

ORDINANCE NO. 06-48

2006 JUN 30 PM 1:27

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO ENFORCEMENT OF MANATEE COUNTY CODES AND ORDINANCES; PROVIDING FOR CITATIONS FOR VIOLATIONS OF CODES AND ORDINANCES; PROVIDING DEFINITIONS; PROVIDING FOR DESIGNATION OF CODE ENFORCEMENT OFFICERS TO ENFORCE CODES AND ORDINANCES; AUTHORIZING CODE ENFORCEMENT OFFICERS TO ISSUE CITATIONS FOR VIOLATIONS AND PROVIDING REQUIREMENTS WITH RESPECT THERETO; SPECIFYING EFFECT OF FAILURE TO PAY A CIVIL PENALTY OR CONTEST A CITATION; ESTABLISHING PROCEDURES FOR THE IMPLEMENTATION OF SECTION 162.21, FLORIDA STATUTES, INCLUDING CIVIL PENALTIES; PROVIDING REQUIREMENTS, INCLUDING PENALTIES, REGARDING ENFORCEMENT OF CODES AND ORDINANCES UNDER SECTION 162.21, FLORIDA STATUTES; PROVIDING A PENALTY FOR REFUSAL TO ACCEPT A CITATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

2006 JUN 26 AM 9:55  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
FILED

WHEREAS, Section 162.21, Florida Statutes, authorizes counties and municipalities to enforce codes and ordinances through the issuance of citations under Section 162.21, Florida Statutes; and

WHEREAS, Section 162.21, Florida Statutes, authorizes counties and municipalities to enact ordinances establishing procedures for the implementation of Section 162.21, including civil penalties to be assessed by code enforcement officers; and

WHEREAS, the Board of County Commissioners of Manatee County desires to enforce all county codes and ordinances, including the Manatee County Land Development Code, through the issuance of citations under Section 162.21, Florida Statutes; and

WHEREAS, the Board of County Commissioners of Manatee County has determined that it is in the best interest of the county to enact an ordinance establishing procedures for the implementation of Section 162.21, Florida Statutes, including civil penalties to be assessed by code enforcement officers.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS

OF MANATEE COUNTY, FLORIDA:

Section 1. As used in this ordinance, "code enforcement officer" means any designated employee or agent of Manatee County whose duty it is to enforce codes and ordinances enacted by the county.

Section 2. The county administrator or his or her designee may designate certain employees or agents of the county as code enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the county administrator or his or her designee. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors or law enforcement officers. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of sections 943.085 through 943.255, Florida Statutes.

Section 3. A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.

Section 4. Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than thirty (30) days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the code

enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

Section 5. A citation issued by a code enforcement officer shall be in a form prescribed by the county administrator or his or her designee and shall contain:

- a. The date and time of issuance.
- b. The name and address of the person to whom the citation is issued.
- c. The date and time the civil infraction was committed.
- d. The facts constituting reasonable cause.
- e. The number or section of the code or ordinance violated and a description of the violation.
- f. The name and authority of the code enforcement officer.
- g. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- h. The applicable civil penalty if the person elects to contest the citation.
- i. The applicable civil penalty if the person elects not to contest the citation.
- j. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

Section 6. After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one (1) copy of the citation with the county court through the Clerk of the Circuit Court.

Section 7. Pursuant to Section 162.21, Florida Statutes, this ordinance hereby provides:

- a. A violation of a code or an ordinance is a civil infraction.
- b. A maximum civil penalty shall be \$500.
- c. A civil penalty shall be less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation. Unless otherwise provided by specific ordinance, the civil penalties to be assessed by code enforcement officers shall be as follows:
  - (1) First violation – \$100.
  - (2) Repeat violation – \$250.
- d. A citation may be issued by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.
- e. If contested, a citation shall be contested in county court.
- f. Any person cited for a violation shall pay the civil penalty or request a hearing to contest the citation within the time and in the manner specified on the citation. If the last day for paying the civil penalty falls on a weekend, holiday, or other day when the offices of the Clerk of the Circuit Court are closed, the civil penalty must be paid by the close of business on the next day the offices are open.
- g. If the person cited pays the civil penalty, he or she shall be deemed to have committed the civil infraction and to have waived his or her right to a non-jury trial on the issue of the commission of the violation. Any person electing to contest the citation shall, on or before the date by which the civil penalty must be paid and in the manner specified on the citation, request that the Clerk of the Circuit Court set a hearing in county court.
- h. If the person cited fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived

his or her right to contest the citation. In such case, judgment may be entered against the person for an amount up to the maximum civil penalty and court fees and costs.

- i. Court fees and costs shall be assessed in addition to the civil penalty against any person who contests a citation and is found in violation.

Section 8. Pursuant to subsection 162.21(6), Florida Statutes, any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

Section 9. Pursuant to subsection 162.21(7), Florida Statutes, the provisions of this ordinance shall not apply to the enforcement pursuant to sections 553.79 and 553.80, Florida Statutes, of the Florida Building Code adopted pursuant to section 553.73, Florida Statutes, as applied to construction, provided that a building permit is either not required or has been issued by the county.

Section 10. The provisions of this ordinance are additional and supplemental means of enforcing county codes or ordinances and may be used for the enforcement of any code or ordinance, or for the enforcement of all codes and ordinances, including the Manatee County Land Development Code. Nothing contained in this ordinance shall prohibit Manatee County from enforcing county codes or ordinances by any other means.

Section 11. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 12. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the

provisions of this ordinance are declared severable.

Section 13. This ordinance shall take effect upon filing with the State of Florida Department of State.

ADOPTED AND ENACTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the 20<sup>th</sup> day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: *De McClash*  
Chairman



ATTEST: R. B. Shore  
Clerk of the Circuit Court

By: *Ausa Romine*



STATE OF FLORIDA, COUNTY OF MANATEE  
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.  
Witness my hand and official seal this 21<sup>st</sup> day of June, 2006.  
R.B. SHORE  
Clerk of Circuit Court  
By: *Diane E. Vollmer, D.C.*



FILED FOR RECORD  
R. B. SHORE

2006 JUN 30 PM 1:26

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT OF STATE  
**Sue M. Cobb**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

June 26, 2006

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 21, 2006 and certified copies of Manatee County Ordinance Nos. 06-48 and 06-50, which were filed in this office on June 26, 2006.

As requested, the date stamped copy is being returned for your records.

Sincerely,

Liz Cloud  
Program Administrator

LC/mp

Enclosures