

RESOLUTION NO. 2023-03

A RESOLUTION BY THE CITY OF KEY COLONY BEACH,
FLORIDA, AMENDING THE SCHEDULE OF VIOLATIONS AND
PENALTIES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida Code of Ordinances Chapter 1, Section 1-10(2) provides, "All violations, fines, and penalties establish by the city commission shall be set forth in a "schedule of violations and penalties" which shall be adopted, and may be amended from time to time, by resolution of the city commission based on upon the recommendation of the planning and zoning board"; and

WHEREAS, the City Commission of the City of Key Colony Beach, Florida (the "City Commission") finds the Schedule of Violations and Penalties complies with Chapter 162, Florida Statutes; and

WHEREAS, the City Commission of the City of Key Colony Beach finds and declares that the adoption of this Resolution is appropriate, and in the public interest of this community.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitations are hereby adopted and incorporated herein.

Section 2. This Resolution adopts the Schedule of Violations and Penalties marked as **Exhibit A**.

Section 3. The City Clerk is authorized to record this Resolution in the appropriate record book upon its adoption.

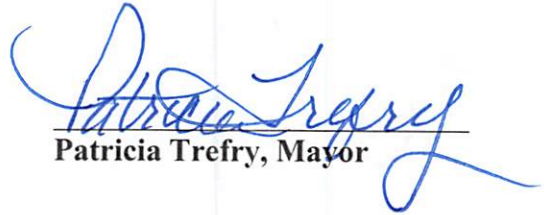
Section 4. If any clause, section, or other part of this Resolution shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

Section 5. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Commission of the City of Key Colony Beach, Florida, at its regular meeting of the City held on April 20, 2023.

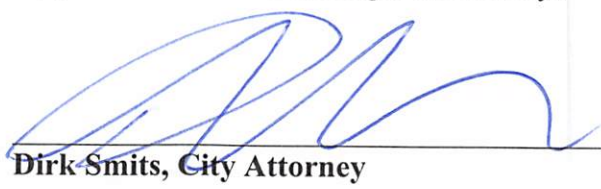
AYES: Harding, Foster, Raspe, Ramsay-Vickrey, Trefry.
NAYS: None.
ABSENT: None.
ABSTAIN: None.


Patricia Trefry, Mayor


Silvia Gransee, City Clerk



Approved as to form and legal sufficiency:


Dirk Smits, City Attorney

CITY OF KEY COLONY BEACH
SCHEDULE OF VIOLATIONS AND PENALTIES
PURSUANT TO SECTION 1-10
Revised April 20, 2023
Exhibit A

*CITY CODE SECTION	ITEM IN VIOLATION	*PENALTY AMOUNT
4-6	Animals running at large	\$100.00 per violation
4-8	Noisy animals	\$100.00 per violation
4-9	Vicious, dangerous animals	\$100.00 per day
4-10	Removal of animal defecation	\$50.00 per violation
5-1	Prohibited vessel operations	\$250.00 per violation
5-4	Vessels as commercial establishments	\$250.00 per day
5-5	Anchoring limitations	\$250.00 per day
5-6	Rafting of vessels	\$250.00 per day
5-7	Discharge into waters	\$250.00 per day
5-9	Fishing on Sadowski Bridge and Sunset Pier	\$100.00 per violation
5-11	Diving and snorkeling prohibitions during "mini" season	\$250.00 per violation
5-15	Living aboard vessels	\$250.00 per day
5-40	Exceeding overall boat length at waterfront property	\$200.00 per day
5-80	Boat and trailer parking	\$100.00 per day
5-82	Boats and trailers parked in City right-of-way	\$100.00 per day
6-6	Working without building permit	\$250.00 per day
6-10	Permitted working days and hours	\$250.00 per violation
6-50	Display street numbers on buildings	\$100.00 per day
6-56	Buildings and property maintenance	\$250.00 per day
6-59	Limitations on parking trailers and recreational vehicles	\$100.00 per day
7-2	Garbage and trash accumulation	\$100.00 per day
7-5	Use garbage cans	\$50.00 per day
7-6	Garbage cans specifications	\$50.00 per day

