

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY OF LARGO, FLORIDA, AMENDING CHAPTER 9 OF THE CITY OF LARGO CODE OF ORDINANCES BY AMENDING SECTIONS 9-19, 9-98, and 9-134 BY AMENDING THE DEFINITION OF CODE INSPECTOR/OFFICER AND CREATING A DEFINITION OF ITINERANT OR TRANSIENT VIOLATION; BY AMENDING SECTIONS 9-68 AND 9-99 TO PROHIBIT CODE ENFORCEMENT PROCEEDINGS FROM BEING INITIATED BASED ON ANONYMOUS COMPLAINTS; BY AMENDING 9-69 TO ADD SPECIAL MAGISTRATE; BY AMENDING SECTION 9-72 TO PROVIDE THAT A CODE ENFORCEMENT FINE MAY NOT EXCEED THE JUST MARKET VALUE OF A RESIDENTIAL PROPERTY, AMENDING THE AUTHORITY OF THE CODE ENFORCEMENT BOARD TO REDUCE FINES, DELEGATING TO THE CITY MANAGER THE AUTHORITY TO AGREE TO THE RELEASE OF A CODE ENFORCMENT LIEN AND PROVIDING THAT THE CITY COMMISSION MAY AUTHORIZE FORECLOSURE OR MONEY JUDGMENT ACTIONS FOR CODE LIENS; BY AMENDING SECTION 9-75 TO REVISE NOTICE REQUIREMENTS; BY AMENDING SECTIONS 9-106 AND 9-137 TO PROVIDE THAT THE PENALTIES ARE DETERMINED BY THE COUNTY UNIFORM FINE SCHEDULE; BY AMENDING SECTIONS 9-107 AND 9-139 TO DELETE ENHANCED PENALTIES FOR REPEAT VIOLATIONS THAT DIFFER FROM THE COUNTY UNIFORM FINE SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 162, Florida Statutes, the City has established several methods for the City to enforce its codes, as codified in Chapter 9 of the Largo Code of Ordinances; and

WHEREAS, Chapter No. 2021-167, Laws of Florida, amended Chapter 162, Florida Statutes, to prohibit local governments from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; and

WHEREAS, periodic updates to the City's codes are necessary; and

WHEREAS, the City Commission finds that adoption of this ordinance is consistent with its police powers and will protect the public health, safety, and welfare of the residents of the City.

NOW, THEREFORE, THE CITY OF LARGO CITY COMMISSION HEREBY ORDAINS:

SECTION 1. The above recitals are true, correct, and are hereby incorporated by reference as the findings of the City Commission.

SECTION 2. Section 9-19 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-19. - Definitions.

- (a) The following words, terms and phrases, when used in this article and article V shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:

City attorney or attorney designee means counselor for the municipality.

City commission means the legislative body of the city.

Code inspector/officer means any authorized agent or employee of the city whose duty it is to ensure municipal ordinance code compliance with the technical codes which are subject to all city codes. Employees or agents who may be designated as code inspectors/officers may include, but are not limited to, code officers, law enforcement officers, building inspectors, engineering inspectors, storm water inspectors, environmental inspectors or fire safety inspectors. The term code inspector or code officer as it pertains to this section shall have the same meaning.

Enforcement board means the city code enforcement board created pursuant to this article.

Repeat violation means a violation of a provision of a code or ordinance by a person or entity who has been previously found through a code enforcement board, special magistrate, or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations.

Special magistrate means a person authorized to hold quasi-judicial hearings and assess fines for violations of city code in accordance with this chapter and any such other authority as may be conferred by Chapter 162, Florida Statutes or any other law.

- (b) All definitions recorded in the city comprehensive development code are incorporated herein by reference.

SECTION 3. Section 9-68 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-68. - Generally.

- (a) It shall be the duty of the code inspector/officer to initiate enforcement proceedings of the various codes; however, no member of a board shall have the power to initiate such enforcement proceedings.
- (b) A code inspector/officer may not initiate enforcement proceedings for a potential violation of a duly enacted code or ordinance based on an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the City before an enforcement proceeding may occur. This subsection does not apply if the code inspector/officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.
- (c) Except as provided in subsections (d) and (e) of this section, if a violation of the codes is found, the code inspector/officer shall notify the violator and give him/her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector/officer shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in section 9-75 to said violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in section 9-75. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the code enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.
- (d) If a repeat violation is found, the code inspector/officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector/officer, upon notifying the

violation of a repeat violation, shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to section 9-75. The case may be presented to the code enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his/her rights to this hearing and pay said costs as determined by the code enforcement board.

