

ORDINANCE NO. 3068-17

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 102-182 OF THE CITY CODE OF ORDINANCES WITH RESPECT TO PENALTIES FOR UNAUTHORIZED DISCHARGES INTO WATERWAYS AND OTHER VIOLATIONS OF CHAPTER 102 OF THE CITY CODE OF ORDINANCES; PROVIDING FOR FINES AS PROVIDED IN THE CITY'S FEE SCHEDULE; PROVIDING FOR ENFORCEMENT VIA THE CODE COMPLIANCE BOARD FOR REPEATED OR CONTINUOUS VIOLATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City periodically adopts the City of Winter Park Fee Schedule, which establishes and lists fees and fines for a variety of City services, permits, Code violations, and other fees and fines; and

WHEREAS, Section 102-182 of the City Code of Ordinances provides for penalties, including fines, and enforcement by the City with respect to unauthorized discharges of polluting matter into waterways in violation of Section 102-176 and other provisions of Chapter 102 of the City Code of Ordinances; and

WHEREAS, the City wishes to amend Section 102-182 of the City Code of Ordinances to provide and clarify that fines for violations under Section 102-182 are as provided in the City of Winter Park Fee Schedule, and to provide for alternative enforcement via proceedings before the Code Compliance Board for repeated and continuous violations; and

WHEREAS, the City Commission hereby finds that it is in the best interest of the health, safety, and welfare of the citizens of Winter Park and the general public that Section 102-182 of the City Code of Ordinances be amended as provided herein.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2. Code Amendment. Chapter 102, Article V, Division 2, Section 102-182 of the City Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 102-182. - Penalties.

(a) Any person who violates any ~~of the~~ provisions of this chapter shall be ~~punished as provided in section 1-7 of this Code. Each and every day on which such person continues to violate the provisions of this chapter after having been notified of such violation shall constitute a separate offense~~ subject to a fine as set forth in a fee schedule adopted by the City Commission, including but not limited to the City of Winter Park Fee Schedule, and/or as otherwise set by the City Commission via resolution or ordinance. In addition, any violation of Section 102-176 of this Chapter shall constitute a Class IV Violation under Section 1-23 of

this Code. In cases where multiple violations have occurred, a separate fine may be levied for each violation.

~~(b) Any person who violates any provision of this chapter shall be subject to a civil penalty not exceeding \$1,000.00 per day for each day that such person is in violation of this chapter.~~

~~(eb) Any person who ~~causes or allows an~~ fails to take corrective action to prevent repeated or continuous unauthorized discharge(s), or who otherwise violates the provisions of this chapter, may be required to appear before the code enforcement compliance board of the city for enforcement proceedings pursuant to sections 2-101 through 2-110 of this Code.~~

~~(dc) The remedies and penalties provided in this chapter are not exclusive, and the city may seek whatever other remedies are authorized by this Code, including but not limited to the penalties and proceedings provided for in Chapter 1 of this Code, and any remedy authorized by statute, at law or in equity, against any person who violates the provisions of this chapter.~~

SECTION 3. Codification. This Ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.


SECTION 6. Effective date. This ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED this 27th day of February, 2017, by the City Commission of the City of Winter Park, Florida.



Steve Leary, Mayor

ATTEST:



Cynthia Bonham, City Clerk