



Item No. 12.2.a

# AGENDA ITEM REQUEST FORM

## Development Services

Department Submitting Request

Jeff Bowman

Zoning/Code Supervisor JB

**REGULAR  
COMMISSION MTG**  
Meeting Dates - 7:00 PM

**DEADLINE TO  
Town Clerk**

**ROUNDTABLE  
MEETING**  
Meeting Dates - 7:00 PM

**DEADLINE TO  
Town Clerk**

July 26, 2011

July 15 (5:00 pm)  
\*Subject to Change

July 12, 2011

July 1 (5:00 pm)

Presentation

Reports

Consent

**Ordinance**

**FY2011 DESIGNATED HIGH PRIORITY ITEM**

**SUBJECT TITLE: Second Reading of Ordinance 2011-10 Amending Article VI Chapter 17, Sidewalk Cafés**

**EXPLANATION:** The Ordinance revising the Sidewalk Café Code section to establish an easier process for approving permits for sidewalk cafes was passed on First Reading at the June 28, 2011 Commission meeting.

The current process for a sidewalk café application is:

1. Plan review by staff after submission and application fee is paid.
2. Schedule for Planning and Zoning Board and conduct a public hearing.
3. Schedule for the Town Commission and conduct a public hearing.

The proposed amendments would:

1. Eliminate the requirement that sidewalk café permits require P&Z and Commission review.
2. Give the Town Manager the authority to approve a sidewalk café permit if in compliance with the code and provide an appeal process.
3. Reduce the fees associated with the application.
4. Eliminate the 24 lineal feet sidewalk minimum. Recently two local businesses wanted to take advantage of the sidewalk café use, but could not because they had less than 24 lineal feet of sidewalk frontage.
5. Eliminated the requirement that a take-out facility cannot have sidewalk seating.

There are two suggested edits on page 5 to the ordinance since first reading, which are noted by double underlines or ~~double overstrikes~~. On line 143 "one of" was removed. On lines 164 through 170 staff is proposing an amendment that would remove the requirement for a physical barrier as they discourage the use of the sidewalk by the general public. In lieu of a physical barrier we are proposing markers be embedded into the sidewalk that will identify the approved boundaries of the sidewalk café.

**RECOMMENDATION:** We recommend the proposed Ordinance be amended to include the changes on page 5 and then approved on second reading.

Reviewed by Town Attorney

Yes  No

Town Manager Initials CA

ORDINANCE 2011-10

1 AN ORDINANCE OF THE TOWN OF LAUDERDALE-  
2 BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17  
3 "STREETS, SIDEWALKS, AND OTHER PUBLIC  
4 PLACES," ARTICLE VI "SIDEWALK CAFÉS;"  
5 PROVIDING FOR CODIFICATION; PROVIDING FOR  
6 SEVERABILITY; PROVIDING FOR CONFLICTS; AND  
7 PROVIDING FOR AN EFFECTIVE DATE.  
8  
9

10 WHEREAS, the Town Commission recognizes that changes to the adopted Code  
11 of Ordinances are periodically necessary in order to ensure that the Town's regulations  
12 are current and consistent with the Town's planning and regulatory needs; and

13 WHEREAS, Chapter 17, Article VI of the Code of Ordinances addresses the  
14 requirements for the permitting, licensure and operation of a sidewalk café within the  
15 Town; and

16 WHEREAS, the Town Commission desires to amend and clarify the  
17 requirements for the location, continuation and operation of such uses within the Town in  
18 accordance with sound planning principles and current economic conditions; and

19 WHEREAS, the Town Commission conducted a first and second reading of the  
20 proposed ordinance at duly noticed public hearings, as required by law, and after having  
21 received input from and participation by interested members of the public and staff, the  
22 Town Commission has determined that this Ordinance is consistent with the Town's  
23 Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.  
24

25 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION  
26 OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:  
27