- (e) If the code inspector/officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector/officer shall make a reasonable effort to notify the violator and may immediately notify the code enforcement board and request a hearing.

SECTION 4. Section 9-69 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-69. - Duties of property owner upon transfer of property.

If the owner of property which is subject to an enforcement proceeding before the code enforcement board, or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:

- (a) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (b) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (c) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (d) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.

A failure to make the disclosures described in subsections (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

SECTION 5. Section 9-71 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-71. - Conduct of hearing.

- (a) Upon request of the code inspector/officer, or at such other times as may be necessary, the chairperson of the code enforcement board may call a hearing of the code enforcement board; a hearing also may be called by written notice signed by at least three members of the seven-member code enforcement board. Minutes shall be kept of all hearings and all hearings and proceedings shall be open to the public. The local governing body shall provide clerical and administrative personnel as may be reasonably required by the code enforcement board for the proper performance of its duties.
- (b) Each case before the code enforcement board shall be presented by a member of the city staff. If the city prevails in prosecuting a case before the code enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case before the board and such costs may be included in the lien authorized under section 9-72.

- (c) The code enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code inspector/officer, alleged violator or their authorized representative. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (d) At the conclusion of the hearing, the code enforcement board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The finding shall be by motion approved by a majority of those members present and voting, except that at least four members of the seven-member board must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in section 9-72, the cost of repairs may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the code enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

SECTION 6. Section 9-72 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-72. - Administrative fines; costs of repair; liens.

- (a) The code enforcement board upon notification by the code inspector/officer that an order has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the code enforcement board or special magistrate for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector/officer. Any fine assessed pursuant to this section for a property defined as residential by the City will accrue daily until such time as either compliance is achieved or the total amount of the fine equals the Just Market Value as established by the Pinellas County Property Appraiser for the property where the violation occurred, for the year in which the fine began to accrue. In addition, if the violation is a violation described in section 9-68, the code enforcement board shall notify the city commission, which may make or authorize all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the city commission to make further repairs or to maintain the property and does not create any liability against the city commission for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this section, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b) of this section.
- (b) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a) of this section. However, if the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation. In determining the amount of the fine, if any, the code enforcement board shall consider the following factors:
 - (1) The gravity of the violation;

- (2) Any actions taken by the violator to correct the violation; and
- (3) Any previous violations committed by the violator.

Since the city has a population equal to or greater than 50,000 the city commission may adopt, by a vote of at least a majority plus one of the entire city commission, an ordinance that gives the code enforcement board authority to impose fines in excess of the limits set forth in this subsection. Such fines shall not exceed \$1,000.00 per day per violation for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board finds the violation to be irreparable or irreversible in nature. In addition to such fines, the code enforcement board may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs of repairs pursuant to subsection (a) of this section. Any ordinance imposing such fines shall include criteria to be considered by the code enforcement board in determining the amount of the fines, including, but not limited to, those factors set forth in this subsection.

The code enforcement board is authorized to reduce any fine it imposes pursuant to this section. The board may establish procedures for hearing cases for reduction of fines and the board's decision with regard to the reduction of any fine shall be final. The board shall not reduce a fine if an affidavit of compliance has not been accepted by the board for the violation for which the fine(s) that the violator is seeking to be reduced was imposed. The board shall not reduce a fine if there is any other open code enforcement case against the individual or entity requesting the reduction, without regard to whether the case is in the form of code enforcement board case, special magistrate case, citation case before county court, or any other quasi-judicial or judicial matter. The board shall not reduce a fine that has already been reduced by the board.

In determining whether to reduce a fine and the amount of reduction of the fine, if any, the board shall consider the following factors:

- (1) The gravity of the violation, including but not limited to, the impact on public health, safety, and general welfare of surrounding properties and residents;
- (2) Any proactive actions taken by the party requesting the reduction to correct the violation;
- (3) Any previous violations committed by the requester, including the gravity of such violations, the number and frequency of such violations, and whether the requester has demonstrated a pattern of violating the City's Code;
- (4) Whether the requester is the violator in the underlying case, or whether there has been a transfer of ownership of the subject property since the fine was imposed;
- (5) The amount of time the violation existed on the subject property prior to the filing of the affidavit of compliance;
- (6) The costs incurred by the city in enforcing the violation, including but not limited to city staff's time and any costs of repairs.

