

ORDINANCE NO. 05-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 37 “DELRAY BEACH CODE ENFORCEMENT”; 37.45 “SUPPLEMENTAL CODE ENFORCEMENT PROCEDURES”; SUBSECTION Q “CIVIL PENALTIES” OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY ADDING PROVISIONS PERTAINING TO MOBILE FOOD TRUCKS, PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City amended Title XI, “Business Regulations”, of the Code of Ordinances of the City of Delray Beach by creating Chapter 120, “Operation and Sale of Food From Mobile Food Trucks”; and

WHEREAS, the City Commission of the City of Delray Beach desires to amend the civil penalties section of its Code of Ordinances to provide for civil penalties for violations of Chapter 120.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Chapter 37 “Enforcement Procedures”; Section 37.45 “Supplemental Code Enforcement Procedures”; Subsection Q “Civil Penalties” of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

Q) Civil penalties.

Code		Civil Penalty	
Code Section	Description of Violation	Noncontested	Contested
CITY CODE OF ORDINANCES			
GARBAGE AND TRASH			
51.02	Dumping on private property is prohibited	200.00	275.00
51.03	Garbage placed in containers	150.00	225.00
51.20 (A) and (B)	Removal of building materials—Owner's responsibility	100.00	175.00
51.22	Vegetative waste collection	100.00	175.00
51.23	Bulk trash collection	100.00	175.00

51.35— 51.40	Required and approved trash containers, roll-offs, maintenance, replacement	100.00	175.00
51.41— 51.44	Garbage preparation; use of containers	50.00	125.00
51.45	Construction receptacles	150.00	225.00
51.55— 51.59	Special refuse; recycling	100.00	175.00
	All other violations of Section 51	100.00	175.00
ABANDONED PROPERTY JUNK, TRASH & DEBRIS			
90.02	Allowing wrecked, dismantled, unlicensed or inoperable vehicles or vessels on public property	150.00	225.00
90.03	Allowing wrecked, dismantled, unlicensed, inoperable vehicles or vessels on private property	150.00	225.00
90.07	Allowing repair work outside an enclosed building; storage of dismantled vehicles	150.00	225.00
90.16	Operating junk yard without obtaining required permits	250.00	325.00
	All other Section 90 violations	100.00	175.00
FIRE SAFETY			
96.02	Inspection required	100.00	175.00
96.04	Open burning prohibited	200.00	275.00
96.05(c)	Objects within 5 feet of fire hydrant	150.00	225.00
96.08(B), (C)	Storage, discharge or release of hazardous wastes	100.00	150.00
96.16	Adoption of N.F.P.A.—Any other violation of N.F.P.A.	150.00	225.00
GARBAGE ON PRIVATE PROPERTY			
98.03(A)	Unlawful deposit of garbage	150.00	225.00
98.03(B)	Unlawful accumulation of garbage	150.00	225.00
LITTER ON PRIVATE PROPERTY			
98.04(A)	Unlawful deposit of litter	150.00	225.00
98.04(B)	Unlawful existence of litter	150.00	225.00
98.04(C)	Property to remain free of litter	150.00	225.00
LITTER ON BUSINESS			
98.05(A)	Unlawful deposit of litter in business	150.00	225.00
98.05(B)	Unlawful existence of litter in business	150.00	225.00
LITTER IN PUBLIC PLACE			
98.06	Unlawful to throw or deposit litter in a public place	250.00	325.00
LITTER ON STREET			
98.07(A)	Unlawful deposit of litter on sidewalk, parking area, right-of-way or street	250.00	325.00
98.07(B)	Unlawful existence of litter on sidewalk, parking area, right-of-way, or street	150.00	225.00
LITTER ON VACANT LOTS			