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59 ~~into a~~ A revocable license agreement in a form approved by the Town Attorney, with the  
60 Town for any portion of the Town's right-of-way which is used for a sidewalk café ~~and~~  
61 ~~must also be obtained.~~ ing a permit as required by this article. The location of ~~Ssidewalk~~  
62 ~~cafés are a conditional use and shall be located only where permissible as prescribed~~  
63 ~~pursuant to a determination approved by the Town Manager or designee. Town~~  
64 ~~Commission and where a lawful permit has been issued. No person shall establish a~~  
65 ~~sidewalk café abutting any sidewalk unless such person has obtained a valid permit to~~  
66 ~~operate a sidewalk café pursuant to this article. The revocable license shall be in a form~~  
67 ~~approved by the Town Attorney and reviewed by the Town Commission in conjunction~~  
68 ~~with its review of the permit application.~~ The license is revocable at the sole discretion of  
69 either the Town Manager or Town Commission and shall not constitute a vested property  
70 interest in any portion of the public right-of-way.

71 Any person or entity operating a sidewalk café without a permit or any property owner  
72 allowing the operation of a sidewalk café without a permit upon his/her/its property shall  
73 be subject to penalties as provided in this article.

74 Each operator of a sidewalk café that operates in a portion of the right-of-way shall pay to  
75 the Town a monthly right-of-way license fee of \$1.50 for each square foot of right-of-  
76 way licensed for use plus maintenance and capital improvement costs. In conjunction  
77 with the approval of a sidewalk café, the Town Manager or designee ~~Commission shall~~  
78 may waive the monthly license fee in an amount equal to the amount expended by the  
79 applicant for improvements to the public right-of-way that benefit the public, not to  
80 exceed two years of monthly license fees.

81 **Sec. 17-87. - Permit fee.**

82 (a) All sidewalk café operators shall pay a permit fee based on the number of seats  
83 depicted on the Town-approved site drawing required by these regulations. The annual  
84 permit fee for establishing or maintaining a sidewalk café shall be based on the total  
85 number of outdoor seats as follows:

86 Seating capacity from 1 to 15 \$105.00

87 Seating capacity from 16 to 50 150.00

88 Seating capacity from 51 or more 225.00

89 (b) The permit fee shall be paid on or before October 1 and shall cover the time period  
90 from October 1 through September 30 of the following calendar year, ~~except that where~~  
91 ~~the permit fee exceeds \$1,000.00 the fee may be paid in two semiannual increments, the~~  
92 ~~first to be due on October 1 and the second to be due on April 1.~~ No license permit shall  
93 be issued for any fractional portion of the year; provided, however, that any person or  
94 entity operating a sidewalk café for a period beginning after May 1, may obtain a permit  
95 for the remaining portion of the fiscal year upon payment of one-half of the permit fee  
96 required by this article. No refund of fees shall be allowed.

97 (c) The permit fees collected pursuant to this section from sidewalk cafés located in the  
98 Town of Lauderdale-By-The-Sea shall be placed in the general revenue fund.

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99 **Sec. 17-88. - Permit and license application.**

100 (a) Application for a permit and license to operate a sidewalk café shall be made at the  
101 office of the Town Clerk. Such application shall include:

102 (1) Name, address and telephone number of the applicant.

103 (2) Name and address of business restaurant.

104 (3) A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to  
105 operate a ~~restaurant~~ business adjacent to the sidewalk area which is the subject of  
106 the application.

107 (4) A copy of a valid certificate of use for the building frontage adjacent to the  
108 sidewalk and which is the subject of the application.

109 (5) Evidence of insurance containing terms required under section 17-90 of this  
110 article.

111 (6) An 8½ X 11 drawing to legible scale showing the layout and dimensions of the  
112 existing sidewalk area and adjacent private property, proposed location, size and  
113 number of tables, chairs, steps, trees, parking meter, bus shelters, sidewalk benches,  
114 trash receptacles, and any other sidewalk obstruction either existing or proposed  
115 within the pedestrian area.