If the board grants a reduction, the fine shall not be reduced below the administrative costs of the code enforcement board action, plus the minimum fee, as provided for in the City of Largo Fee Ordinance. If the reduction hearing involves a repeat violation, the fine shall not be reduced below the City's administrative costs of the code enforcement board or special magistrate action, plus the minimum fee for a repeat violation case, as provided in the City of Largo Fee Schedule. The board shall set a specified date by which the reduced fine must be paid in full. This specified date shall be no less than 30 days from the fine reduction hearing and no more than one year from the fine reduction hearing. The determination of the specified date may be based on evidence of hardship presented by the requester. If the reduced fine is not paid in full by the specified date set by the board, the fine reduction shall be deemed to be waived by the requester, and the full amount of the fine shall be automatically reinstated and cannot be considered for reduction again.

- (c) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order

shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the city commission, and the city commission may execute a satisfaction or release of lien entered pursuant to this section. The city commission hereby retains the right to hear or act on all matters of this chapter. The city commission hereby delegates to the City Manager the authority to act on their behalf regarding all matters related to the satisfaction or release of liens entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the code enforcement board or special magistrate may authorize the city attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. If the code enforcement board or special magistrate do not authorize foreclosure of the outstanding lien or to sue to recover a money judgment for the amount of the lien plus accrued interest, the city commission pursuant to this section may if it is in the best interest of the city authorize such actions.

No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under section 4, article X of the state constitution (Florida Constitution article X, § 4). The money judgment provisions of this section shall not apply to real property or personal property which is covered under section 4(a), article X of the state constitution (Florida Constitution article X, § 4(a)).

SECTION 7. Section 9-75 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-75. - Notices.

- (a) All notices required by this division shall be provided to the alleged violator by:
 - (1) Certified mail, and at the option of the city return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the Pinellas County Property Appraiser's database. The city may also provide an additional notice to any other address 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 is not signed as received within 30 days after the postmarked date of the mailing, notice may be provided by posting as described in subsection (b)(2) of this section.
 - (2) Hand delivery by the sheriff or other law enforcement officer, code inspector/officer, or other person designated by the city commission;
 - (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) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement board, notice may also be served by publication or posting, as follows:
 - (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.
 - (2) In lieu of publication as described in subsection (b)(1) of this section, such notice may be posted at least ten 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 primary municipal government office. 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) 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 (a) of this section.
- (c) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice.

SECTION 8. Section 9-98 of the City of Largo Code of Ordinances is hereby amended to read as follows:
Sec. 9-98. - Generally.

- (a) As used in this article, the term "code inspector/officer" means any designated employee or agent of the city whose duty it is to enforce codes and ordinances enacted by the city.
- (b) The city manager may designate certain employees or agents as code inspectors/officers. The training and qualifications of the employees or agents for such designation shall be determined by the city. Employees or agents who may be designated as code inspectors/officers may include, but are not limited to, code officers, law enforcement officers, building inspectors, engineering inspectors, storm water inspectors, environmental inspectors or fire safety inspectors. Designation as a code inspector/officer does not provide the code inspector/officer with the power of arrest or subject the code inspector/officer to the provisions of F.S. §§ 943.085—943.255. Nothing in this section amends, alters, or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law.
- (c) A code inspector/officer is authorized to issue a citation to a person when, based upon personal investigation, the inspector/officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.

SECTION 9. Section 9-99 of the City of Largo Code of Ordinances is hereby amended to read as follows:
Sec. 9-99. - Notice; issuance of citation.

- (a) A code inspector/officer may not initiate enforcement proceedings for a potential violation of a duly enacted code or ordinance on the basis of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the City before an enforcement proceeding may occur. This paragraph does not apply if the code inspector/officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.
- (b) Prior to issuing a citation, a code inspector/officer shall provide notice to the person that the person has committed a violation of a 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 inspector/officer finds that the person has not corrected the violation within the time period, a code inspector/officer may issue a citation to the person who has committed the violation. A code inspector/officer does not have 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 a repeat violation is found or if the code inspector/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.

