

ORDINANCE NO. 12-017

AN ORDINANCE AMENDING ARTICLE III (CODE ENFORCEMENT BOARD) OF CHAPTER 1-2 (ADMINISTRATION) OF THE ST. LUCIE COUNTY CODE OF ORDINANCES AND COMPILED LAWS BY AMENDING SECTION 1-2-27.2 (NOTICE) BE CONSISTENT WITH CHAPTER 162, FLORIDA STATUTES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADOPTION AND PROVIDING FOR CODIFICATION.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations.

1. The Florida Legislature has amended Chapter 162, Florida Statutes.

It is necessary to amend Article III Code Enforcement Board of Chapter 1-2 Administration of the Code of Ordinances of St. Lucie County, Florida, to be consistent with Chapter 162, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. AMENDMENT OF ARTICLE III CODE ENFORCEMENT BOARD OF CHAPTER 1-2 ADMINISTRATION

Article III Code Enforcement Board of Chapter 1-2 Administration of the Code of Ordinances of St. Lucie County, Florida, is hereby amended as follows:

Section 1-2-27.2 Notice.

- (a) All notices required by this part must ~~shall~~ be provided to the alleged violator by:

(1) ~~Certified mail to, 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 and at any other address provided by the property owner in writing to the local government for the purpose of receiving notices. 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 is not signed as received within 30 days after the date of mailing by such other owner and is returned as unclaimed or refused, notice may be provided by posting as described in subparagraphs (2)(b)1. and 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;~~

(2) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body; or

(3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above fifteen (5) 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) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board, notice may also be served by publication or posting, as follows:

(1) a. Such notice shall be published once during each week for four (4) consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements.

b. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

(2) a. In lieu of publication as described in subparagraph 1-2-27.2(2)(a)1, such 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, at the front door of the St. Lucie county Courthouse or the St. Lucie County Administrative Center.

b. 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.

(3) a. Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection 1-2-27.2(1).

Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection 1-2-27.2(1), together with proof of publication or posting as provided in subsection 1-2-27.2(2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, and adopted prior to January 1, 1969, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code, Department of State, The Capitol, Tallahassee, Florida, 32304.

PART E. EFFECTIVE DATE.

A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners of St. Lucie County within ten days after enactment by the Board, and this ordinance shall take effect upon receipt of official acknowledgment of filing as provided in Section 125.66(2), Florida Statutes.

PART F. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Chairman Chris Dzadovsky	AYE
Vice Chair Tod Mowery	AYE
Commissioner Frannie Hutchinson	AYE
Commissioner Chris Craft	AYE
Commissioner Paula Lewis	AYE

PART G. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section", or "article", or other appropriate words, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts B through G shall not be codified.

PASSED AND DULY ADOPTED this 4th day of September 2012.

ATTEST:

Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

BY: _____
Chairman

**APPROVED AS TO FORM AND
CORRECTNESS:**

BY: _____
County Attorney