

ORDINANCE NO. 2018-__

AN ORDINANCE OF CITRUS COUNTY, FLORIDA, CREATING SECTIONS 19-59 THROUGH 19-63 ENTITLED "CITRUS COUNTY CITATION ORDINANCE" AS A SUPPLEMENTAL METHOD OF ENFORCING THE CODES AND ORDINANCES OF CITRUS COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Citrus County Board of County Commissioners (“Board”) adopted Chapter 19 of the Citrus County Code of Ordinances (“Code”) establishing Code Enforcement regulations and procedures; and

WHEREAS, the Board would like to add Sections 19-59 through 19-63 as a supplemental method of enforcing the codes and ordinances of Citrus County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals. The above recitals are true and correct and are hereby incorporated herein by reference.

Section 2. Section 19-59 is created as follows:

Sec. 19-59 - Short title.

This article may be cited as the "Citrus County Citation Ordinance."

Section 3. Section 19-60 is created as follows:

Sec. 19-60 - Authority and purpose.

This article is adopted pursuant to F.S. § 162.21 as a supplemental method of enforcing the codes and ordinances of Citrus County and is enacted to protect the public health, safety and welfare of the citizens of Citrus County, Florida.

Section 4. Section 19-61 is created as follows:

Sec. 19-61 – Code enforcement citation procedures.

(a) *Designation of code enforcement officer.* For the purpose of this article, the term "code enforcement officer" shall mean any designated employee or agent of Citrus County or the Citrus County Sheriff's Office whose duty it is to enforce codes and ordinances enacted by the county, and who has received appropriate training as determined by Citrus County or by the Citrus County Sheriff's Office. This shall include, but not be limited to, code inspectors and other code compliance personnel (building, zoning, solid waste management, and environmental personnel), law enforcement officers, and fire safety inspectors. Nothing in this article shall be deemed to amend, alter, or contravene the provisions of any state-administered retirement system or any state-supported retirement system established by general law. Designation of a code enforcement officer and appropriate training for such officer shall be determined by the Administrator.

(b) *Citation authorization; application.* Any code enforcement officer so designated by the county or by the Citrus County Sheriff's Office is hereby 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 of Citrus County and that the county court will hear the charge.

(c) *Notification prior to citation issuance; procedures.*

(1) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a county 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 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, the code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer shall not be required 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 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.

(2) A citation issued by a code enforcement officer shall be in a form prescribed by the county and shall contain:

- 70 a. The date and time of issuance.
- 71 b. The name and address of the person to whom the citation is
- 72 issued.
- 73 c. The date and time the civil infraction was committed.
- 74 d. The facts constituting reasonable cause.
- 75 e. The number of the section of the code or ordinance violated.
- 76 f. The name and authority of the code enforcement officer.
- 77 g. The procedure for the person to follow in order to pay the
- 78 civil penalty or to contest the citation.
- 79 h. The applicable civil penalty if the person elects to contest the
- 80 citation.
- 81 i. The applicable civil penalty if the person elects not to contest
- 82 the citation.
- 83 j. A conspicuous statement that, if the person fails to pay the
- 84 civil penalty within the time allowed, or fails to appear in
- 85 court to contest the citation, he or she shall be deemed to
- 86 have waived his or her right to contest the citation and that,
- 87 in such case, judgement may be entered against the person
- 88 for an amount up to the maximum civil penalty.
- 89 (d) *Citations to be deposited with the county court.* After issuing a citation to
- 90 an alleged violator, a code enforcement officer shall deposit one copy of
- 91 the citation with the clerk of the court after 30 days following the date of
- 92 issuance of the citation.
- 93 (e) *Penalties.*
- 94 (1) A violation of a code or an ordinance cited and enforced under the
- 95 provisions of this article shall be deemed a civil infraction.
- 96 (2) The maximum civil penalty shall not exceed \$500.00.
- 97 (3) A civil penalty of less than the maximum civil penalty shall be
- 98 assessed if the person who has committed the civil infraction does
- 99 not contest the citation. If the citation is contested and the violator
- 100 found guilty of the violation, the court may impose a civil penalty not
- 101 to exceed \$500.00.
- 102 (f) *Reasonable cause.* For issuance of a citation, a code enforcement officer
- 103 must have reasonable cause to believe that a person has committed an
- 104 act in violation of a code or an ordinance.