SECTION 10. Section 9-100 of the City of Largo Code of Ordinances is hereby amended to read as follows

Sec. 9-100. - Form of citation.

A citation issued by a code inspector/officer shall be in a form prescribed by the city and shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting reasonable cause.
- (5) The number or section of the code or ordinance violated.
- (6) The name and authority of the code inspector/officer.
- (7) The procedure for the person to follow in order to pay the civil penalty or to 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.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed or fails to appear in court 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.

SECTION 11. Section 9-101 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-101. - Deposit of citation with county court.

After issuing a citation to an alleged violator, a code inspector/officer shall deposit the original citation and one copy of the citation with the county court.

SECTION 12. Section 9-102 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-102. - Schedule of violations and penalties.

- (a) The city is authorized to enforce codes and ordinances under the provisions of this article and may enact an ordinance establishing procedures for the implementation of such provisions, including a schedule of violations and penalties to be assessed by code inspector/officers.
- (b) The procedures for implementation of this article provide:
 - (1) That a violation of a code or an ordinance is a civil infraction.
 - (2) A maximum civil penalty not to exceed \$500.00.

- (3) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.
- (4) For the issuance of a citation by a code inspector/officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.
- (5) For the contesting of a citation in county court.
- (6) Such procedures and provisions as are necessary to provide for the enforcement of a code or an ordinance under the provisions of this article.

SECTION 13. Section 9-103 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-103. - Refusal to sign and accept citation a misdemeanor.

Any person who willfully refuses to sign and accept a citation issued by a code inspector/officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 and 775.083.

SECTION 14. Section 9-106 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-106. - Schedule of civil penalties.

- (a) A person who receives a citation from a code inspector/officer for the violation of this Code or a city ordinance shall be subject to a civil penalty in accordance with the schedule of fines and penalties established by the Sixth Judicial Circuit Court Administrative Order No. 2018-068 PI-CTY, as may be amended from time to time.

SECTION 15. Section 9-107 of the City of Largo Code of Ordinances is hereby repealed.

SECTION 16. Section 9-134 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-134. - Generally.

- (a) The ordinances contained in this Code may be enforced through the procedures contained in this chapter, or through any other legal means available to the city.

SECTION 17. Section 9-135 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-135. - Notice to appear.

- (a) An employee of the city who is duly authorized by the city manager and responsible for the enforcement of such ordinances, referred to in this section as a code inspector/officer, may issue a

notice to appear in the county court if the code inspector/officer, based on a personal investigation, has reasonable cause to believe that the person has violated a provision of this Code or a city ordinance. A notice to appear means a written order issued by a code inspector/officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. If a person issued a notice to appear under this section refuses to sign such notice, the code inspector/officer other than a police officer has no authority to arrest such person. Employees who may be designated as code inspector/officers may include, but are not limited to, code inspectors/officer, law enforcement officers, building inspectors, engineering inspectors, storm water inspectors, environmental inspectors or fire safety inspectors.

(b) Prior to issuing a notice to appear, the code inspector/officer shall provide written notice to the person that the person has committed a violation of a code or a city ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no fewer than ~~five~~ 5 days and no more than 30 days. If, upon personal investigation, a code inspector/officer finds that the person has not corrected the violation within the prescribed time period, a code inspector/officer may issue a notice to appear to the person who has committed the violation. A code inspector/officer is not required to provide the person with a reasonable time period to correct the violation prior to issuing a notice to appear and may immediately issue a notice to appear if a repeat violation is found or if the code inspector/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 an itinerant or transient nature, or if the violation is irreparable or irreversible. Itinerant or transient means a violation and/or violator that must be acted upon immediately due to the inability of the code inspector/officer to collect evidence and/or take further enforcement action against the violator if a reasonable time period is allowed.

SECTION 18. Section 9-136 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-136. - Form of notice.

The form of the notice to appear shall contain the following:

- (a) The date and time issued;
- (b) The name and address of the person to whom the notice to appear is issued;
- (c) The date and time the violation was committed, if known;
- (d) The facts constituting reasonable cause;
- (e) The number or section of the code or ordinance violated;
- (f) The name and authority of the code officer;
- (g) The procedure for the person to follow to pay the fine, if any, or to contest the citation;
- (h) The applicable civil penalty if a person elects to contest the citation;
- (i) The applicable civil penalty if the person elects not to contest the citation;
- (j) A conspicuous statement that if a person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, that person shall be subject to the maximum civil penalty.

