

ORDINANCE NO. 2021-118

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL SPRINGS, FLORIDA, AMENDING SECTION 1-8.0 OF THE CODE OF THE CITY OF CORAL SPRINGS, ENTITLED "ENFORCEMENT OF THE MUNICIPAL CODE BY CODE ENFORCEMENT OFFICERS", AMENDING SECTION 187 OF THE LAND DEVELOPMENT CODE, ENTITLED "NOTICES," AND AMENDING SECTION 190 OF THE LAND DEVELOPMENT CODE, ENTITLED "ALTERNATE CODE ENFORCEMENT PROCEDURES" TO CREATE A UNIFORM CIVIL CITATION PROCESS FOR VIOLATIONS OF THE CITY'S CODES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City staff periodically reviews the City's Codes to ensure effectiveness, efficiency, consistency and clarification; and

WHEREAS, staff has recommended that certain sections of the City's Codes be amended to allow the enforcement of violations of the City's Codes to go through a civil citation process brought before a special magistrate; and

WHEREAS, the City Commission accepts the recommendations of the City's professional staff and finds that the revisions to the Code of Ordinances and the Land Development Code are in the best interests of all the citizens of the City of Coral Springs; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CORAL SPRINGS, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Section 1-8.0 of the Code of the City of Coral Springs, entitled “Enforcement of the Municipal Code by Code Enforcement Officers”, is hereby amended to read as follows:

Sec. 1-8.0. Enforcement of the Municipal Code by code enforcement officers.

(a) *Definition.*

- (a) *Code enforcement officer.* The words "code enforcement officer" shall mean code inspectors, law enforcement officers, traffic accident investigators, or fire safety inspectors as designated by the ~~city commission~~ City Manager.
- (b) *Issuance of citations.* A code enforcement officer is empowered to issue a citation for the violation of any of this Code or the Land Development Code if that officer has reasonable cause to believe that a person has committed an act in violation of this Code or the Land Development Code.
- (c) *Civil infraction.* Every violation cited by a code enforcement officer shall be limited to a civil infraction, which may be filed with the clerk of court, or brought before a special ~~master~~ magistrate pursuant to the provisions of this Code or Section 190 of the Land Development Code.
- (d) *Maximum civil penalty.* A maximum civil penalty of five hundred dollars (\$500.00) may be assessed by a court or special ~~master~~ magistrate upon conviction for the violation of any provision of the Municipal Code where no specific penalty is provided.
- (e) *Minimum fine.* A maximum fine of five hundred dollars (\$500.00) may be assessed by a special ~~master~~ magistrate upon a finding that an individual committed a violation of any provision of the Municipal Code where no specific penalty is provided.

SECTION 3. That Section 187 of the Land Development Code of the City of Coral Springs, entitled “Notices”, is hereby amended to read as follows:

Sec. 187. Notices.

- (a) All notices required by this part shall be provided to the alleged violator by:
 - (1) Certified mail, ~~return receipt requested, provided if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database, and~~ The City may also provide an additional notice to at any other address provided to the local government by such it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail and is returned as unclaimed or refused not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2(b)(1) and (b)(2). and by first class mail directed to the

~~addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first class mailing; or~~

- (2) Hand delivery by the sheriff or other law enforcement officer, code enforcement officer ~~code inspector~~, or other person designated by the ~~local governing body~~ City; or
 - (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or
 - (4) In the case of commercial premises, leaving the notice with the manager or other person in charge.
- (b) At the City's option, notices required by this part may be provided to the alleged violator by:
- (1) ~~In lieu of publication as described in paragraph (a), such~~ The notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other ~~of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse in said county~~ the Coral Springs Municipal Complex located at 9500 W. Sample Rd., Coral Springs, FL 33065.
 - (2) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

Evidence that an attempt has been made to hand deliver or mail notice as provided in paragraph (a), together with proof of ~~publication or~~ posting as provided in subsection (b)(2), shall be sufficient to show that the notice requirements of this ~~chapter~~ Section have been met, without regard to whether or not the alleged violator actually received such notice.

SECTION 4. That Section 190 of the Land Development Code of the City of Coral Springs, entitled "Alternate Code Enforcement Procedures", is hereby amended to read as follows:

Sec. 190. Alternate code enforcement procedures.