(g) *Refusal to sign or accept citation.* 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 F.S. § 775.082 or 775.083.

(h) *Judgment of court.* If a person fails to pay the civil penalty or request a hearing, fails to appear in court to contest the citation when a hearing has been requested, or fails to appear in court as may be required, the court may enter judgment for an amount not to exceed \$500.00 per infraction and/or may issue a rule to show cause upon the request of the issuing agency. The court rule shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such rule fails to appear in response to the court's directive, the person may be held in contempt of court. At any hearing pursuant to this article, the commission of a violation of a code or ordinance must be proved by a preponderance of the evidence. The Florida Rules of Civil Procedure and the Florida Evidence Code shall be applicable to any hearing.

(i) *Payment of penalties.* All civil penalties shall be paid as indicated on the civil citation either to Citrus County or to the Clerk of Courts.

(j) *Provisions not applicable to certain building codes.* The provisions of this article shall not apply to the enforcement pursuant to F.S. §§ 553.79 and 553.80 of building codes adopted pursuant to F.S. § 553.73 as they apply to construction, provided that a building permit is either not required or has been issued by the county. For the purpose of this article, "building codes" means only those codes adopted pursuant to F.S. § 553.73.

(k) *Provisions of article supplemental.* The provisions of this article are additional and supplemental means of enforcing county codes or ordinances and may be used for the enforcement of all codes and ordinances as designated by the board of county commissioners by ordinance adopting a schedule of violations and penalties. Nothing contained in this article shall prohibit Citrus County from enforcing its codes or ordinances by other means.

Section 5. Section 19-62 is created as follows:

Sec. 19-62 – Jurisdiction.

The terms and provisions of this article shall apply to all real property lying within the unincorporated areas of Citrus County, and to incorporated areas of the county when specifically defined by ordinance. All civil infractions of applicable codes and/or ordinances, as determined by the board of county commissioners,

may be enforced by this article by citation to the appropriate county court of Citrus County, except where prohibited by law or statute.

Section 6. Section 19-63 is created as follows:

Sec. 19-63 – Applicable codes and ordinances.

A schedule of the county codes and ordinances which may be enforced pursuant to the supplemental procedures contained herein is attached hereto as exhibit A (set out directly below) and incorporated herein by this reference as if fully set forth herein. Exhibit A includes the description of violations and penalties for uncontested violations, as well as a uniform penalty schedule. Amendments to the schedule of codes and ordinances found in exhibit A shall be done by amendment of this article.

EXHIBIT A.

**SCHEDULE OF CODES AND ORDINANCES WITH BRIEF DESCRIPTION OF
SUBJECT MATTER OF VIOLATIONS AND PENALTIES FOR UNCONTESTED
VIOLATIONS**

Code or Ordinance	Section	Description	Class	Penalty
Ch. 20 Art. III	20-31	Unlawful accumulation of junk and/or debris	II	\$ 75.00
Ch. 20 Art. II	20-20	Unlawful littering and disposal of solid waste	IV	300.00
LDC	9000	Unauthorized or illegal signs	I	50.00
LDC	5710	Tree removal without a permit	IV	300.00
LDC	7320	Illegal use of public rights-of-way for sale of merchandise	I	50.00
LDC	7350	Failure to display building numbers	III	125.00
Ch. 21	21-21	General noise prohibitions	I	50.00
Ch. 21	21-26	Specific noise prohibitions	I	50.00
Ch. 21	21-23	Noise Sensitive Zones	II	75.00
LDC	3320(A)	Commercial Vehicle in a Residential Area	IV	300.00
Ch. 20	20-61	Excessive Growth and Accumulation of Vegetation	I	50.00
LDC	3102(A)	Storage on a Vacant Parcel	III	125.00
Ch. 20 Art. IV	20-41	Abandoned, Unserviceable & Unlicensed Vehicles	II	75.00
LDC	3730	Animals in area not zoned for Animals	I	50.00
LDC	3101(A)	Pool Violation	III	125.00
LDC	3140	Temporary Uses Violations	II	75.00
		General Similar Violations	I	50.00

