

MAY 10 1994 JC/SD

Effective:
7/1/94 1

ORDINANCE NO. 94-09

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AN ORDINANCE PERTAINING TO THE ENFORCEMENT OF CODES AND ORDINANCES IN ORANGE COUNTY, FLORIDA; PROVIDING FOR APPLICABLE CODES AND ORDINANCES TO BE ENFORCED THROUGH A SUPPLEMENTAL CODE ENFORCEMENT CITATION PROGRAM; PROVIDING FOR CODE ENFORCEMENT OFFICERS; PROVIDING PROCEDURES FOR INVESTIGATION OF VIOLATIONS AND ISSUANCE OF CITATIONS; PROVIDING PROCEDURES FOR PROCESSING CITATIONS, FOR PAYMENT OF FINES, AND FOR COURT HEARINGS; PROVIDING FOR THE PAYMENT OF CIVIL PENALTIES; PROVIDING FOR VIOLATION CLASSIFICATIONS AND CIVIL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR RENUMBERING; AND PROVIDING FOR AN EFFECTIVE DATE.

21 WHEREAS, the Florida Legislature has amended Chapter 162, Florida Statutes, to provide supplemental procedures for the
23 enforcement of county codes and ordinances; and

 WHEREAS, these supplemental procedures authorize counties
25 to issue citations for violation of county codes and ordinances; and

27 WHEREAS, the adoption of a code enforcement citation program is necessary to provide for the County's enforcement of
29 certain codes and ordinances and will further promote, protect and improve the health, safety and welfare of Orange County
31 citizens.

 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
33 ORANGE COUNTY:

SECTION 1. AUTHORIZATION OF CODE ENFORCEMENT CITATION
35 PROGRAM. Orange County hereby creates a supplemental and additional method of enforcing its codes and ordinances by the

37 issuance of citations for violation of County codes and
ordinances. Nothing contained herein shall prohibit Orange
39 County's enforcement of its codes or ordinances by any other
means.

41 SECTION 2. APPLICABLE CODES AND ORDINANCES. A schedule of
codes and ordinances, which may be enforced pursuant to the
43 supplemental code enforcement citation procedures contained
herein, is attached hereto as Exhibit "A," and incorporated
45 herein by reference as if fully set forth herein. The schedule
of codes and ordinances shall include said codes and ordinances
47 as they may be from time to time amended, renumbered, codified
or recodified including codes and ordinances enacted subsequent
49 to the adoption of this ordinance.

SECTION 3. CODE ENFORCEMENT OFFICERS.

51 A. The Board of County Commissioners, hereinafter
referred to as the "Board," is hereby authorized to designate,
53 by resolution, certain employees or agents as "Code Enforcement
Officers." Code Enforcement Officers so designated shall have
55 the powers and limitations as prescribed herein and by statute.

B. The training and/or qualifications of Code Enforcement
57 Officers shall be established by the Board by resolution. The
designation of additional Code Enforcement Officers and the
59 necessary training and qualifications for "code enforcement
officers" generally may be approved by the County Administrator
61 or the County Administrator's designee from time to time
without further action of the Board.

63 C. Pursuant to the requirements of Chapter 162, Part II,
Florida Statutes, and consistent with the procedures set forth
65 in this ordinance, a Code Enforcement Officer may issue a
citation alleging a violation of any of the codes or ordinances
67 enumerated in Exhibit "A." A code or ordinance violation for
which a citation is issued pursuant to this ordinance shall be
69 deemed to be a civil infraction.

SECTION 4. PROCEDURES; INVESTIGATION OF VIOLATION;
71 ISSUANCE OF CITATIONS.

A. A Code Enforcement Officer is hereby authorized to
73 issue a citation to any person for violation of any code or
ordinance listed in Exhibit "A" when, based upon personal
75 investigation, the Code Enforcement Officer has reasonable
cause to believe that a violation has occurred. The word
77 "person" shall have the meaning provided in Section 1-2, Orange
County Code.

79 B. Except as provided by subsection C below the Code
Enforcement Officer shall provide notice to the person that the
81 person has committed a violation of a code or ordinance and
shall establish a reasonable time period within which the
83 person must correct the violation. Such time period to correct
the violation shall not exceed thirty (30) days.

