegal garbage disposal units	200.00
52.10	Sewage connection non-compliance with Code	200.00
70.01	Illegal parking trucks, wagons, buses, in residential areas	100.00
70.04	Illegal angle and parallel parking	25.00
90.02	Failure to register burglar system with police and pay permit fees	50.00

90.06	Installing prohibited automatic dial systems	50.00
91.01	Killing animal of another	200.00
91.02	Keeping hogs or pigs	200.00
91.03(A)	Allowing any dog or other animal to void excrement on any public or private property other than the property of the owner of such animal	200.00
	(a) First violation within a 12-month period	250.00
	(b) Second or subsequent violation within a 12-month period	500.00
91.03(B), (C)	Failure to clean up and remove excrement voided by animals on public property	200.00
	(a) First violation within a 12-month period	250.00
	(b) Second or subsequent violation within a 12-month period	500.00
91.10(A)	Keeping a vicious or a habitual barking or yelping dog	200.00
91.10(B)	Mistreating or neglecting an animal	200.00
91.10(C)	Stealing another's animal (to include fowl) or abandoning an aged, sick or unwanted dog	200.00
91.11	Keeping dogs for commercial purposes	200.00
91.12	Keeping more than three dogs (or cats)	200.00
91.13	Permitting dog to run at large	200.00
92.36	Illegal use of streets, sidewalks, and other public property	200.00
93.01	Discharging explosive or inflammable matter into any sewer	200.00
93.02, 93.03	Setting or abetting prohibited outdoor fires; bonfires and grassfires	100.00
93.04(A)	Keeping dynamite, nitroglycerine, etc. without a permit	200.00
93.04(B)	Blasting without permit	200.00
93.05	Selling or displaying fireworks	200.00
94	Any other violation of chapter 94	200.00
94.02	Placing, or throwing any garbage, trash, paper, tree or lawn trimmings or debris, on any street, gutter, sidewalk or alley	250.00
94.21(B)	Selling, using or providing food in, or offer the use of expanded polystyrene food service articles in Village facilities or on Village property	
	(a) First violation within a 12-month period	50.00
	(b) Second violation within a 12-month period	100.00
	(c) Third or subsequent violation within a 12-month period	500.00

94.22	Food service providers and stores selling, using, offering for sale or use, or providing food in expanded polystyrene food service articles	
	(a) First violation within a 12-month period	50.00
	(b) Second violation within a 12-month period	100.00
	(c) Third or subsequent violation within a 12-month period	500.00
95.02	Discriminating against families with children in residential units	100.00
96.01	Conducting prohibited amusement rides and carnivals	200.00
96.02	Allowing or creating odors, disturbing noises	100.00
96.10	Allowing or creating unnecessary, excessive unusual noises	100.00
96.11	Playing, using, operating any music or sound producing apparatus in a loud or excessive manner	100.00
96.12	Ringling any hand bell, beating or striking a pan, blowing a whistle, sounding gong, etc., crying out the sale of goods and merchandise on streets of Village	100.00
96.14	Discharging firecrackers and the like	100.00
96.15	Conducting any new building activity Saturday or Sunday between 5:00 p.m. and 8:00 a.m. without permission of Village Manager	200.00
96.16	Operating blowers, fans and engines making an excessive noise	100.00
96.17	Operating motorboat in Village waters without adequate mufflers	75.00
97.04(A)	Possessing alcoholic beverages in park	100.00
97.04(B)	Being intoxicated in park	100.00
97.06	Bringing or allowing dogs or other animals in park	50.00
97.07	Defacing of Village property or park property	100.00
97.09	Allowing unsupervised children under four years old in park	50.00
99.01	Writing, printing, painting, digging or damaging Village property	200.00
99.01(2)	Placing or keeping any, bench, chair, pot or other article on public street, sidewalk or parkway	50.00
99.01(B)	Cutting, trenching Village property, noise or tamper with any manhole cover, meter cover or any public works property prohibited without permit	100.00