SECTION 19. Section 9-137 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-137. - Schedule of civil penalties.

A person who receives a citation or notice to appear from a code officer for the violation of this Code or a city ordinance shall be subject to a civil penalty in accordance with the schedule of fines and penalties established by the Sixth Judicial Circuit Court Administrative Order No. 2018-068 PI-CTY, as may be amended from time to time.

SECTION 20. Section 9-139 of the City of Largo Code of Ordinances is hereby repealed.

SECTION 21. Section 9-146 of the City of Largo Code of Ordinances is hereby amended to read as follows:

Sec. 9-146. - Duties and authority of special magistrate; establishment of procedures.

- (a) *Duties and authority; establishment of procedures.* The special magistrate shall have the same duty and authority as the code enforcement board as set forth in this chapter. The special magistrate shall have the authority to establish procedures for the presentation of cases and establishment of fines in accordance with this chapter and Chapter 162, Florida Statutes. The City Attorney or attorney designee shall prosecute all cases before the special magistrate. The city commission shall determine the type and manner of cases to be heard by the special magistrate.
- (b) *Reduction of fines.* The special magistrate is authorized to reduce any fine he/she imposes pursuant to this section. The special magistrate may establish procedures for hearing cases for reduction of fines and the special magistrate's decision with regard to the reduction of any fine shall be final. The special magistrate shall not reduce a fine if the subject property has not been brought into compliance in regards to the violation for which the fines have been imposed. The special magistrate shall not reduce a fine if there is any other open code case against the individual or entity requesting the reduction, without regard to whether the case is in the form of code enforcement board case, special magistrate case, citation case before county court, or any other quasi-judicial or judicial matter. The special magistrate shall not reduce a fine that already has been reduced by the special magistrate.

In determining whether to reduce a fine and the amount of reduction of the fine, if any, the special magistrate shall consider the following factors:

- (1) The gravity of the violation, including but not limited to, the impact on public health, safety, and general welfare of surrounding properties and residents;
- (2) Any proactive actions taken by the party requesting the reduction to correct the violation;
- (3) Any previous violations committed by the requester, including the gravity of such violations, the number and frequency of such violations, and whether the requester has demonstrated a pattern of violating the City's Code;
- (4) Whether the requester is the violator in the underlying case, or whether there has been a transfer of ownership of the subject property since the fine was imposed.
- (5) The amount of time the violation existed on the subject property prior to the filing of the affidavit of compliance;
- (6) The costs incurred by the city in enforcing the violation, including but not limited to city staff's time and any costs of repairs.

If the special magistrate grants a reduction, the fine shall not be reduced below the administrative costs of the special magistrate action, plus the minimum fee, as provided for in the City of Largo Fee Ordinance. If the reduction hearing involves a repeat violation, the fine shall not be reduced below the City's administrative costs of the board or special magistrate action, plus the minimum fee for a repeat violation case, as provided in the City of Largo Fee schedule. The special magistrate shall set a specified date by which the reduced fine must be paid in full. This specified date shall be no less than 30 days from the fine

reduction hearing and no more than one year from the fine reduction hearing. The setting of the specified date may be based on evidence of hardship presented by the requester. If the reduced fine is not paid in full by the specified date set by the special magistrate, the fine reduction shall be deemed to waived by the requester, and the full amount of the fine shall be automatically reinstated.

SECTION 22. All ordinances or parts thereof inconsistent herewith are hereby repealed and superseded.

SECTION 23. This ordinance shall be codified and made part of the City of Largo Code of Ordinances, and all existing section numbers in Chapters 9, together with any cross references thereto, may be revised to accomplish such codification.

SECTION 24. It is the intention of the Largo City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

SECTION 25. This ordinance shall become effective immediately upon its final passage and adoption.

APPROVED ON FIRST READING _____

PASSED AND ADOPTED ON
SECOND AND FINAL READING _____

CITY OF LARGO, FLORIDA

Louis (Woody) L. Brown, Mayor

REVIEWED AND APPROVED:

ATTEST:

Alan S. Zimmet, City Attorney

Diane Bruner, City Clerk