

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA ESTABLISHING A CODE ENFORCEMENT CITATION SYSTEM; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING FOR DEFINITIONS; PROVIDING APPLICABILITY; PROVIDING AUTHORITY; PROVIDING PROCEDURES; PROVIDING FOR CITATION; PROVIDING PENALTIES; PROVIDING FOR CITATION CONTEST; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

POLK COUNTY CODE ENFORCEMENT CITATION ORDINANCE

WHEREAS, Section 162.21, Florida Statutes, permits local governing bodies to establish a Code Enforcement Citation System; and

WHEREAS, a Code Enforcement Citation System will promote, protect, and improve the health, safety and welfare of the citizens of the unincorporated area of Polk County by providing a supplemental means of enforcing certain county Ordinances, as hereinafter enumerated, that are not conducive to enforcement by way of the Polk County Code Enforcement Board.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

SECTION 1: Title.

This Ordinance shall be cited as the Polk County Code Enforcement Citation Ordinance

SECTION 2: Rules of Construction.

For the purpose of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

- (1) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

(2) The word "person" includes any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever, or any combination of such, jointly or severally.

(3) Unless the context clearly indicates the contrary, where regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:

(a) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.

(b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

(c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

SECTION 3: Applicability.

This ordinance shall apply in the unincorporated areas of Polk County.

SECTION 4: Definitions.

(1) "Code Enforcement Officer" shall mean any designated or authorized employee or agent of Polk County whose duty it is to enforce or assure compliance with codes and ordinances enacted by the County.

SECTION 5: Authority.

(1) The Board of County Commissioners shall establish, by duly enacted resolution, those codes and ordinances that may be enforced pursuant to this Ordinance.

(2) A Code Enforcement Officer is authorized to issue a citation to any person when, based upon personal investigation, and not necessarily personal knowledge, the officer has reasonable cause to believe that the person has violated any of the duly enacted County Codes or Ordinances enumerated by the Board pursuant to Paragraph (1) above.

(3) A citation may be issued for a violation of any County Code or Ordinance except Building Codes adopted pursuant to Section 553.73, Florida Statutes, as they apply to construction.

(4) A Code Enforcement Officer shall have no power of arrest nor shall the Officer be subject to the provisions of Sections 943.085 - 943.255, Florida Statutes.

(5) The provisions of this ordinance are additional and supplemental means of enforcing County codes and ordinances. Nothing contained herein shall prohibit the County from enforcing its codes or ordinances by any other means.

SECTION 6: Procedure.

(1) Prior to issuing a citation, a Code Enforcement Officer shall provide notice to the person that the person has violated a County Code or Ordinance.

(2) The Officer shall establish a reasonable time period, which shall be no more than thirty days, within which the person must correct the violation.

(3) If, upon personal investigation, a Code Enforcement Officer finds that the person has not corrected the violation within the time period allowed, the officer may issue a citation to the person who has committed the violation.

(4) A Code Enforcement Officer does not have to provide the person with a reasonable time to correct the violation prior to issuing a citation and may immediately issue a citation if the 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.

(5) After issuing the citation to the alleged violator, the Code Enforcement Officer shall deposit the original and one copy of the citation with the Clerk of County Court.

SECTION 7: Citation.

(1) A citation issued by a Code Enforcement Officer shall contain the following information:

(a) The date and time of issuance.

- (b) The name and address of the person to whom the citation is issued.
- (c) The date and time the civil infraction was committed.
- (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 enforcement officer.
- (g) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- (h) The applicable civil penalty if the person elects to contest the citation.
- (i) 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, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

SECTION 8: Penalties.

- (1) A violation of a Code or Ordinance is a civil infraction.
- (2) There is established a maximum civil penalty not to exceed \$500.00 per violation.

(3) Any person who has committed a civil infraction and does not contest the citation shall be assessed a penalty of no more than the maximum allowed.

(4) The fines, penalties and administration costs to be assessed for uncontested violations shall be established by a Uniform Fine Schedule resolution adopted by the Polk County Board of County Commissioners, said resolution being incorporated herein by reference.

(5) The fines, penalties and administrative costs for contested citations shall be set as the court may deem appropriate.

(6) Any person who commits a second violation of a Code or Ordinance will be assessed a fine as set forth in the next higher class than that of the ordinance violated as specified in the Uniform Fine Schedule resolution, or, if there is not a higher class, an additional \$100.00.

(7) Any person who commits a third violation of a Code or Ordinance will be assessed a fine as set forth in the class two higher than that of the ordinance violated as specified in the Uniform Fine Schedule resolution, or, if there is not a higher class, an additional \$100.00. Each further repeat violation will be assessed an additional \$100.00 from the amount of fine assessed for the previous violation.

(8) Any person who wilfully refuses to sign and accept a violation issued by a Code Enforcement Officer shall be guilty of a

misdemeanor of the second degree which is punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail not to exceed 60 days or by both fine and imprisonment.

SECTION 9: Citation Contest.

(1) The County Court in and for the Tenth Judicial Circuit shall hear and consider charges of code and ordinance violations pursuant to the issuance of citations.

(2) Any person so charged may contest the citation.

SECTION 10: Liberal Construction.

The provisions of this ordinance shall be liberally construed to effect its purpose.

SECTION 11: Severability of Provisions.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 12: Effective Date.

The provisions of this ordinance shall become effective upon receipt of acknowledgement from the Department of State that a certified copy of this ordinance has been filed with said office.

Ord. 92-32 - Code Enforcement
Citation Ord

92-33 - Sheriff's Unclaimed
Evidence Trust Fund Ord.

92-34 - Noise Control
Ord.