7-7	Location and placement of garbage cans	\$50.00 per day
7-12	Dumping and littering	\$250.00 per day
8-6	Lots maintained in mowable condition	\$250.00 per day
9-4	Doing business without a license	\$250.00 per day
9-20	Rental property owner's tax	\$250.00 per day
9-25	Exceeding rental occupancy	\$250.00 per day
10-2	Loud or disturbing noise	\$250.00 per violation
10-3	Specific noise prohibitions	\$250.00 per violation
11-2	Camping prohibition	\$100.00 per day
11-4	False fire alarms: (1 st violation) (2 nd and subsequent violations)	Warning \$250.00 per day
11-5	False burglar alarm (1 st violation) (2 nd violation) (3 rd violation) (4 th and subsequent violations)	Warning \$100.00 per day \$250.00 per day \$250.00 per day
12-9	City parking open hours	\$250.00 per day
14-4	Damaging sewer facilities	\$250.00 per day
14-10	Prohibited discharges (sewer and storm drains)	\$250.00 per day
17-1	City Street Speed Limit 25mph.	<i>Per Florida Statutes</i>
17-6	Parking prohibited without owner's permission	\$50.00 per day
101-26(8)	Nuisance lighting	\$50.00 per day
101-31	Garage sale	\$25.00 per violation
101-32(3)	Burning of refuse	\$100.00 per day
101-34	Home occupations	\$250.00 per day
101-35	Inoperative vehicles	\$100.00 per day
101-55	Illegal parking (Commercial and recreational vehicles)	\$100.00 per day
101-55(3)	Prohibition on use of vehicles, motorhomes, trailers and campers as residence	\$100.00 per day
101-67	Landscape maintenance	\$50.00 per day
101-131	Prohibited signage	\$50.00 per violation

101-136	Temporary signage	\$50.00 per day
101-137	Sign maintenance	\$50.00 per day
F.S. §316.1955.57	Parking in handicapped space	\$250.00 per violation
***F.S. §316.2065(7)	Bicycle safety requirements	\$64.50 per violation
***F.S. §316.2065(d)	Bicycle helmet requirement for passengers under 16yoa	\$64.50 per violation
^New	Short term vacation rental w/out license	\$250.00 per day
^New	Short term vacation rental less than 7 days	\$250.00 per day
^New	Short term rental w/ excessive number of tenants	\$250.00 per day
^New	Short term rental – cleaning not acceptable	\$250.00 per day
^New	2 nd violation for short term vacation property	\$250.00 per day, and license suspension for 30 days.
^New	3 rd violation for short term vacation property	\$250.00 per day, and license suspension for 1 year.
^New	Dangerous structures posing safety risk	\$250.00 per day
^New	Violation of recreation vehicle parking ordinance	\$100.00 per day
^New	Long term vacation rental w/out rental license	\$250.00 per day
^New	Long term vacation rental w/ excessive number of tenants	\$250.00 per day
^New	Long term rental – cleaning not acceptable	\$250.00 per day
^New	2 nd violation for long term vacation property	\$250.00 per day, and license suspension for 30 days.
^New	3 rd violation for long term vacation property	\$250.00 per day, and license suspension for 30 days.
^New	Subleasing dock space	\$250.00 per day
^New	Permit fee for Solar Panel Installation	\$250.00 **additional 2.5% State surcharge
^New	Notary Fees	Notary Services are provided for City-related business at no cost. No other Notary Services will be provided.

*Sec.1-10(g)(2) sets maximum fine of \$250.00 per day; *See also*, FL ST §162.09(2)(a) (setting maximum fine shall not exceed \$250.00 for first violation or \$500.00 per day for repeat violation).

**All violations/penalties set forth herein are subject to an administrative fee of \$338.00 plus cost of prosecution. Violations that are irreparable or irreversible in nature may have a fine imposed not to exceed \$5,000 per violation.

*****An additional fine of \$2.50 will be assessed exclusive of the penalty set forth above, to be paid to the State's General Fund for safety programs.**