- (A) The City of Coral Springs hereby adopts alternate code enforcement procedures pursuant to section 162.03, 162.21 and 162.23, Florida Statutes, as amended from time to time, that provide authority to code enforcement officers to issue citations and notices to appear at a hearing conducted by a county court, and for code enforcement officers to issue citations for ~~administrative~~ hearings to be heard by designated special magistrates and assess fines and civil penalties against violators of the respective codes and ordinances within the City of Coral Springs.

* * * *

(C) *Citations.*

- (1) Code enforcement officers shall have the authority to initiate enforcement proceedings by issuing citations that may require an appearance of the violator at a county court hearing or ~~an administrative~~ hearing before a special magistrate.
- (2) A code enforcement officer who finds a violation of ~~a code identified in section 190.1~~ the Land Development Code or the Code of the City of Coral Springs shall have the authority to serve a ~~notice of violation citation~~ to the violator. Prior to issuing a citation, the code enforcement officer shall provide a written notice to the person in violation that the person has committed a violation of a code or ordinance and establish a reasonable period of time for the person to correct the violation. Such time period shall be no more than thirty (30) calendar days. If, upon personal investigation, the code enforcement officer finds that the person has not corrected the violation within the designated time period, the code enforcement officer may issue a citation to the person who has committed the violation.
- (3) The code enforcement officer is not required to provide the alleged violator with a reasonable period of time to correct the violation prior to issuing the ~~notice to appear 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 that the violator is engaged in violations of a itinerant or transient nature, or if the violation is irreparable or irreversible. A repeat violation is a violation of a provision of code or ordinance by a person who has been previously found in violation by a code enforcement board, or any other quasi-judicial or judicial process, to have violated, or who has admitted violating the same provision within five (5) years prior to the violation, notwithstanding the violations occur at different locations.

* * * *

- (5) (a) ~~For an administrative citation which may result in an administrative hearing before a special magistrate, s~~ Service of the citation shall be evidenced by a citation signed by the violator or by certified mail, return receipt requested, provided the citation is sent to the owner of the property in question at the address listed with the property appraiser's office and at any other address provided to the local government by such owner. If the certified mail is returned as unclaimed or refused, service may be provided by posting at least ten (10) days prior to the scheduled hearing date, in at least two (2) locations, one (1) of which shall be the property upon which the violation exists and the other shall be in City Hall. In addition, a copy of the citation must be sent by first class mail.
- (b) ~~Proof of posting shall be by affidavit of the person posting the citation, which affidavit shall include a copy of the notice posted and the date and places of its posting~~ Service shall be provided in accordance with Section 187 of the Land Development Code.

(D) *Options of persons issued a citation:*

- (1) Citation issued to appear in county court:
 - (a) The person who has been served with a citation to appear in county court shall either correct the violation, and pay the civil penalty in the manner indicated on the citation; or

- (b) Appear on the designated court date and contest the citation before a county judge. Failure to appear in county court on the designated court date shall be deemed a waiver of the rights of the person to contest the citation and may result in the imposition of a fine against the violator for an amount up to the maximum civil penalty.
- (2) Citation issued to appear before a special magistrate:
 - (a) The person who has been served with a citation to appear before a special magistrate shall either correct the violation, and pay the civil penalty in the manner indicated on the citation; or
 - (b) Request ~~an administrative~~ a hearing before a special magistrate to appeal the decision of the code enforcement officer. Said appeal shall be filed not later than ten (10) calendar days after the service of the citation.

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SECTION 5. Repeal of Conflicting Ordinances.

All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court or competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 7. Inclusion in Code. It is the intention of the City Commission of the City of Coral Springs, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Springs Land Development Code; and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

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SECTION 8. Effective Date. This Ordinance shall become effective upon the approval of the City Commission.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2021.

PASSED ON SECOND READING THIS ____ DAY OF _____, 2021.

SCOTT BROOK, MAYOR

ATTEST:

DEBRA THOMAS, CMC, CITY CLERK

Unanimous ____
Motion /2nd

Yes No

____	____	MAYOR BROOK	____	____
____	____	VICE MAYOR SIMMONS	____	____
____	____	COMMISSIONER CARTER	____	____
____	____	COMMISSIONER CERRA	____	____
____	____	COMMISSIONER METAYER	____	____