85 C. A Code Enforcement Officer is not required to provide
the person with a reasonable time period to correct the
87 violation prior to issuing a citation and may immediately issue
a citation if the Code Enforcement Officer has reason to
89 believe that the violation presents a serious threat to the

public health, safety, or welfare, or if the violation is
91 irreparable or irreversible.

D. Written warning notices, if applicable, and citations
93 shall be provided to the alleged violator by hand delivery by
the Code Enforcement Officer. In the absence of the alleged
95 violator, issuance of a written warning notice or citation may
be accomplished by leaving a copy at the alleged violator's
97 residence with any person residing therein who is fifteen (15)
years of age or older and informing the person of the contents
99 or by registered or certified mail, return receipt requested.

E. Issuance of a written warning notice or citation to a
101 business may be accomplished by leaving a copy at the business,
during regular business hours, with any employee and informing
103 the employee of the contents or by registered or certified
mail, return receipt requested. Each employee of the business
105 shall be deemed to be an agent of the business for service of
warning notices and citations.

107 F. If upon personal investigation the Code Enforcement
Officer finds that the violation has not been corrected within
109 the time period, a Code Enforcement Officer may issue a
citation for a civil infraction to the person accused of
111 committing the violation.

G. The citation shall be in such form prescribed by the
113 Board and consistent with the requirements of Chapter 162, Part
II, Florida Statutes.

115 H. Each violation of a code or ordinance is a separate
civil infraction. Each day such violation continues shall be
117 deemed to constitute a separate civil infraction.

I. The maximum civil penalty for each violation shall not
119 exceed Five Hundred and No/100 Dollars (\$500.00) plus any
applicable court costs.

121 J. After issuing a citation to an alleged violator, the
Code Enforcement Officer shall:

123 1. deposit the original citation and one copy of
the citation with the Clerk of Court for the County Court;

125 2. provide the person cited with one copy; and

3. retain one copy in the Code Enforcement
127 Officer's department or division file.

K. If the person cited refuses to sign the citation, the
129 Code Enforcement Officer shall write the words "Refused" or
"Refused to Sign" in the space provided for the person's
131 signature. The Code Enforcement Officer shall then leave a
copy of the citation with the person cited, if possible, and
133 shall contact the Orange County Sheriff's Office to file the
necessary reports alleging a violation of Section 162.21(6),
135 Florida Statutes, which provides that a person who willfully
refuses to sign and accept a citation issued by a Code
137 Enforcement Officer shall be guilty of a misdemeanor of the
second degree punishable as provided in Section 775.082 or
139 Section 775.083, Florida Statutes.

SECTION 5. PAYMENT OF FINES; COURT HEARINGS.

141 A. If the person elects not to contest the citation, the

person shall pay in full the applicable reduced civil penalty
143 as set forth in Exhibit "A" herein, to the Clerk of the Court
within fourteen (14) days after issuance of the citation.

145 B. If the person cited elects to pay the applicable
reduced civil penalty set forth in Exhibit "A," the person
147 shall be deemed to have admitted the infraction and waived the
right to a hearing. If the person cited fails to pay the civil
149 penalty by the fourteenth day after issuance of the citation or
fails to request a court hearing within the time prescribed,
151 the person shall have waived any right to contest the citation
and a judgment shall be entered against the person cited in an
153 amount up to the maximum civil penalty which shall not exceed
five hundred and no/100 dollars (\$500.00).

155 C. If the person elects to contest the citation, the
person shall appear in court before a County Court Judge within
157 twenty-one (21) days of issuance of the citation to request a
hearing date.

159 D. A County Judge, after a hearing on the citation, shall
make a determination whether or not a violation of this
161 ordinance has been committed. If a violation is found to have
occurred, the County Judge may impose a civil penalty up to the
163 maximum civil penalty in an amount not to exceed Five Hundred
and No/100 Dollars (\$500.00) plus all applicable court costs.

165 E. The Judge may provide for the civil penalty to be paid
within such time as the judge determines to be appropriate. If

167 the person found to be in violation fails to pay the fine
within the time provided, a civil judgment shall be entered
169 against that person in the amount up to the maximum civil
penalty not to exceed five hundred and no/100 dollars (\$500.00).