Florida Fire Prevention Code 2010 Edition; National Fire Protection Association (NFPA);
NFPA 1 (2009) and NFPA 101 (2009) with Florida Modifications

Code or Ordinance	Section	Description	Class	Penalty
NFPA 1	10.1.1	Prohibition on maintaining a fire and life safety hazard in violation with this code	II	\$75.00

NFPA 1	13.1.8	Failure to notify fire department when any fire protection system is out of service and on restoration of service	III	125.00
NFPA 1	10.12.1	Failure of any person owning or having charge or control of any vacant building, premises, or portion thereof to remove all combustible storage, waste, refuse, and vegetation or lock, barricade or otherwise secure the building or premises to prohibit entry by unauthorized persons	III	125.00
NFPA 1	18.2	Failure to comply with required access for fire/emergency equipment/firelanes	III	125.00
NFPA 1	10.7	Tampering with fire safety equipment	III	125.00
NFPA 1	11.5	Failure to comply with requirements for heating appliances	I	50.00
NFPA1	14.4	Failure to maintain reliability of means of egress within requirements	IV	300.00 MCA
NFPA 1	10.4	Failure to evacuate a building/school upon activation of a fire alarm system or when notified to do so or when directed to by the fire department	III	125.00
NFPA 1	13.1.2	Failure to comply with the required testing and maintenance of the fire safety equipment and systems	III	125.00
NFPA 1	69.1.1.1	Failure to comply with compressed and liquefied gases requirements	III	125.00
NFPA 1	10.2.4	Failure of the owner, operator, or occupant of a building that is deemed unsafe by the fire department to abate through corrective action approved by the fire department, the condition causing the building to be unsafe either by repair, rehabilitation, demolition, or other corrective action approved by the fire department	IV	300.00
NFPA 1	10.11.1	Failure to display building address numbers on contrasting background. Numerals for	III	125.00

	10.11.4	residential buildings shall be 3 inches in height and commercial structures shall be 6 inches in height		
Ch. 46 NFPA	46-74 46-75 1:10.1.5 1:10.1.6 1:10.10.3	Burning without authorization	III	125.00
Fl. Admin. Code	62- 256.300	Burning Household Trash	IV	300.00

Note: MCA means mandatory court appearance.

Uniform Penalty Schedule by Classes

Class	Penalty
Class I	\$ 50.00
Class II	75.00
Class III	125.00
Class IV	300.00
Class V	Mandatory court appearance (MCA) Up to \$500.00

Second violation of the same class I or class II offense shall be double the amount shown on the penalty schedule, NOT TO EXCEED \$500.00

Third and subsequent violations of the same class I or II offense shall require a mandatory court appearance.

Class III and Class IV violations will require a civil citation on the first offense at the above designated penalty. Second and subsequent violations will require a mandatory court appearance.

Class V violations will require a mandatory court appearance and will be subject to the penalties imposed by the court not to exceed \$500.00.

Violations that are irreparable, irreversible or transient will be cited on the first violation and will be without notice.

Section. 7. Severability. If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 8. Modification. The provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk.

Section 9. Codification. The publisher of the County's Code of Ordinances, the Municipal Code Corporation, is directed to incorporate the amendments to the provisions of Chapter 19 of the Citrus County Code of Ordinances.

Section 10. Effective Date. This Ordinance shall take effect as provided by law.

PASSED AND ADOPTED in Regular Session this _____ day of _____, 2018.

BOARD OF COUNTY
COMMISSIONERS OF CITRUS
COUNTY, FLORIDA

ATTEST:

ANGELA VICK, CLERK

RONALD E. KITCHEN, JR., CHAIRMAN

APPROVED AS TO FORM FOR THE
RELIANCE OF CITRUS COUNTY ONLY:

DENISE A. DYMOND LYN
COUNTY ATTORNEY