99.10	Excavating any street, parkway or sidewalk without permit	100.00
99.14	Failure to properly secure, and safeguard, and provide night lights for excavations	100.00
110.06	Doing business without license or obtaining license by fraud	100.00
111.11	Violating hours of sale	75.00
111.13	Solicitation, sale of alcoholic beverages	100.00
112.07	Permitting any person under 17 years of age to play or operate any pinball, marble or similar type machine	150.00
112.08	Maintaining or operating marble or pinball machine within 500 feet of a school or having more than three pinball or similar machines in one location	150.00
113.02	Operating as second hand dealer without license; operating a pawnshop	100.00
113.03	Failure of second hand dealer to keep record of purchases	250.00
113.06	Disposal of jewelry, metals & coins by dealer in violation of § 113.01	250.00
114.02	Conducting "Going out of business sales" without a permit	100.00
114.05	Failure to comply with permit terms and requirements governing "Going out of business", "Fire sales", and the like	200.00
115.02	Doing business as a solicitor or peddler without a license	200.00
115.10	Peddler creating loud noises and unlawful use of public streets	100.00
115.11	Peddlers soliciting on other than daylight hours: Soliciting on Sundays	100.00
115.12	Peddler using another's I.D. card	200.00
115.37	Failure of charitable solicitation to register daily	50.00
115.38	Violation of Regulated Activities defined in § 115.01	50.00
115.39	Conducting prohibited conduct unless § 115.39	50.00
117.03	Making false or misleading statements concerning goods up for auction	200.00
117.10	Operating a dance school/studio without a certificate	75.00
117.20	Violation of density of occupancy regulations	200.00
117.30	Operating as a fortune teller, palm reader, and the like without license	200.00
117.33, 117.34	Failure of fortune tellers, palm readers, and the like to display license; failure to comply with business regulations	100.00

117.50— 117.52	Violation of regulations governing parking lots	200.00
118.01	Violation of franchise requirements concerning garbage and trash collection	250.00
130.01	Violation of state laws constituting misdemeanors	250.00
132.05	Damaging, destroying, defacing another's property	250.00
132.07	Placing handbills on motor vehicles	250.00
133.01	Indecency and obscenity: obscene dancing	200.00
134.01	Impersonating Village officer or employee	200.00
134.04	Making false statements on permit application	250.00
135.01(A)	False rumors, bomb scares, false fire alarms	250.00
135.01(B)	Turning in a false fire alarm; imitating fire siren or whistle	200.00
135.02(2)— (7)	Committing offenses against public peace and safety	250.00
135.03	Disturbing public meetings	250.00
135.04	Loitering	100.00
135.05	Vagrancy	100.00
150.10	Renting of private docks	150.00
150.11	Violation of dock construction ordinance	200.00
150.12	Violation of marina section of code	200.00
150.16	Docking, mooring, or other parking of a vessel without a permit	250.00
150.17	Operating a business or profession on boats	200.00
150.18	Violation of regulations for houseboats and floating homes	200.00
150.19	Violation of pollution control governing house boats	250.00
150.20	Violation of hurricane and storm regulations	100.00
150.21	Violation of regulations concerning wrecks and debris (boats and other vessels)	up to \$10,000.00 per day
151.11	Failure to obtain permit (when required) before starting work	Double the fee plus 100.00
151.11(5)	Failure to call for final inspection	75.00
151.15	Violation of minimum construction standards	250.00
151.17	Violation of swim pool regulations	100.00