171 F. Should the person cited schedule a hearing as provided
for herein, and thereafter fail to appear at such hearing, the
173 person shall be deemed to have waived the right to contest the
citation and a civil judgment shall be entered against the
175 person in an amount up to the maximum civil penalty. Provided,
however, that the Court shall have the discretion to continue
177 or reschedule any hearing when it determines that doing so will
further the interest of justice. In such an event, the Clerk
179 shall notify the Code Enforcement Officer and the person cited
of the date and time of the new hearing.

181 SECTION 6. PROCEDURES FOR PAYMENT OF CIVIL PENALTY.

Payment of any civil penalty imposed by this ordinance shall be
183 made to the Clerk of the Court, who shall forward the monies
collected to the Orange County Comptroller for deposit into
185 Orange County's Building, Planning and Zoning Fund. If a
judgment has been entered for the civil penalty, the Clerk of
187 the Court shall notify the County when the judgment has been
paid and the necessary Satisfaction of Judgments shall be
189 prepared and recorded in the Official Records of Orange
County. Ten and no/100 dollars (\$10.00) of each penalty
191 collected shall be retained by the Clerk of the Court as an
administrative fee.

193 SECTION 7. VIOLATION CLASSIFICATIONS AND CIVIL PENALTIES.

Violations of County codes or ordinances and the applicable
195 reduced civil penalty shall be classified as follows:

197	<u>VIOLATION CLASSIFICATION</u>	<u>REDUCED CIVIL PENALTY</u>
199	Class I	\$ 50.00
	Class II	150.00
201	Class III	200.00

203 County codes or ordinances subsequently enacted or
amended may set forth the applicable civil penalty for
205 violations by designating the appropriate violation
classification as provided in this section.

207 SECTION 8. SEVERABILITY. If any section, subsection,
sentence, clause, phrase, word or provision of this Ordinance
209 is for any reason held invalid or unconstitutional by any
court of competent jurisdiction, such invalid or
211 unconstitutional portion shall be deemed a separate, distinct
and independent provision, and such holding shall not affect
213 the validity of the remaining portions of this Ordinance,
provided the remaining portions effectuate the primary
215 purpose and intent of this ordinance.

SECTION 9. RENUMBERING. This provision of this
217 ordinance shall be included in the Orange County Code, as an
amendment thereto, and shall be appropriately renumbered to
219 conform to the uniform numbering system of this Code.

SECTION 10. EFFECTIVE DATE. A certified copy of this
221 ordinance shall be filed in the Office of the Secretary of

State by the Clerk of the Board of County Commissioners
223 within ten (10) days after enactment by the Board and shall
take effect on July 1, 1994.

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EXHIBIT "A"

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CLASS OF VIOLATION FINE

229 CODE OR ORDINANCE NUMBER AND BRIEF SUBJECT MATTER

231

CHAPTER 28

233 ARTICLE II

Lot Cleaning

I

235 CHAPTER 28

ARTICLE III

Junk Vehicles

I

237

SECTION 21-3

Violation of uniform numbering system

I

239

241 SECTION 24

Landscaping; buffering and open space requirements

I

243

CHAPTER 38

Zoning regulations not specifically referenced in this exhibit

I

245

247 SECTION 9-253

Chapter 3 (minimum standards for Basic Equipment and Facilities) 1991 Standard Housing Code

I

249

251 CHAPTER 25

ARTICLE II

Garage Sales

I

253

SECTION 38-3

General restrictions on land use

II

255

SECTION 38-583

Improperly stored recreational vehicle

II

257

SECTION 38-828

Prohibited uses of C-1 Retail Commercial District

II

259

261 CHAPTER 31.5

Signs

II

263 SECTION 3-101

Adult entertainment establishment general operational rules

II

265

SECTION 21-239

Vending operation on public rights-of-way

II

267

269 SECTION 21-239

Unpermitted vending operation on property abutting a public right-of-way

II

271

273 CHAPTER 25

ARTICLE III

Engaging in or managing a business, profession or occupation within the County without the applicable occupational license

II

275

277

SECTION 38-1404

Swimming or wadding pool not enclosed by a security fence at least five (5) ft. in height or by a screen enclosure

III

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