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF ELECTIONS

Room 2002, The Capitol, Tallahassee, Florida 32399-0250
(904) 488-8427

RECEIVED

10-16-92

Clerk Of The Board

M. Crews

October 13, 1992

Honorable E. D. "Bud" Dixon
Clerk of the Circuit Court and Auditor
Polk County Courthouse
Post Office Box 988
Bartow, Florida 33830

Attention: Martha H. Crews, Deputy Clerk

Dear Mr. Dixon:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of October 9, 1992 and certified copy of Polk County Ordinance Numbers 92-32, 92-33 and 92-34, which were filed in this office on October 13, 1992.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

RESOLUTION NO. 99-68

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA PERTAINING TO THE POLK COUNTY CODE ENFORCEMENT CITATION ORDINANCE; AMENDING THE UNIFORM FINE SCHEDULE RESOLUTION TO ADD ORDINANCES THAT MAY BE ENFORCED PURSUANT TO THE POLK COUNTY CODE ENFORCEMENT CITATION ORDINANCE; PROVIDING AN AMENDED FINE SCHEDULE.

WHEREAS, Section 162.21, Florida Statutes, authorizes local governing bodies to establish a code enforcement citation system whereby violations of local ordinances may be enforced by issuing citations to violators; and

WHEREAS, the Board of County Commissioners of Polk County, Florida has adopted Polk County Ordinance No. 92-32 (the "Polk County Code Enforcement Citation Ordinance" or the "Citation Ordinance"), which ordinance authorizes and provides the procedures to be utilized in conjunction with the issuing of citations to violators of County ordinances; and

WHEREAS, the Polk County Code Enforcement Citation Ordinance provides that the Board of County Commissioners shall establish by resolution those codes and ordinances which may be enforced pursuant to the Citation Ordinance, as well as the fines, penalties and administrative costs to be assessed for uncontested violations of such ordinances; and

WHEREAS, on June 8, 1993, the Board of County Commissioners adopted such a resolution, setting forth the County ordinances which may be enforced pursuant to the Citation Ordinance and setting forth a Uniform Fine Schedule establishing the fines to be imposed for uncontested violations of such ordinances; and

WHEREAS, the Board of County Commissioners finds that it will further effective code

enforcement and is in the best interests of the citizens of Polk County to expand the number of ordinances which may be enforced pursuant to the provisions of the Citation Ordinance and to increase the fines levied pursuant thereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Polk County, Florida that the ordinances, or sections of ordinances, set forth on the Uniform Fine Schedule attached hereto and incorporated herein by reference, including any amendments to said ordinances or sections thereof, may be enforced pursuant to the provisions of the Polk County Code Enforcement Citation Ordinance, and that the fines, penalties and administrative costs to be imposed for violations of such ordinances or sections of ordinances are established as provided on the Uniform Fine Schedule.

DATED this 14, day of September, 1999.

ATTEST:
RICHARD M. WEISS, CLERK

BOARD OF COUNTY COMMISSIONERS
POLK COUNTY, FLORIDA

By: *Richard M. Weiss*
Deputy Clerk
600 9-14-99

By: *Janet Shearer*
Janet Shearer, Chairman

RESOLUTION NO. 01-42

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA PERTAINING TO THE POLK COUNTY CODE ENFORCEMENT CITATION ORDINANCE; AMENDING THE UNIFORM FINE SCHEDULE RESOLUTION TO ADD ORDINANCES THAT MAY BE ENFORCED PURSUANT TO THE POLK COUNTY CODE ENFORCEMENT CITATION ORDINANCE; PROVIDING AN AMENDED FINE SCHEDULE.

WHEREAS, Section 162.21, Florida Statutes, authorizes local governing bodies to establish a code enforcement citation system whereby violations of local ordinances may be enforced by issuing citations to violators; and

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WHEREAS, the Polk County Code Enforcement Citation Ordinance provides that the Board of County Commissioners shall establish by resolution those codes and ordinances which may be enforced pursuant to the Citation Ordinance, as well as the fines, penalties and administrative costs to be assessed for uncontested violations of such ordinances; and

WHEREAS, on June 8, 1993, the Board of County Commissioners adopted such a resolution, setting forth the County ordinances which may be enforced pursuant to the Citation Ordinance and setting forth a Uniform Fine Schedule establishing the fines to be imposed for uncontested violations of such ordinances; and

WHEREAS, the Board of County Commissioners finds that it will further effective code enforcement and is in the best interests of the citizens of Polk County to expand the number of ordinances which may be enforced pursuant to the provisions of the Citation Ordinance and to

increase the fines levied pursuant thereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Polk County, Florida that the ordinances, or sections of ordinances, set forth on the Uniform fine Schedule attached hereto and incorporated herein by reference, including any amendments to said ordinances or sections thereof, may be enforced pursuant to the provisions of the Polk County Code Enforcement Citation Ordinance, and that the fines, penalties and administrative costs to be imposed for violations of such ordinances or sections of ordinances are established as provided on the Uniform Fine Schedule.

DATED this 23, day of May, 2001.

ATTEST:
RICHARD M. WEISS, CLERK

By: *Marie J. Kessler*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
POLK COUNTY, FLORIDA

By: *Neil Combee*
Neil Combee, Chairman

UNIFORM FINE SCHEDULE

Polk County Land Development Code:

	<u>Uncontested and paid within 30 days</u>	<u>Contested or not paid within time</u>
Violation:	\$50.00	\$100.00

* Including all amendments as such ordinances may from time to time be amended.

** The Polk County Alarm Control Ordinance may also be enforced pursuant to the Polk County Code Enforcement Citation Ordinance. The fines for uncontested violations of the Alarm Control Ordinance are as provided in said ordinance.