116 (7) Photographs, drawings or manufacturer's brochures fully describing the  
117 appearance of all proposed tables, chairs, umbrellas or other objects related to the  
118 sidewalk café.

119 (8) Written consent from the building owner as to the proposed use of the sidewalk  
120 and building frontage for a sidewalk café.

121 (9) A sidewalk café which will operate only on private property shall submit a  
122 nonrefundable application fee of:

123 (i) ~~—\$150.00 for sidewalk cafés operated only on private property.;~~

124 (10*ii*) A sidewalk café which will operate on any portion of the public right of way  
125 shall submit a nonrefundable application fee of \$175.00~~50.00~~, which shall  
126 include~~ing~~ the cost of mailed notice, ~~for sidewalk cafés which operate on a portion~~  
127 ~~the right of way.~~

128 ~~No application for use of the right of way shall be considered by the Town~~  
129 ~~Commission until notice has been provided to all property owners directly abutting~~  
130 ~~the property upon which the business adjacent to the proposed sidewalk café is~~  
131 ~~located. Such notice shall be a courtesy notice only and failure to mail or receive~~  
132 ~~such notice shall not affect actions taken under this Article. Any Affected property~~  
133 ~~owner may provide written comments to the Town Manager or designee within ten~~  
134 ~~(10) days of the date of the mailed notice, for the consideration of the Town~~  
135 ~~Manager or designee, within 300 feet of the proposed sidewalk café site.~~

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136 (b) Applications shall be reviewed for compliance with Town ordinances and must be  
137 approved by the Town Manager or designee Commission.

138 (c) The Town Manager or designee may deny an application that does not comply with  
139 this section. Such denials shall be written and shall provide the reasons for the denial.  
140 The applicant or an Affected property owner may appeal the Town Manager or  
141 designee’s decision to the Town Commission.

142 **Sec. 17-89. - Requirements of a sidewalk café permit.**

143 (a) Sidewalk cafés shall be located only in one of the following places:~~restricted to~~

144 (1) the sidewalk frontage of the licensed ~~restaurant~~ business to which the permit is  
145 issued; or

146 (2) ~~within~~ the sidewalk frontage of the building where the validly licensed  
147 ~~restaurant~~ business is located.

148 (3) Such sidewalk cafés may also occupy, and in both cases, a portion of the non-  
149 vehicular right-of-way.

150 (b) In the event the ~~subject~~ area of the permit extends in front of an adjacent owner's  
151 property, the permittee must obtain written permission from the adjacent property owner  
152 for use of this area. Failure to obtain such written permission will not justify a refund of  
153 the annual permit fee or any other fees paid to the Town of Lauderdale-By-The-Sea for  
154 operation of a sidewalk café.

155 (c) Permits shall not be issued ~~for those locations whereto~~ place tables and chairs would  
156 be placed within a ten-foot proximity of; bus stops, taxi stands, ~~or~~ fire hydrants;.

157 (d) ~~Tables or chairs will not be permitted within ten feet of a pedestrian crosswalk, or~~  
158 ~~handicap ramp.~~

159 (de) However, the Town Manager or designee Commission may permit an exception to  
160 the distance requirement from ten feet to five feet where established pedestrian and tram  
161 paths shall not be obstructed and where public safety shall not be adversely affected. ~~In~~  
162 ~~areas of congested pedestrian activity, the Town Commission is authorized to require a~~  
163 ~~wider pedestrian path, as circumstances dictate.~~

164 (ef) ~~A barrier, the design of which shall be approved by the Town, shall be required to~~  
165 ~~separate sidewalk café service areas from pedestrian and vehicular paths of traffic when~~  
166 ~~abutting the public right of way. No objects shall be permitted around the perimeter of a~~  
167 sidewalk area occupied by tables and chairs which would have the effect of forming a  
168 physical or visual barrier discouraging the use of the sidewalk by the general public.  
169 Markers approved by the Town Manager or designee shall be embedded into the  
170 sidewalk by the applicant to distinguish the approved boundaries of the sidewalk café.

