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**ORDINANCE NO. O-2021-XXX**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING CHAPTER 8 - MISCELLANEOUS OFFENSES AND PROVISIONS, SPECIFICALLY ARTICLE I. - IN GENERAL, SECTIONS 8-7 & 8-40 AND ARTICLE VII. - ABANDONED REAL AND PERSONAL PROPERTY REGULATIONS, SECTION 8-125 TO UPDATE VARIOUS FEE REQUIREMENTS BY TRANSFERRING AND ADJUSTING THE REQUIRED FEES FROM THE TEXT OF THE CODE OF ORDINANCES TO A SEPARATE SCHEDULE TO BE ADOPTED BY RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** The City of Oakland Park needs to consolidate its fee schedule for the benefit of applicants and to facilitate adjustments necessary from time to time to reflect current City costs; and

**WHEREAS,** Some current fees for various applications for project approvals are specifically embedded in sections of the Code of Ordinances while others are found in fee schedules adopted by Resolution such that these different locations make fees difficult to find and update; and

**WHEREAS,** the City Commission finds it to be in the best interest of the residents and property owners of the City to update the Code of Ordinances with the amended text herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA THAT:**

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption thereof.

**Section 2.** CHAPTER 8 - MISCELLANEOUS OFFENSES AND PROVISIONS, SPECIFICALLY ARTICLE I. - IN GENERAL, SECTION 8-7 & 8-40 AND ARTICLE VII. - ABANDONED REAL AND PERSONAL PROPERTY REGULATIONS, SECTION 8-125 are hereby amended as follows:

**ARTICLE I. - IN GENERAL**

1 Sec. 8-7. - Stagnant water and dense growths of vegetation, accumulation of refuse and  
2 graffiti.

3 (a) No person owning or having possession of any land within the city shall allow  
4 graffiti, the accumulation of refuse, stagnant water or the development of dense growth  
5 of grass or weeds in excess of nine (9) inches, trees, vines or underbrush thereon.

6 (b) Any graffiti accumulation of refuse, stagnant water or a dense growth of grass,  
7 weeds, trees, vines or underbrush on any property within the city is hereby declared to  
8 be a nuisance.

9 (c) *Properties.* The owner or owners of properties within the city shall have the  
10 responsibility to ensure that their property remains free from all overgrowth, refuse,  
11 debris, junk, garbage or any other blighting condition including graffiti from said  
12 property including the abutting swale area. The owner or owners of properties shall,  
13 within three (3) working days after posting and receiving written notice from the city  
14 that the property is in violation of this section, remove all overgrowth, refuse, debris,  
15 junk, garbage or any other inappropriate obstruction including graffiti from said  
16 property including the abutting swale area. If the property does not come into  
17 compliance a hearing before the code enforcement board or special magistrate will be  
18 scheduled and conducted. If found in violation and a threat to the public health, safety  
19 and welfare or a nuisance by the code enforcement board or special magistrate an order  
20 of enforcement will be issued with a date for compliance and a fine per day. If  
21 violations are not complied by date set by the code enforcement board or special  
22 magistrate the violations may be remedied as set forth in subsection (d).

23 (d) *Abatement by city.* In the event any person required by the terms of this article fails  
24 to take corrective action to remove any overgrowth, refuse, debris, junk, garbage or  
25 other inappropriate obstruction, including graffiti and to bring the property into  
26 compliance by the date specified in the code enforcement officer's notice and/or the  
27 compliance date set by the code enforcement board or special magistrate then the city  
28 manager or his designee may direct the appropriate city department to enter upon the  
29 property to correct the condition which may be accomplished by either city work  
30 forces or an independent contractor. The city manager is authorized to expend the  
31 necessary funds to correct the condition. The city shall charge the cost of such service  
32 plus ~~an seventy-five (\$75.00) dollar~~ administrative charge to the property established  
33 by Resolution approved by the City Commission, unless another amount is otherwise  
34 specifically provided for herein. Failure to pay the costs associated with mowing the  
35 property, removing any overgrowth, refuse, debris, junk, garbage and graffiti will  
36 constitute a lien on the property, including administrative fees to be recorded in the  
37 county records.

38 Sec. 8-40. - Code enforcement administrative fees.

1       *Purpose and intent.* It is the purpose and intent of the city to establish a code  
2 enforcement administrative fee to recover administrative costs associated with developing  
3 and presenting code enforcement cases before the code enforcement board/special  
4 magistrate. An administrative fee established by Resolution adopted by City Commission  
5 ~~of one hundred fifty dollars (\$150.00)~~ will be assessed on all code enforcement cases found  
6 to be in violation by the code enforcement board/special magistrate. Failure to pay the  
7 required code enforcement administrative fee shall cause this fee to be placed as a lien on  
8 the property.

9  
10   **ARTICLE VII. - ABANDONED REAL AND PERSONAL PROPERTY**  
11   **REGULATIONS**

12   Sec. 8-125. - Abandoned real and personal property.

13   (i)   *Registration of abandoned real property.*

- 14       (4)   An annual registration fee established by Resolution approved by the City  
15       Commission in the amount of one hundred fifty dollars (\$150.00), per property,  
16       shall accompany the registration form(s).

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18       **SECTION 3.** If any clause, section or other part of this Ordinance shall be held by  
19 any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional  
20 or invalid part shall be considered as eliminated and in no way affecting the validity of the  
21 other provisions of this Ordinance.

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23       **SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are hereby  
24 repealed to the extent of such conflicts.

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26       **SECTION 5.** It is the intention of the City Commission of the City of Oakland  
27 Park, that the provisions of this Ordinance shall become and be made a part of the Code of  
28 Ordinances of the City of Oakland Park, Florida, and the Sections of this ordinance may  
29 be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"  
30 "Article," or such other word or phrase in order to accomplish such intention.

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32       **SECTION 6.** This Ordinance shall be effective upon its passage and adoption by  
33 the City Commission of the City of Oakland Park.  
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1 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**  
2 **FLORIDA, ON FIRST READING, THIS 8<sup>th</sup> DAY OF SEPTEMBER 2021.**

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4  
5 J. BOLIN \_\_\_\_\_  
6 M. CARN \_\_\_\_\_  
7 A. GORDON \_\_\_\_\_  
8 M. ROSENWALD \_\_\_\_\_  
9 M. SPARKS \_\_\_\_\_

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12 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**  
13 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS \_\_\_\_ DAY OF**  
14 **\_\_\_\_\_ 2021.**

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16 CITY OF OAKLAND PARK, FLORIDA

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21 MAYOR JANE BOLIN

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23  
24 J. BOLIN \_\_\_\_\_  
25 M. CARN \_\_\_\_\_  
26 A. GORDON \_\_\_\_\_  
27 M. ROSENWALD \_\_\_\_\_  
28 M. SPARKS \_\_\_\_\_

29  
30 ATTEST:

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34 \_\_\_\_\_  
35 RENEE M. SHROUT, CMC, CITY CLERK

36  
37 LEGAL NOTE:  
38 I hereby certify that I have approved the form of this Ordinance (O-2021-XXX):

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40  
41 \_\_\_\_\_  
42 DONALD J. DOODY, CITY ATTORNEY