

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 536.09

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, CREATING SECTION 58-38 ENTITLED "MAILBOXES" OF THE TOWN CODE OF ORDINANCES; ESTABLISHING REGULATIONS FOR THE DESIGN AND PLACEMENT OF RESIDENTIAL MAILBOXES; AMENDING SECTION 2-211 ENTITLED "VIOLATIONS AND PENALTIES" TO INCLUDE A PENALTY FOR VIOLATION OF MAILBOX REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach (the "Town") has determined that it is in the public interest of the Town to establish uniform standards for the design, location, installation, and maintenance of mailboxes within the Town; and

WHEREAS, establishing such standards will enhance property values, increase safety, and ensure compliance with United States Postal Service regulations and recommendations; and

WHEREAS, the Town Council finds this Ordinance to be in the best interest and welfare of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals Adopted. That each of the above recitals is hereby adopted

and confirmed.

¹ Proposed amendments to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strikethrough~~. Highlighted text indicates proposed amendments made between first and second reading.

Section 2. Creation of Section 58-38 of the Town Code of Ordinances.

That the Code of Ordinances of the Town of Golden Beach, Florida, is hereby amended by adding a section to be numbered 58-38 in Article II (Design Standards) of Chapter 58 (Development Standards), which section shall read as follows:

Sec. 58-38. Mailboxes.

- (a) Selection and Location. Each owner of a residence within the Town shall be required to maintain a mailbox and supporting post chosen by the owner from a selection of mailboxes and posts that has been pre-approved by the Town Council. The mailbox and supporting post shall be installed near the paved portion of the road surface fronting each residence in a location, height, and manner approved by the Town Manager or his designee.
- (b) Cost. The Town shall pay for and install the mailbox and supporting post initially selected. After such initial installation, in the event a new mailbox or supporting post is requested or otherwise required, the real property owner shall be responsible for all costs and for compliance with this section.
- (c) Maintenance. Each real property owner shall maintain his or her mailbox and supporting post in good working condition, order and appearance. Failure to comply with this section shall subject the owner to penalties set forth in section 2-211 of this Code.

(d) Time for Compliance. From and after the effective date of this section, each real property owner shall have one hundred and twenty (120) days to select the initial mailbox and supporting post. In the event no selection is made within the allotted timeframe, the Town Manager shall select a mailbox and supporting post on behalf of the real property owner taking into consideration the aesthetics of the location in which the mailbox will be installed.

Section 3. Amendment to Section 2-211 of the Town Code of Ordinances.

That section 2-211 of the Code of Ordinances of the Town of Golden Beach, Florida, is hereby amended to read as follows:

Sec. 2-211. Violations and penalties.

(a) The following schedule of violations and penalties shall be assessed by Code Enforcement Officers and shall be followed by the Special Magistrate in its review and adjudication of matters in accordance with this article.

TABLE INSET:

Violation category	First offense	Second offense	Third offense	Fourth** offense
Animal nuisance	\$150.00	\$200.00	\$250.00	\$300.00-- \$500.00
County ordinances	\$150.00*	\$200.00*	\$250.00*	\$300.00-- \$500.00*
Eyesore	\$150.00	\$200.00	\$250.00	\$300.00-- \$500.00
Florida Building Code (structural)	\$150.00	\$200.00	\$250.00	\$300.00-- \$500.00
Florida Building Code (life safety)	\$250.00	\$250.00-- \$500.00	\$250.00-- \$500.00	\$300.00-- \$500.00

Hurricane Protection Measures	\$250.00	\$250.00-- \$500.00	\$250.00-- \$500.00	\$300.00-- \$500.00
Landscaping	\$150.00	\$200.00	\$250.00	\$300.00-- \$500.00
Licensing	\$150.00	\$200.00	\$250.00	\$300.00-- \$500.00
Litter/debris	\$150.00	\$200.00	\$250.00	\$300.00-- \$500.00
<u>Mailboxes</u>	<u>\$150.00</u>	<u>\$200.00</u>	<u>\$250.00</u>	<u>\$300.00--</u> <u>\$500.00</u>
Nuisance	\$150.00	\$200.00	\$250.00	\$300.00-- \$500.00
Recycling	\$150.00	\$200.00	\$250.00	\$300.00-- \$500.00
Seawalls	\$250.00	\$250--\$500	\$250--\$500	\$300.00-- \$500.00
Signs/advertising	\$150.00	\$200.00	\$250.00	\$300.00-- \$500.00

* Or as specified by County ordinance.

** Mandatory appearance for fourth offense.

(b) For violations of any section of this Code for which a specific penalty is not prescribed in subsection 2-211(a), a penalty shall be imposed pursuant to section 2-207.

Section 4. Severability. That if any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Inclusion in the Code. That the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Golden Beach,

Florida, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions.

Section 6. Conflict. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

Sponsored by Town Administration.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Bernstein, seconded by Vice Mayor Lusskin, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Ben Einstein	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>
Councilmember Ken Bernstein	<u>Aye</u>

PASSED AND ADOPTED on first reading this 19th day of May, 2009.

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor Lusskin, seconded by Councilmember Rojas and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Ben Einstein	<u>Absent</u>
Councilmember Amy Rojas	<u>Aye</u>
Councilmember Ken Bernstein	<u>Absent</u>

PASSED AND ADOPTED on second reading this 23rd day of June, 2009.



MAYOR GLENN SINGER

ATTEST:


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY