

ORDINANCE NO. 2760-09

AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA RELATING TO NOISE CONTROL; AMENDING
CHAPTER 62, DIVISION 2 OF THE CODE OF
ORDINANCES BY RENAMING DIVISION 2 FROM
"NOISE CONTROL" TO "NOISE AND DISTURBANCE
CONTROL"; AMENDING SECTIONS 62-91, 62-94,
62-95 AND 62-96; AMENDING SECTION 1-23 OF
CHAPTER 1 OF THE CODE OF ORDINANCES TO
PROVIDE FOR A CIVIL PENALTY FOR ILLEGAL OPEN
HOUSE PARTIES; PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED by the people of the City of Winter Park,
Florida as follows:

Section 1. Division 2, Noise Control, of Chapter 62 of the
Code of Ordinances of the City of Winter Park is hereby renamed
"Noise and Disturbance Control."

Section 2. Section 62-91, Short Title, of Chapter 62 of
the Code of Ordinances of the City of Winter Park is hereby
amended to read as follows:

Sec. 62-91. Short title.

This section may be cited as the Noise and Disturbance
Control Ordinance.

Section 3. Section 62-91, "Definitions", of Chapter 62 of
the Code of Ordinances of the City of Winter Park is hereby
amended by adding the following new definition to read as
follows:

Sec. 62-92. Definitions.

Illegal open house party means any gathering of three or
more persons unrelated by blood or marriage in a residence
or in or adjacent to a neighborhood zoned for residential
uses at which underage consumption of alcohol or use of
illegal or controlled substances occurs.

Section 4. Section 62-94, "Enforcement", of Chapter 62 of the Code of Ordinances of the City of Winter Park is hereby amended by adding a new paragraph to read as follows:

Sec. 62-94. Enforcement.

In addition to any other remedies provided under this code or other applicable law, the city shall provide written notice by first class U.S. Mail to the owner of any property which is found by the city to be the location of an illegal open house party. That notice shall be mailed to the owner of the property as listed in the Orange County Public Records and the notice shall also be placed in the records of the city and at the city's discretion, may be otherwise provided to the owner as well. Each subsequent violation of the prohibition on illegal open house parties at the same property shall carry a civil penalty as established in Chapter 1 of this code, and the enforcement provisions of Chapter 1 of this code shall apply to the enforcement of that penalty.

Section 5. Section 62-95, "Owner's and lessee's responsibility", of Chapter 62 of the Code of Ordinances of the City of Winter Park is hereby amended by adding a new paragraph to read as follows:

It shall also be a violation of this division for an illegal open house party to occur at a property. The owner or owners, the lessee or lessees (whether or not the lease is written), and the occupant or occupants of any such property may not allow an illegal open house party to occur at the property, and are jointly and severally responsible under this section for any such illegal open house parties which do occur.

Section 6. Section 62-97, "Specific prohibitions", of Chapter 62 of the Code of Ordinances of the City of Winter Park is hereby amended by adding a new subparagraph (13) to read as follows:

(13) *Illegal open house parties.* Allowing or acquiescing in an illegal open house party, whether directly or indirectly, whether actively or passively, as an owner, lessee, or occupant of a property.

Section 7. Section 1-23, Classes of violations and penalties, of Article II of Chapter 1 of the Code of Ordinances of the City of Winter Park is hereby amended by adding a new subparagraph (d) to read as follows:

Notwithstanding the violation classification system with accompanying civil penalties set forth in (a) above, the civil penalty for a second illegal open house party violation as described in Chapter 62 of this code shall bear a civil penalty of \$1,000.00, and the city shall be entitled to place a lien upon the property which was the site of the illegal open house party in the amount of the civil penalty if said penalty is not paid within 30 days of its assessment, in addition to appropriate costs and fees associated with the process of placement of the lien. For each subsequent illegal open house party violation, the civil penalty shall increase by an additional \$1,000.00, so that the civil penalty for a third violation would be \$2,000.00; the civil penalty for a fourth violation would be \$3,000.00; and so forth.

Section 8. It is the intention of the city commission of the city that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the city; and that sections of this ordinance may be numbered or renumbered or lettered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be numbered or renumbered or lettered or relettered and typographical errors which do not affect the intent may be authorized by the city manager, without need of public hearing, by filing a corrected or recodified copy of same with the city clerk.

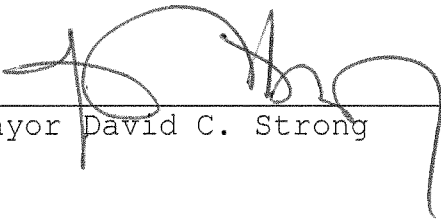
Section 9. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 10. If any section, subsection, sentence, clause,

phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases under application shall not be affected thereby.

Section 11. This ordinance shall take effect immediately upon its passage and adoption.

Adopted at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida on the 26th day of January, 2009.



Mayor David C. Strong

Attest: 

City Clerk Cynthia Bonham