171 (fg) Tables, chairs, umbrellas, canopies, awnings, perimeter barrier and any other objects  
172 utilized as part of the sidewalk café shall be of quality design, materials, size, elevation  
173 and workmanship both to ensure the safety and convenience of users, and to enhance the

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174 visual quality of the urban environment. Design, materials and colors shall be approved  
175 by the Town Manager or designee~~Commission~~ prior to the issuance of the sidewalk café  
176 permit.

177 ~~(h) Awnings, umbrellas and other decorative material~~ All fabrics shall be fire-retardant,  
178 pressure-treated or manufactured of fire resistive material. ~~Signs, with the exception of~~  
179 ~~the establishment name, are prohibited on awnings, umbrellas, chairs, tables and any~~  
180 ~~other fixture which is abutting on the public right of way. Lettering may not exceed four~~  
181 ~~inches in height.~~

182 (gi) Prior to issuance of a sidewalk café permit, the Town Clerk shall certify that there  
183 are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the  
184 current or past owners or operators of the property requesting a sidewalk café permit. A  
185 sidewalk café permit will not be issued until all outstanding debts to the Town are paid in  
186 full.

187 ~~(j) One menu board only shall be permitted with a maximum size that does not exceed~~  
188 ~~four square feet. The menu board shall be placed in a location approved by the Town~~  
189 ~~Commission and the menu board location shall be shown on the permit. The menu board~~  
190 ~~shall not be a sandwich [board] sign.~~

191 ~~(k)~~ (hk) Any business or food service establishment that qualifies under the conditions of  
192 this article may redesign the face of their establishment to allow for doors or panels that  
193 permit the establishment to have totally open sides allowing for an indoor/outdoor "café"  
194 design. These changes in the building can only be made after a proper building permit is  
195 issued, said changes otherwise comply with the "Code of Ordinances of the Town of  
196 Lauderdale-By-The-Sea", the Florida Building Code, and all appropriate fees paid.

197 ~~(l) No sidewalk café permit shall be issued to any establishment which possesses less~~  
198 ~~than 24 lineal feet of sidewalk frontage.~~

199 ~~(m)~~ (im) Where ~~public~~ parking exists between the sidewalk area proposed for use and the  
200 portion of the right-of-way used for vehicular travel, a sidewalk café shall be located in  
201 such a manner that a minimum five-foot wide clear pedestrian path on the sidewalk is  
202 maintained at all times.

203 ~~(n)~~ (jn) Where no ~~public~~ parking exists, a minimum five-foot wide clear pedestrian path  
204 between the edge of the sidewalk closest to the right-of-way used for vehicular travel and  
205 the sidewalk café shall be maintained at all times.

206 ~~(o)~~ (ke) In areas of congested pedestrian activity, the Town Manager or ~~his~~ designee, is  
207 authorized to require a wider pedestrian path than that provided herein as circumstances  
208 dictate.

209 ~~(p)~~ (lp) No objects shall be permitted around the perimeter of a sidewalk area occupied by  
210 tables and chairs which would have the effect of forming a physical or visual barrier  
211 discouraging the use of the sidewalk by the general public.

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212 **Sec. 17-90. - Liability and insurance.**

213 (a) The permittee agrees to indemnify, defend, save and hold harmless the Town, its  
214 officers and employees from any and all claims, liability, lawsuits, damages and causes of  
215 action which may arise out of this permit, or the permittee's activity on the premises by  
216 executing a written hold harmless agreement.

217 (b) The permittee agrees to meet and maintain for the entire permit period, at his/her  
218 own expense, the following requirements:

219 (1) Commercial general liability insurance in the amount of \$1,000,000.00 per  
220 occurrence for bodily injury and property damage. The Town must be nameds as an  
221 additional insured on this policy, and an endorsement must be issued as part of the  
222 policy reflecting this requirement.

223 (2) Worker's compensation and employers' liability as required by the State of  
224 Florida.

