

**Village of Royal Palm Beach  
Village Council  
Agenda Item Summary**

**Agenda Item:**

**PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 1012, AMENDING CHAPTER 2. ADMINISTRATION. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT ARTICLE V. CODE ENFORCEMENT. AT SECTION 2-111. SCHEDULE OF VIOLATIONS AND PENALTIES. TO UPDATE EXHIBIT A AND REFERENCE THERETO; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 2. ADMINISTRATION. 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. BY VILLAGE MANAGER RAY LIGGINS.**

**Issue:**

Ordinance 351 adopted in August 1990 codified Exhibit A which is a schedule containing the maximum civil penalties for non-criminal infractions of the Village Code. In recent months, the Village Council enacted several community enhancement ordinances as part of its Strategic Planning initiative, including:

- Ordinance 1005 (public park hours) which modified the Village’s public park hours of operation;
- Ordinance 1006 (right-of-way solicitation and distribution) which opted the Village into the County’s solicitation and distribution ordinance; and
- Ordinance 1007 (trespass in public parks) which included reference to several sections of the Village Code which could be violated and result in civil citations being issued.

Enactment of these community enhancement ordinances necessitates an update to Exhibit A, the schedule of civil penalties referenced above, to include additional non-criminal infractions and the associated civil penalties for each.

**Recommended Action:**

Upon Council review, staff recommends a motion to adopt Ordinance No. 1012 on second reading.

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Initiator:	Village Manager	Agenda Date	Village Council
Village Manager	Approval	3-18-2021	Action

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**ORDINANCE NO. 1012**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 2. ADMINISTRATION. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT ARTICLE V. CODE ENFORCEMENT. AT SECTION 2-111. SCHEDULE OF VIOLATIONS AND PENALTIES. TO UPDATE EXHIBIT A AND REFERENCE THERETO; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 2. ADMINISTRATION. 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 Village Council enacted Ordinance No. 351 in August 1990 which included a schedule containing the maximum civil penalties for civil infractions of the Village Code, references as Exhibit A; and

WHEREAS, the Village Council desires to update Chapter 2. Administration. of the Village Code of Ordinances in order to update Exhibit A to include additional civil penalties authorized under the Village Code since original enactment; and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 2 of the Village Code of Ordinances are in the best interests of the general welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

**Section 1:** Chapter 2. Administration. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article V. Code Enforcement. at Sec. 2-111. Schedule of violations and penalties. to update Exhibit A and reference thereto; providing that Sec. 2-111. Schedule of violations and penalties. shall hereafter read as follows:

**Sec. 2-111. - Schedule of violations and penalties.**

- (a) Any violation of a provision of the Code which is enforced pursuant to this division is a civil infraction.

(b) A schedule containing the maximum civil penalty in the event a person contests a citation, and the maximum civil penalty in the event a person elects not to contest a citation is contained in Exhibit A herein, as amended from time to time.

**Editor's note**— Exhibit A referred to in this section is not included herein but is on file and available for inspection in the village clerk's office.

**Section 2:** Each and every other Section and Sub-section of Chapter 2. Administration. shall remain in full force and effect as previously enacted.

**Section 3:** All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

**Section 4:** 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 of this Ordinance.

**Section 5:** Specific authority is hereby granted to codify this Ordinance.

**Section 6:** This Ordinance shall take effect immediately upon passage.

FIRST READING this 18<sup>th</sup> day of February, 2021.

SECOND AND FINAL READING this 18<sup>th</sup> day of March, 2021.

VILLAGE OF ROYAL PALM BEACH

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MAYOR FRED PINTO

ATTEST:

(Seal)

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DIANE DISANTO, VILLAGE CLERK

**EXHIBIT "A"**  
**CIVIL PENALTIES FOR NONCRIMINAL INFRACTIONS\***

<u>DESCRIPTION OF VIOLATION</u>	<u>PENALTY</u>
<b><u>Advertising</u></b>	
<u>Posting of bills, advertisements, etc., prohibited; exceptions</u>	<u>\$30.00</u>
<u>Placing banners, etc., across public ways</u>	<u>\$30.00</u>
<b><u>Alcoholic Beverages</u></b>	
<u>Drinking in public places generally prohibited; special regulations for Commons Park; standards for special events permitting alcohol</u>	<u>\$75.00</u>
<u>Carrying alcoholic beverages into designated and/or secured areas during a special event prohibited</u>	<u>\$75.00</u>
<b><u>Animals</u></b>	
<u>Cruelty to animals</u>	<u>\$30.00</u>
<u>Dogs and cats in public places; running at large; impounding; redemption; disposition; penalty</u>	<u>\$30.00</u>
<u>Equine activities regulated</u>	<u>\$30.00</u>
<u>Public property; animals regulated</u>	<u>\$30.00</u>
<u>Prohibited in swimming pool areas</u>	<u>\$30.00</u>
<u>Deposit of offal or excreta off owner's premises prohibited</u>	<u>\$30.00</u>
<u>Vicious and/or dangerous dogs prohibited; aggressive dogs subject to regulation</u>	<u>\$75.00</u>
<b><u>Business Tax Receipt</u></b>	
<u>Doing business without a business tax receipt</u>	<u>25% of business tax receipt fee</u>
<b><u>Fire Protection and Prevention</u></b>	
<u>Setting fires on lots or in public places</u>	<u>\$50.00</u>
<u>Obstructing fire hydrants</u>	<u>\$50.00</u>
<u>Open burning; prohibited; exceptions</u>	<u>\$50.00</u>
<b><u>Junked, Wrecked, Abandoned Property</u></b>	
<u>Authorized removal</u>	<u>Actual costs</u>
<b><u>Offenses and Miscellaneous Provisions</u></b>	
<u>Defacing certain property</u>	<u>\$75.00</u>
<u>Newsracks</u>	<u>\$75.00</u>
<u>Graffiti</u>	<u>\$75.00</u>
<u>Possession of devices or materials capable of defacing, destroying or damaging property</u>	<u>\$50.00</u>