98.08(A)	Unlawful deposit of litter on private property	150.00	225.00
98.08(B)	Unlawful existence of litter on private property	150.00	225.00
LITTER IN WATER			
98.10	Unlawful to deposit litter in water	150.00	225.00
98.20	Unlawful to throw or scatter litter on street, sidewalk, alley, public or private property	150.00	225.00
THROWING LITTER FROM VEHICLES			
98.21	Unlawful for driver or passenger to throw or deposit litter on any street, public place, or private property	150.00	225.00
VEHICLES TRANSPORTING REFUSE OR LOOSE MATERIALS			
98.22(A)	Loose materials blowing or dropping from vehicles	200.00	275.00
98.22(C)	Required watertight vehicle to prevent odors and spillage	250.00	325.00
98.23	Unlawful dropping litter from aircraft	250.00	325.00
98.23(A)	Waste tire dumpster required to register	250.00	325.00
98.23(B)	License required for waste tire collection	250.00	325.00
98.23(C)(1)	Transporting tires without license	250.00	325.00
98.23(C)(2)	Giving false identification	100.00	175.00
98.23(C)(3)	Unlawful subcontracting	200.00	275.00
	All other sections of Chapter 98	100.00	175.00
NOISE CONTROL			
99.03	Unlawful for a person to make unreasonably loud, excessive, or unnecessary noise	250.00	325.00
GENERAL REGULATIONS			
100.01(A)(1)	Unlawful existence of weeds, undergrowth, brush trash or garbage on property	150.00	225.00
100.01(A)(2)	Unlawful existence of weeds, grass, plant life over 12 inches high	150.00	225.00
100.01(A)(3)	Unlawful existence of vegetative trash mixed with other refuse	150.00	225.00
100.01(A)(4)	Unlawful accumulations of bulky, heavy, unbundled or uncontainerized items	150.00	225.00
100.01(B)	The existence of vegetation trees and shrubs that impair traffic safety is prohibited	250.00	325.00
100.01(C)	The existence of any vegetation, trees or shrubs that interferes with street lights, signs, sidewalks or other public improvements is prohibited	200.00	275.00
100.01(D)	The adjoining public right-of-way must be maintained	150.00	225.00
100.01(E)	Pyramid or similar type markers are prohibited	150.00	225.00
100.02	Unlawful debris, vegetation, or structure on property which may create a hazard in times of hurricane	250.00	325.00
100.03	Unlawful accumulation of sand, rock, debris, or spoil on lot	100.00	175.00

100.04	Seawall repair is required on all properties adjacent to sand, stream, or body of water	150.00	225.00
100.05(A), (B)	Unlawful to maintain standing water where mosquitoes may breed	150.00	225.00
100.06(A), (B)	Unlawful excavation which is in dangerous or unsafe condition; declared a nuisance	250.00	325.00
100.07(A)	Any portion of a lot not covered with a building, structure, parking area, or walkway shall be sodded or covered with appropriate ground cover	100.00	175.00
100.07(B)	All landscape materials shall be maintained in a healthy condition	100.00	175.00
EXTERIOR BUILDING WALLS			
100.08(A)	All building walls shall be maintained in a secure and attractive manner. All defective material shall be repaired. All loose materials, cornices, trim and window frames shall not be deteriorated, shall be structurally sound, and exposed materials shall be painted.	100.00	175.00
PETS ON THE BEACH, PARKS OR RECREATIONAL FACILITIES			
	All sections of Chapter 101 except 101.27(B) and 101.36(E)(1)	100.00	175.00
101.27(B)	No person shall bring into any park or municipal beach site, any cat, dog or other animal without a permit from the Parks and Recreation Department	50.00	125.00
101.36(E)(1)	No person shall bring into any recreational facility any cat, dog, or other animal	50.00	125.00
STREETS AND SIDEWALKS—CONSTRUCTION, EXCAVATION, AND REPAIR			
102.01(A), (B)	Construction in right-of-way (permit required)	100.00	175.00
102.17	Construction on street (permit required)	100.00	175.00
102.20	Construction standards for public r-o-w	100.00	175.00
102.40	Standards for movable newsracks	100.00	175.00
102.42	Certificate of compliance for newsrack	50.00	125.00
102.43	Newsrack standards	100.00	175.00
102.44	Prohibited locations/site triangle requirement	250.00	325.00
102.46	Abandonment	150.00	225.00
	All other violations of Section 102	100.00	175.00
LOCAL BUSINESS TAX RECEIPT			
110.02	Local Business Tax Receipt required	100.00	175.00
110.08	State license required	100.00	175.00
110.113	Commercial vehicles—Required name (4 inches) to be displayed	100.00	175.00
110.116	Failure to get preinspection required for new business	75.00	150.00
	All other violations of Section 110	100.00	175.00
ALARMS			