225 (3) All policies must be issued by companies authorized to do business in the State  
226 of Florida and rated B+:VI or better per Best's Key Rating Guide, latest edition.

227 (4) The Town must receive 30 days' written notice prior to any cancellation,  
228 nonrenewal or material change in the coverage provided.

229 (5) The permittee must provide an original certificate of insurance as evidence that  
230 the above requirements have been met prior to commencing operations. Failure to  
231 comply with these requirements shall justify a suspension or revocation of a  
232 sidewalk café permit by the Town Manager or designee.

233 (c) The permit period shall run and insurance requirements as described in subsection  
234 (b) above shall be effective from October 1 until September 30 of the following calendar  
235 year.

236 **Sec. 17-91. - Sidewalk café permits.**

237 (a) Each permit shall be effective for one year from October 1 until September 30,  
238 subject to annual renewal with the approval of the Town Manager or designee.

239 (b) The permit issued shall be personal to the permittee only and shall be transferable  
240 only with the approval of the Town Manager or designee~~Commission~~.

241 (c) The permit may be temporarily suspended by the Town Manager or designee when  
242 necessary to clear sidewalk areas for a "community or special event" authorized by a  
243 permit issued by the Police Department.

244 (d) The Town Manager or designee may require the temporary removal of sidewalk  
245 cafés when street, sidewalk, or utility repairs necessitate such action.

246 (e) The Town Manager or ~~his/her~~ designee, and/or an authorized Police Officer of the  
247 Town may cause the immediate removal or relocation of all or parts of the sidewalk café

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248 in emergency situations.

249 (f) The Town and its officers and employees shall not be responsible for sidewalk café  
250 components relocated during emergencies.

251 (g) The permit shall be specifically limited to the area shown on the scale layout  
252 drawing attached to and made a part of the permit. The Town Manager or designee shall  
253 have the right to remove without notice, any tables, chairs or other objects not in the  
254 permit area.

255 (h) The permittee shall act to assure that its use of the sidewalk in no way interferes  
256 with pedestrians or limits their free unobstructed passage. The Town Manager or  
257 designee may require relocation of tables, chairs and other objects at any time for safety  
258 or pedestrian flow consideration.

259 (i) The sidewalk café shall be opened for use by the general public, although such ~~use~~  
260 seating may be restricted by the permittee to the patrons of the permittee.

261 (j) Permittees holding a business tax receipt or certificate of use limited to take-out  
262 food are not eligible for sidewalk cafés. ~~shall not be permitted to provide table service on~~  
263 ~~the sidewalk.~~

264 (k) Tables, chairs, umbrellas, and any other objects provided with a sidewalk café shall  
265 be maintained with a clean and attractive appearance and shall be in good repair at all  
266 times.

267 (l) The sidewalk area covered by the permit, and sidewalk and roadway immediately  
268 adjacent to it, shall be maintained in a neat and orderly appearance at all times, and the  
269 area shall be cleared of all debris as needed during the day, ~~and~~ again at the close of each  
270 business day and as may be directed ~~designated~~ by the Town Manager or designee.

271 (m) Signs, with the exception of the establishment name, are prohibited on awnings,  
272 umbrellas, chairs, tables and any other fixture which is on, or abutting on, the public  
273 right-of-way. Lettering may not exceed four inches in height. ~~No signs shall be permitted~~  
274 ~~in the public right-of-way.~~

275 (n) No tables, chairs or any other parts of sidewalk cafés shall be attached, chained, or  
276 in any manner affixed to any tree, post, sign or other fixture, curb or sidewalk within or  
277 near the permitted area. No ~~additional~~ outdoor seating authorized herein shall be used for  
278 calculating seating requirements pertaining to location of, applications for, or issuance of  
279 a liquor license for any establishment; nor shall it be used as the basis for computing  
280 required seating for restaurants and dining rooms, or as grounds for claiming exemption  
281 from such requirements under the provisions of any Town ordinance or State law.