151.25	Violation of emergency generator requirements	250.00
151.26	Violation of off-street parking ordinance	250.00
152.025	Violation of general zoning regulations	200.00
152.040	Violation of off-street parking and loading	200.00
152.041(C)(3)	Parking truck tractors, semitrailers, tandem trailer trucks or special mobile equipment	250.00
152.042	Failure to comply with the requirements of § 152.042	200.00
152.055	Violation of fence, wall and/or hedge ordinance	100.00
152.056	Violation of setback ordinance	250.00
152.059	Violation of boat, dock, pier restrictions	250.00
152.060	Violation of swimming pool ordinance	100.00
152.061	Violation of ordinances regarding accessory uses and structures	250.00
152.062	Violation of ordinances regulating recreational and camping equipment	100.00
152.063	Violation of regulations prohibited delivery and/or placing of building material on lot without permit	100.00
152.065	Violation of ordinance regulating clotheslines	50.00
152.075	Violation of sign ordinances	200.00
152.078	Violation of regulations and specifications concerning signs	200.00
152.079	Failure to obtain and pay sign permits and fees	200.00
152.083	Violating district sign regulations	200.00
152.106	Violating rules governing certificate of occupancy	250.00
	Violations of the code for which a specific penalty is not provided in this schedule	250.00
8A-117	Hindering or obstruction director or inspection	200.00
10-2	Failure to supply journeyman	250.00
10-3(a)	No certificate of competency as master contractor or sub-contractor or qualifying agent	250.00
10-4(A)	Advertising as a contractor without certificate of competency	250.00
10-4(B)	Failure to properly identify trucks	50.00
10-4(C)	Failure to include C.C. Number in advertising	100.00
10-22(A)	Contracting for work outside scope of certificate of competency	250.00

17-23	Violation of minimum standards for basic equipment facilities	250.00
17-24	Violation of minimum standards for light and ventilation	250.00
17-25	Violation of requirements relating to the safe and sanitation maintenance of dwellings and dwelling units	250.00
17-26	Violation of minimum space and use and location requirements	250.00
17-27	Violation of responsibility of owners and occupants	250.00
17-28	Violation of requirements of maintenance of non-dwelling structures and fences	250.00
17-29	Violation of minimum standards for hotels and rooming houses	250.00
	General littering	250.00
	(a) First violation within a 12-month period	250.00
	(b) Second or subsequent violation within a 12-month period	500.00

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the North Bay Village Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Commission of North Bay Village, Florida; and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the North Bay Village Code of Ordinances; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

The foregoing Ordinance was offered by Commissioner Andreana Jackson, who moved for its approval on first reading. This motion was seconded by Commissioner Jose Alvarez, and upon being put to a vote, the vote was as follows:

THE VOTES WERE AS FOLLOWS:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Jose R. Alvarez	<u>Yes</u>
Commissioner Dr. Douglas Hornsby	<u>Yes</u>
Commissioner Andreana Jackson	<u>Yes</u>

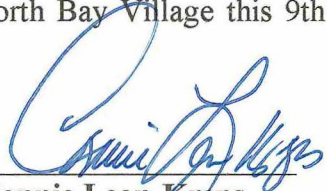
APPROVED ON FIRST READING during a regular session of the North Bay Village Commission Meeting this 19th day of September 2017.

The foregoing Ordinance was offered by Commissioner Andreana Jackson, who moved for its enactment. This motion was seconded by Vice Mayor Eddie Lim and upon being put to a vote, the vote was as follows:

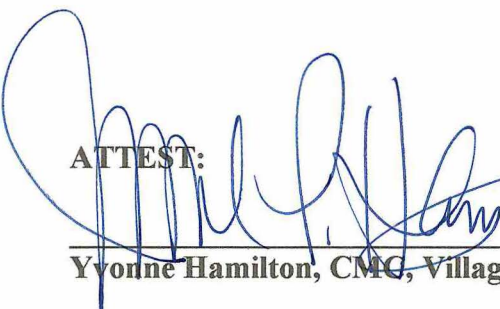
FINAL VOTE ON ADOPTION:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Jose R. Alvarez	<u>Yes</u>
Commissioner Dr. Douglas Hornsby	<u>Yes</u>
Commissioner Andreana Jackson	<u>Yes</u>

PASSED AND ENACTED by the Commission of North Bay Village this 9th day of January, 2018.

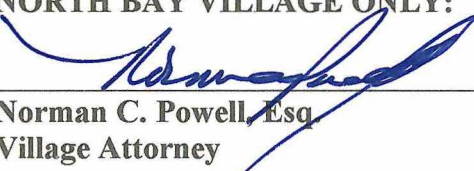

Connie Leon-Kreps
Mayor

ATTEST:



Yvonne Hamilton, CMC, Village Clerk

**APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE ONLY:**



Norman C. Powell, Esq.
Village Attorney

North Bay Village Ordinance: Increasing fines for general loitering.