112.21	Failure to get alarm registration	50.00	125.00
112.23	Failure to display alarm decal	50.00	125.00
112.26	Failure to respond/verify alarm malfunction	75.00	150.00
112.27	Multiple malfunction violations		
	1st offense	0.00	0.00
	2nd offense	0.00	0.00
	3rd offense	0.00	0.00
	4th offense	25.00	50.00
	All other violations of Section 112	100.00	175.00
HANDBILLS/SOLICITING			
118.02	Unlawful distribution of handbills	100.00	175.00
118.03	Unlawful soliciting and peddling	100.00	175.00
118.06	Failure to pay a business tax for soliciting	100.00	175.00
	All other violations for Section 118	100.00	175.00
MOBILE FOOD TRUCKS			
<u>120.01</u>	<u>Unlawful operation of a mobile food truck</u>		
	<u>1st offense</u>	<u>250.00</u>	<u>325.00</u>
	<u>2nd offense</u>	<u>425.00</u>	<u>500.00</u>
SKATEBOARDING			
132.09	Unlawful skateboarding/roller skating on sidewalk along Atlantic Avenue between State Road A-1-A and I-95	50.00	100.00
	All other sections of City Code not mentioned	100.00	175.00
CITY LAND DEVELOPMENT REGULATIONS			
4.3.2(A)—(C)	Use Determination—Allowed and incompatible uses	200.00	275.00
4.3.3(A)—(Z)	Special Uses/District Regulations	200.00	275.00
4.3.4(A)—(K)	Development Standards		
	Setbacks; lot coverage; density; zoning matrix	100.00	175.00
4.4.2— 4.4.28	Permitted Uses	250.00	325.00
SIGNS			
4.6.7(D)(2)	Garish signs	100.00	175.00
4.6.7(E)(1)	Permits required for signs	100.00	175.00
4.6.7(F)	Sign area, height, setbacks	100.00	175.00
4.6.7(J)	Prohibited signs	150.00	225.00
	All other violations of Section 4.6.7	100.00	175.00
LIGHTING			
4.6.8(A)(1)— (4)	Lighting requirements, height, lighting illumination standards	100.00	175.00
PARKING			
4.6.9(B)(1)— (5)	Parking required	150.00	225.00
4.6.9 (C)(1)	Parking design	150.00	225.00
4.6.9 (C)(2)	Residential uses (spaces req'd)		
	(a) Single-family	50.00	125.00

	(b) Duplexes	75.00	150.00
	(c) Multifamily	100.00	175.00
	(d) Guest parking	50.00	125.00
4.6.9 (C) (3)	Commercial uses	150.00	225.00
4.6.9(C)(4)	Office uses	150.00	225.00
4.6.9(C)(5)	Industrial uses	150.00	225.00
4.6.9(C)(6)	Recreational/Community Facilities	150.00	225.00
	All other violations of Section 4.6.9	150.00	225.00
4.6.10	Off loading requirements	150.00	225.00
4.6.11	Outside storage of materials, supplies, products, and vehicles shall only be allowed if specified in the district	250.00	325.00
4.6.13(A)	Parking and storage of commercial vehicles, boats, trucks, and similar vehicles in a residential district	250.00	325.00
4.6.13(B)	Truck parking—Residential zones—Prohibited boat, trailer, RV storage in residential zones	250.00	325.00
4.6.14	Site triangle visibility of intersections	250.00	325.00
4.6.15	Pool enclosures, requirements	250.00	325.00
LANDSCAPING			
4.6.16(A)	General requirements	100.00	175.00
4.6.16(B)	Applicability	100.00	175.00
4.6.16(C)	Compliance, review	100.00	175.00
4.6.16(D)	Site plan requirements	150.00	225.00
4.6.16(E)	Design standards	100.00	175.00
4.6.16(F)	Irrigation requirements	100.00	175.00
4.6.16(G)	Prohibited species	150.00	225.00
4.6.16(H)	Minimum requirements		
	(1) Single Family (new)	50.00	125.00
	(2) Duplex (new)	75.00	150.00
	(3) Multi-Family, Commercial, Industrial (new)	150.00	225.00
	(4) Multi-Family, Duplex, Commercial, and Industrial (existing)	100.00	175.00
	(5) Sight distance req'd (ref. Section 4.6.14)	250.00	325.00
4.6.16(I)	Minimum requirements		
	(1) General	100.00	175.00
	(2) Pruning/hatracking	200.00	275.00
4.6.17	Soil erosion (all sections)	100.00	175.00
5.1	Subdivision Regulations (all sections)	100.00	175.00
5.3	Right-of-Way Dedication (all sections)	100.00	175.00
WORK IN PUBLIC RIGHT-OF-WAY			
6.3.2	Permit required for work in public right-of-way	100.00	175.00
SIDEWALK CAFE REQUIREMENTS			
6.3.3(A)	Permit required	100.00	175.00
6.3.3(F)	Design Guidelines		
6.3.3(F)(1)—(13)	Path of egress, no table zones, hours of operation, cleanliness, etc.	150.00	225.00