282 (o) The area between the exterior walls of a restaurant business or other eating  
283 establishment and the edge of sidewalk devoted to a sidewalk café shall be designated as  
284 public space. The placement of tables and chairs in this public space shall not constitute a  
285 building improvement which otherwise triggers structural improvements to the operating  
286 business under the provisions of the Florida Building Code or any State statute.

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287 (p) In the event an operator of a restaurant business or other eating establishment creates  
288 a sidewalk café pursuant to the terms of this section and such creation entails actual  
289 structural improvements to any portion of the structure other than the public space, or in  
290 the event the creation of the sidewalk café permanently obstructs ingress or egress to the  
291 restaurant business or eating establishment, then, ~~in that event,~~ all applicable provisions of  
292 the South Florida Building Code or State statutes necessitating improvements to the  
293 property shall apply.

294 (q) The permittee shall notify the Town Manager or designee when operation of the  
295 sidewalk café begins. Said notice shall be delivered to the Town Manager or designee  
296 within 24 hours of such commencement.

297 (r) No food preparation fire, or fire apparatus, shall be allowed on the public sidewalk,  
298 other than that employed in the course of ordinary tableside service, including, but not  
299 limited to, menu items which require table preparation, whether or not such area is  
300 covered by this permit.

301 (s) Upon the issuance of a "Hurricane Warning" or "Hurricane Watch" by the Broward  
302 County Office of Emergency Management, the permittee shall forthwith remove and  
303 place indoors all tables, chairs, awnings and other equipment located on the sidewalk.

304 **Sec. 17-92. ~~Denial, r~~Revocation or suspension of permit; removal and storage fees;**  
305 **emergencies.**

306 (a) The approval of a sidewalk café permit is conditional at all times. The holder of a  
307 permit has no vested right or property interest in the continuation of the permit or the  
308 activity it allows. A sidewalk café permit can be denied, revoked or suspended if it is  
309 found that:

310 (1) Any necessary business or health permit has been suspended, revoked or  
311 cancelled.

312 (2) The permittee exceeds the approved square footage of by placing any  
313 additional tables, chairs, etc., beyond the approved area.

314 (3) Changing conditions of pedestrian or vehicular traffic which causes congestion  
315 necessitating removal of the sidewalk café. Such decision may be based upon  
316 findings of the Town Manager that the minimum ~~four~~five-foot pedestrian path is  
317 insufficient under existing circumstances and represents a danger to the health,  
318 safety or general welfare of pedestrians or vehicular traffic.

319 (4) The permittee has failed to correct violations of this article or conditions of the  
320 permit within 24 hours of receipt of the Town Manager's notice of same delivered in  
321 writing to the permittee.

322 (b)(5) In the event the permittee fails to remove any tables, chairs, and other  
323 objects related to the sidewalk café within 24 hours of receipt of the Town  
324 Manager's final notice of violation~~denial~~, revocation or suspension, the Town  
325 Manager may direct Town staff to remove said objects. The permittee shall be

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326 responsible for the expenses incurred by the Town for the removal and storage of  
327 said objects.

328 ~~(b) Upon denial of the permit, the Town Manager shall give written notice of such~~  
329 ~~action to the permittee.~~

330 (c) If the Town Manager believes that a permittee has engaged or is engaged in conduct  
331 warranting the suspension or revocation of the permit, he shall serve the licensee by  
332 certified mail or hand delivery, at his business address as disclosed in his application for  
333 the permit, a written notice of ordinance violation which affords reasonable notice of  
334 facts or conduct which warrant the intended action, and a reasonable time for the  
335 permittee to cure the violation. The complaint shall state what is required to be done to  
336 eliminate the violation, if any. The permittee shall be given adequate opportunity to  
337 request a hearing before the Town Commission, unless the Town Manager finds that an  
338 emergency condition exists involving serious danger to public health, safety and welfare,  
339 in which case advance notice and hearing shall not be required. In the case of an  
340 emergency suspension or revocation, the licensee shall immediately be advised of the  
341 Town Manager's action. In the event the permittee does not cure the violation within the  
342 reasonable time designated by the Town Manager, penalties shall be imposed pursuant to  
343 section 17-93.

