

ORDINANCE NO. 06-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, AMENDING THE TOWN OF BRINY BREEZES CODE OF ORDINANCES AT CHAPTER 91. BEACHES. AND CHAPTER 130. GENERAL. TO REMOVE REFERENCES TO INTERNALLY INCONSISTENT CODE ENFORCEMENT FINE AMOUNTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTERS 91 AND 130 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town of Briny Breezes is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, *Florida Statutes*; and

WHEREAS, Chapter 162, *Florida Statutes* authorizes municipalities to establish code enforcement procedures as a means to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances within a municipality's respective jurisdiction; and

WHEREAS, the Town Council of the Town of Briny Breezes recently updated the Town's code enforcement procedures by providing a method by which the Town can issue citations for violations of the Town Code; and

WHEREAS, some sections of the Town Code provided for penalties that are now inconsistent with the new code enforcement citation values, and the Town Council seeks to address these inconsistencies; and

WHEREAS, the Town Council of the Town of Briny Breezes has determined that the proposed Ordinance as set forth herein shall safeguard the health, safety, and welfare of the citizens of the Town of Briny Breezes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, THAT:

SECTION 1: Chapter 91. Beaches. of the Code of Ordinances of the Town of Briny Breezes, Florida, is hereby amended at Section 91.99. Penalty; providing that Section 91.99 shall hereafter read as follows:

§ 91.99 PENALTY.

~~(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.~~

~~(B) Any person violating any of the provisions of § 91.01 shall, upon conviction therefore be penalized by fine of not less than \$10 or more than \$50 for each offense.~~

SECTION 2: Chapter 130. General. of the Code of Ordinances of the Town of Briny Breezes, Florida, is hereby amended at Section 130.99. Penalty; providing that Section 130.99 shall hereafter read as follows:

§ 130.99 PENALTY.

~~(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.~~

~~(B) (1) Any person violating any of the provisions of this chapter upon conviction thereof, may be fined in a sum not to exceed \$100, or may be imprisoned for a period not to exceed 30 days, or may be both so fined and imprisoned within the discretion of the court.~~

~~(2) Any act which is a violation of this chapter and which by its nature may be continuous, shall be deemed a separate violation for each day such violation continues.~~

SECTION 3: Each and every other section and subsection of Chapter 91. Beaches. and Chapter 130. General. shall remain in full force and effect as previously adopted.

SECTION 4: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 5: Should any subsection or provision of this Ordinance, or any portion thereof, be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6: Specific authority is hereby granted to codify this Ordinance.

SECTION 7: This Ordinance shall take effect immediately upon adoption.

FIRST READING this 8th day of December, 2022.

SECOND AND FINAL READING this 26th day of January, 2023.

TOWN COUNCIL OF THE TOWN OF BRINY BREEZES

Samuel Gene Adams

Samuel Gene Adams, Mayor

Susan Thaler

Susan Thaler, President

Christina Adams

Christina Adams, Alderman

TOWN SEAL



Elizabeth "Liz" Loper
BILL BIRCH

Elizabeth "Liz" Loper, Alderman

Elizabeth "Liz" Loper
ELIZABETH "LIZ" LOPER

Bill Birch, Alderman

Kathleen Gross

Kathleen Gross, Alderman

ATTEST:

Sandi DuBose

Sandi DuBose, Town Clerk

APPROVED AS TO FORM AND CORRECTNESS:

Keith Davis

Keith Davis

Attorney For Town of Briny Breezes