<u>Public Parks; hours of operation</u>	<u>\$75.00*</u>
<u>Swimming prohibitions; penalties</u>	<u>\$30.00</u>
<u>Village parks and natural area trespass ordinance (violating a posted notice)</u>	<u>\$75.00</u>

**Signs**

<u>Public ownership (PO) or other village owned property (political campaign signs)</u>	<u>\$30.00</u>
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**Solicitors**

<u>Prohibited acts (solicitors)</u>	<u>\$30.00**</u>
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**Solid Waste and Disposal**

Depositing, storing or maintaining solid waste on residential or nonresidential property	\$100.00
<u>Throwing or depositing litter in or upon any public place</u>	<u>\$100.00</u>
<u>Depositing litter in any gutter, street or other public place</u>	<u>\$100.00</u>
<u>Depositing litter in parks outside a receptacle</u>	<u>\$100.00</u>
<u>Throwing from vehicles</u>	<u>\$75.00</u>
Operation of solid waste business without franchise	\$500.00
Failure to comply with residential receptacle requirements	\$25.00
Failure to comply with location of receptacles	\$25.00
Failure to maintain residential property	\$50.00
Failure to remove garbage and rubbish from commercial property	\$250.00
Failure to comply with commercial receptacle requirements	\$75.00
Failure to maintain commercial property	\$75.00
Failure to remove construction and demolition debris	\$100.00
Failure to comply with receptacle requirements for construction and demolition sites	\$100.00
Incineration of bioinfectious waste without permit	\$500.00
Failure to comply with minimum design and operation standards for bioinfectious waste incinerators	\$250.00
Disturbing, scattering or spreading contents of receptacle or container	\$75.00
Burying waste on public or private property	\$75.00
Accumulation of litter or refuse on construction or building site	\$75.00
Conveyance of garbage or refuse without franchise	\$500.00
Failure to identify commercial vehicle	\$150.00
Placement of wearing apparel, bedding or waste from infectious or contagious diseases in containers	\$300.00

Placement of flammable or explosive material in containers	\$200.00
Placement of razor blades, hypodermic syringes, glass or acid in containers	\$100.00
Placement of hazardous waste or bioinfectious waste in containers	\$250.00
Disposal of hazardous waste or bioinfectious waste at solid waste disposal facility	\$250.00
Disposal of hazardous waste or bioinfectious waste on public or private property	\$250.00
<b><u>Traffic and Vehicles</u></b>	
<u>Posted vehicle restrictions on village-owned lands; penalties.</u>	
<u>First infraction</u>	<u>\$250.00</u>
<u>Second infraction and each additional infraction in any 12 month period***</u>	<u>\$500.00</u>
<u>Trucks limited to certain streets; exceptions; penalties.</u>	
<u>First infraction</u>	<u>\$ 25.00</u>
<u>Second infraction and each additional infraction</u>	<u>\$ 75.00</u>
<u>Third infraction and each subsequent infraction in any 12 month period***</u>	<u>\$150.00</u>
<u>Motorized scooters</u>	<u>\$30.00</u>
<u>Manner of parking vehicles upon streets, vacant lots &amp; swales; penalties:</u>	
<u>First infraction</u>	<u>\$ 25.00</u>
<u>Second infraction</u>	<u>\$ 75.00</u>
<u>Third infraction &amp; each subsequent infraction in any 12 month period***</u>	<u>\$150.00</u>
<u>Driving and parking on sidewalks prohibited; exceptions</u>	<u>\$ 30.00</u>
<b><u>Water and Sewer</u></b>	
Pollution of waters	\$150.00
Pollution of air	\$150.00
Discharge of organic or inorganic matter into waters	\$250.00
<u>Industrial activity-General prohibitions</u>	<u>\$250.00</u>
<u>Illicit discharges-General prohibitions</u>	<u>\$250.00</u>
<u>Same-Specific prohibitions</u>	<u>\$250.00</u>
<u>Spills and dumping-General prohibitions</u>	<u>\$250.00</u>
Failure to comply with requirements for connection to public sewer and public water systems	\$100.00
Discharge of drainage, waters or wastes into public sewer	\$250.00
Failure to maintain on-site sewage disposal system	\$100.00
Failure to comply with requirements for disposal of septage	\$250.00
Any other violation of Village Codes not identified above	\$75.00
<b><u>Zoning</u></b>	
<u>Performance standards</u>	<u>\$30.00</u>

\* The civil penalty will be reduced by 25% if the person who has committed the civil infraction does not contest the citation.

\*\* Plus all costs and expenses involved in prosecuting the case.

\*\*\*Escalating fees shall be calculated from the issuance of the first citation for the particular Code section and shall extend through a twelve (12) month period at which time the calculation shall start over.