344 **Sec. 17-93. - Penalties. Enforcement.**

345 (a) This Article shall be enforced as follows:

346

347 (1) The Town Code Enforcement Special Master shall have jurisdiction to  
348 hear and decide cases in which violations of this chapter are alleged; or

349

350 (2) The Town may enforce the provision of this Code by supplemental code  
351 or ordinance enforcement procedures as provided by F.S. ch. 162, part 2; or

352

353 (3) The Town may prosecute violations by issuance of notices to appear for  
354 violation of a Town ordinance.

355

356 (b) The penalty for a violation of this Article shall be as follows:

357

358 (1) First violation \$100.00

359

360 (2) Second violation within 12 months of adjudication of first violation  
361 250.00

362

363 (3) Third violation within 12 months of adjudication of first violation 500.00

364

365 (4) Each day on which a violation exists shall constitute a separate violation  
366 for the purpose of determining the fine.

367

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368           (c) The Town Attorney, with authorization from the Town Commission, may bring  
369           suit on behalf of the Town to enjoin any violation of this chapter

370 ~~The following civil fines shall be imposed for violators of this article:~~

371           ~~First citation \$100.00~~

372           ~~Second citation (within a one-year period) 250.00~~

373           ~~Third citation (within a one-year period) 500.00~~

374 **Sec. 17-94. - Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.**

375 (a) The Town of Lauderdale-By-The-Sea may institute proceedings in a court of  
376 competent jurisdiction to compel payment of civil fines.

377 (b) A certified copy of an order imposing a civil fine may be recorded in the public  
378 records and thereafter shall constitute a lien upon any other real or personal property  
379 owned by the violator and it may be enforced in the same manner as a court judgment by  
380 the Sheriffs of this State, including levy against the personal property, but shall not be  
381 deemed to be a court judgment except for enforcement purposes. After two months from  
382 the filing of any such lien which remains unpaid, the Town may foreclose or otherwise  
383 execute on the lien.

384  
385

**SECTION 3. Codification.** This Ordinance shall be codified in accordance with  
386 the foregoing. It is the intention of the Town Commission that the provisions of this  
387 Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of  
388 Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and  
389 the word “ordinance” may be changed to “section”, “article” or such other appropriate word  
390 or phrase in order to accomplish such intentions.

391           **SECTION 4. Severability.** If any section, sentence, clause, or phrase of this  
392 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,  
393 then said holding shall in no way affect the validity of the remaining portions of this  
394 Ordinance.

395           **SECTION 5. Conflicting Ordinances.** All prior ordinances or resolutions or  
396 parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

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397 **SECTION 6. Effective Date.** This Ordinance shall become effective  
398 immediately upon passage on second reading.

399 Passed on the first reading, this \_\_\_\_ day of \_\_\_\_\_, 2011.

400 Passed on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2011.

401  
402  
403  
404

\_\_\_\_\_  
Mayor Roseann Minnet

405  
406  
407  
408  
409  
410  
411

First Reading

Second Reading

Mayor Minnet

\_\_\_\_\_

\_\_\_\_\_

Vice-Mayor Dodd

\_\_\_\_\_

\_\_\_\_\_

Commissioner Clotney

\_\_\_\_\_

\_\_\_\_\_

Commissioner Sasser

\_\_\_\_\_

\_\_\_\_\_

Commissioner Vincent

\_\_\_\_\_

\_\_\_\_\_

412 Attest:

413

\_\_\_\_\_  
414 Town Clerk, June White, CMC

415 (CORPORATE SEAL)

416 Approved as to form only for the use  
417 by the Town of Lauderdale-By-The-Sea:

418

419

\_\_\_\_\_  
420 Town Attorney, Susan L. Trevarthen

421