BUILDING REGULATIONS			
7.1.2	Required plans and permit	100.00	175.00
7.1.3	Florida Building Code (all sections)	100.00	175.00
7.1.3(B)(1)— (4)	Florida Building Code Standards	100.00	175.00
7.1.4	Property Maintenances; Building Standards		
7.1.4(C)(1)	Buildings	150.00	225.00
	(a), (b) Safety	150.00	225.00
7.1.4(C)(2)	Debris/Storage on partially vacant lot	150.00	225.00
7.1.4(D)(1)	Hurricane precautions		
	(a) Required canvas awnings, tents to be removed	150.00	225.00
	(b) Construction materials to be secured	250.00	325.00
	(c) Outdoor furniture and materials to be secured	250.00	325.00
7.1.4(D)(2)(b))	Required repairs after hurricane (unsafe structure)	250.00	325.00
7.1.5(B)(1)(2))	Required numbers on buildings	100.00	175.00
7.1.5(C)	Required display and size of numbers—Visible from street	50.00	125.00
7.1.7	Seawalls required to be in good repair	100.00	150.00
ELECTRICAL CODE			
7.2.1(A)(1), (2)	Required electrician for work	100.00	175.00
7.2.1(A)(1), (3)	Required sign electrician for work	100.00	175.00
7.2.1 (B)	National Elec. Code and National Fire Code adopted by reference violations	100.00	175.00
7.2.1(C)	Allowing another person to obtain permit or do work under your license	200.00	275.00
7.2.2(A)(1)— (3)	Required plans and installation methods	100.00	175.00
7.2.2(B)	Concealing work before final	150.00	225.00
7.2.2(C)	Using non-approved apparatus/fixtures	200.00	275.00
7.2.5(C)	Interfering with enforcement	150.00	225.00
	All other Section 7 violations	100.00	175.00
BUILDING MAINTENANCE			
7.8.3	Buildings shall be maintained by Owner	100.00	175.00
STANDARD HOUSING CODE THROUGH LDR SECTIONS 7.4.1 AND 7.8.3			
101.4.1— 101.4.4	Repairs required on existing buildings	100.00	175.00
101.6	Maintenance of buildings; safeguards; owner responsible	100.00	175.00
103.2	Unsafe residential buildings to be repaired or demolished	250.00	325.00
301	Occupying or allowing occupation of a substandard building	150.00	225.00

302.1— 302.4	Required sanitary & plumbing facilities	100.00	175.00
302.5.1— 302.5.6	Required heating facilities	100.00	175.00
302.6	Required kitchen facilities	100.00	175.00
303.1	Required windows	100.00	175.00
303.2	Required ventilation	100.00	175.00
303.3	Required bathroom ventilation	100.00	175.00
303.4	Required electrical outlets	100.00	175.00
305.1— 305.23.2	Doors, windows and screen requirements	100.00	175.00
306.1— 306.4	Minimum space requirements	100.00	175.00
307.1— 307.6	Sanitation requirements for multi-family	150.00	225.00
308.1— 308.7	Rooming house requirements	150.00	225.00
309.1— 309.6	Dangerous dwellings	250.00	325.00
	All other sections of Standard Housing Code not mentioned	100.00	175.00

Section 3. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 4. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 5. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2016.

MAYOR

ATTEST

City Clerk

First Reading_____

Second Reading_____