

ORDINANCE NO. 2021-19

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE VII, "ALTERNATE METHOD OF CODE ENFORCEMENT," TO MODIFY THE PROCEDURES APPLICABLE TO THE ISSUANCE OF CIVIL CODE ENFORCEMENT CITATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of North Palm Beach, as a duly organized Florida municipality, possesses the home rule powers conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, through the adoption of Ordinance No. 2009-11 on September 10, 2009, the Village Council adopted a new Article VII, "Alternate Method of Code Enforcement," of Chapter 2 of the Village Code of Ordinances to provide a streamlined process for the issuance and disposition of citations as an alternate method of code enforcement; and

WHEREAS, the Village Council wishes to amend Article VII to update and clarify the procedures for the issuance of code enforcement citations and allow for the issuance of citations by a park ranger for violations occurring within Village parks; and

WHEREAS, the Village Council determines that the adoption of this Ordinance is in the best interests of the residents and citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

Section 1. The foregoing "Whereas" clauses are hereby ratified as true and correct and are incorporated herein.

Section 2. The Village Council hereby amends Chapter 2, "Administration," of the Village Code of Ordinances by adopting a new Article VII, "Alternate Method of Code Enforcement," to read as follows (additional language is underlined and deleted language is ~~stricken through~~):

ARTICLE VII. ALTERNATE METHOD OF CODE ENFORCEMENT

Sec. 2-251. Issuance of citations.

A code compliance officer, sworn police officer or public safety aide may issue a citation to a person when, based on personal investigation, the officer or aide has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance for which enforcement by citation has been authorized, and the For violations occurring within a village park, a citation may be issued by a park ranger.

Sec. 2-252. Hearing.

The ~~the~~ village's code enforcement board special magistrate will hold a hearing on the violation if the citation is either contested or if the ~~fine~~ applicable civil penalty is not paid within the time specified in the citation.

Sec. 2-252 253. Form and contents of citation.

(a) The citation ~~issued by the code compliance officer, sworn police officer or public safety aide~~ shall be in a form prescribed by the Village, and shall contain, at a minimum, the following:

- (1) The date and time of issuance;
- (2) The name and address of the person to whom this citation is issued;
- (3) The date and time the civil infraction was committed;
- (4) A brief description of the violation;
- (5) The number ~~of~~ or section of the code or ordinance violated;
- (6) The name of the issuing ~~officer or aide~~ person;
- (7) The procedure for the person to follow in order to pay the civil penalty or contest the citation;
- (8) The applicable civil penalty if the person elects to contest the citation;
- (9) The applicable civil penalty if the person elects not to contest the citation; and
- (10) A conspicuous statement if the person fails to pay the civil penalty within the time allowed or fails to ~~appear~~ request a hearing before the village's code enforcement board special magistrate 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 set forth in section 2-255 below.

(b) After issuing a citation to an alleged violator, ~~an officer or aide~~ the issuing person shall provide the original citation and one copy of the citation to the village's code enforcement division for further processing.

Sec. 2-253 254. Codes to be enforced by citation.

The village council shall establish, by resolution, a schedule of the code sections that, due to their nature, lend themselves to enforcement by means of the citation method, in addition to a schedule of penalties for violation of these sections. The schedule of code sections and penalties may be amended at the discretion of the village council.

Sec. 2-254 255. Right to hearing; maximum penalty.

(a) Upon receipt of a citation, a person alleged to have violated the village code may request a hearing before the Village's code enforcement ~~board~~ special magistrate and present his or her case ~~to the board~~.

(b) All violations shall be considered civil infractions, ~~and the~~

(c) The code enforcement board special magistrate may assess a maximum civil penalty not to exceed \$500.00, plus the village's administrative costs if the violation is contested and upheld or if the person issued the citation fails to pay the civil penalty or request a hearing within the time specified on the citation.

Sec. 2-~~255~~ 256. Failure to accept citation.

Any person who willfully refuses to sign and accept a citation issued by a code compliance officer, sworn police officer, ~~or~~ public safety aide or other designated person shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or F.S. § 775.083.

Sec. 2-~~256~~ 257. Provisions additional and supplemental.

This article constitutes an additional and supplemental means of enforcing the provisions of the village code. Nothing contained in this division shall prohibit the village from enforcing its codes or ordinances by other lawful means.

Section 3. The provisions of this Ordinance shall become and be made part of the Code of Ordinances for the Village of North Palm Beach, Florida.

Section 4. If any section, paragraph, sentence, clause, phrase or word of this Ordinances is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

Section 5. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall be effective immediately upon adoption.

PLACED ON FIRST READING THIS 28TH DAY OF OCTOBER, 2021.

PLACED ON SECOND, FINAL READING AND PASSED THIS 18TH DAY OF NOVEMBER, 2021.

(Village Seal)

VICE MAYOR

ATTEST:

VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

