

ORDINANCE NO. 0-1-18

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 2. ADMINISTRATION. ARTICLE III. BOARDS AND COMMISSIONS. DIVISION 2. CODE ENFORCEMENT; SPECIAL MAGISTRATE. TO CREATE AN ENTIRELY NEW SECTION 2-76. ALTERNATE CODE ENFORCEMENT PROCEDURES. TO SPECIFICALLY ALLOW FOR THE USE OF THE CITATION METHOD OF CODE ENFORCEMENT WITHIN THE TOWN AT THE TOWN'S DISCRETION; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 2. ADMINISTRATION. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Part II of Chapter 162, *Florida Statutes* provides for supplemental code enforcement procedures using the citation method of code enforcement; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to update its code enforcement regulations to allow for the use of the citation method of code enforcement within the Town; and

WHEREAS, the Town Commission has determined that such amendments to the Town's code are in the best interests of the citizens of the Town of Palm Beach Shores, and will serve to promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: Chapter 2. ADMINISTRATION. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article III. BOARDS AND COMMISSIONS. Division 2. CODE ENFORCEMENT; SPECIAL MAGISTRATE. to create an entirely new Section 2-76. ALTERNATE CODE ENFORCEMENT PROCEDURES. to specifically allow for the use of the citation method of code enforcement within the Town; providing that Section 2-76 shall hereafter read as follows:

Sec. 2-76. - Alternate code enforcement procedures.

(a) Issuance of citations. A code inspector, code compliance officer or police officer is authorized to issue a citation to a person when, based on personal investigation, the code inspector, code compliance officer or police officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and this citation will be heard by the county court.

(b) Notice. Prior to issuing a citation, a code inspector, code compliance officer or police officer shall provide notice to the person that 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 thirty (30) days. If, upon personal investigation, a code inspector, code compliance officer or police officer finds that the person has not corrected the violation within the time period allowed, the code inspector, code compliance officer or police officer may issue a citation to the person who has committed the violation. If the code inspector, code compliance officer or police 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, the code inspector, code compliance officer or police officer is not obligated to provide the person with a reasonable time period within which to correct the violation prior to the issuance of the citation.

(c) Form of citation. The citation issued by the code inspector, code compliance officer or police officer shall be in the form prescribed by the town and shall contain the following:

(1) The date and time of issuance.

(2) The name and address of the person to whom this citation is issued.

(3) The date and time the civil infraction was committed and the facts constituting reasonable cause.

(4) The number or section of the code or ordinance violated.

(5) The name and authority of the code inspector, code compliance officer or police officer.

(6) The procedure for the person to follow in order to pay the civil penalty or contest the citation.

(7) The applicable civil penalty if the person elects to contest the citation.

(8) The applicable civil penalty if the person elects not to contest the citation.

(9) A conspicuous statement 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 that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(d) *Disposition by county court.* After issuing a citation to an alleged violator, a code inspector, code compliance officer or police officer shall deposit the original citation and one copy of the citation with the county court for further disposition.

(e) *Schedule of violations and penalties.* The town has deemed the following sections of the Code to be enforceable through the citation method in addition to the code compliance special magistrate method and has provided a schedule of violations and penalties to be assessed in the event the citation method of code compliance is utilized, as follows:

Class I offenses.....\$50.00

Sec. 10-1-Keeping a nuisance (animals).

Sec. 10-26-Running at large prohibited (dogs): first offense.

Sec. 10-27-Prohibited on beaches (dogs): first offense.

Sec. 10-28-Removal of feces (pet): first offense.

Sec. 10-30-County license required (dogs and cats).

Sec. 18-42-Approved application required (solicitors): first offense.

Sec. 18-44-Issuance: expiration of permit (failure of solicitors to carry permit).

Sec. 42-2-Littering: first offense.

Sec. 42-41-Noise disturbances prohibited generally.

Sec. 42-42-Specific prohibitions (noise): first offense.

Sec. 42-43-Decibel measurement standards for noise other than operating motor vehicles: first offense.

Sec. 42-44-Amplified noise upon public streets prohibited: first offense.

Sec. 48-6-Behavior (Intoxicating beverages, fireworks and explosives, loitering and boisterousness, vending and peddling, signs on Town park or beach property): first offense.

Sec. 54-30-Parking (garage sale).

Sec. 70-4-Identification of commercial vehicles.

Sec. 70-32-Parking prohibitions: penalties.

Class II offenses.....\$75.00

Sec. 10-26-Running at large prohibited (dogs): second offense.

Sec. 10-27-Prohibited on beaches (dogs): second offense.

Sec. 10-28-Removal of feces (pet): second offense.

Sec. 18-42-Approved application required (solicitors): second offense.

Sec. 42-2-Littering: second offense.

Sec. 42-42-Specific prohibitions (noise): second offense.

Sec. 42-43-Decibel measurement standards for noise other than operating motor vehicles: second offense.

Sec. 42-44-Amplified noise upon public streets prohibited: second offense.

Class III offense.....\$125.00

Sec. 10-26-Running at large prohibited (dogs): third offense.

Sec. 10-27-Prohibited on beaches (dogs): third offense.

Sec. 10-28-Removal of feces (pets): third offense.

Sec. 18-42-Approved application required (solicitors): third offense.

Sec. 42-2-Littering: third offense.

Sec. 42-42-Specific prohibitions (noise): third offense.

Sec. 42-43-Decibel measurement standards for noise other than operating motor vehicles: third offense.

Sec. 42-44-Amplified noise upon public streets prohibited: third offense.

Sec. 62-1-Obstruction prohibited.

Sec. 62-3-Damaging streets prohibited.

Sec. 70-52-Parking on streets unlawful.

Class IV offense.....\$250.00

Sec. 6-4-Hours of sale (alcoholic beverages).

Sec. 6-5-Possession or consumption in parking lots prohibited (alcoholic beverages).

Sec. 6-6-Consumption or possession in and upon public property prohibited: exceptions (alcoholic beverages).

Sec. 10-26-Running at large prohibited (dogs): fourth or subsequent offense.

Sec. 10-27-Prohibited on beaches (dogs): fourth or subsequent offense.

Sec. 10-28-Removal of feces (pets): fourth or subsequent offense.

Sec. 18-42-Approved application required (solicitors): fourth or subsequent offense.

Sec. 18-46-Prohibited acts (solicitors).

Sec. 42-2-Littering: fourth or subsequent offense.

Sec. 42-42-Specific prohibitions (noise): fourth or subsequent offense.

Sec. 42-43-Decibel measurement standards for noise other than operating motor vehicles: fourth or subsequent offense.

Sec. 42-44-Amplified noise upon public streets prohibited: fourth or subsequent offense.

Sec. 48-4-Traffic (parks and parkway).

Sec. 82-32-Vehicles prohibited (beach).

Upon receipt of a citation, the person alleged to have violated the town code may request a court appearance. The county court judge may assess the maximum civil penalty not to exceed \$500.00 if contested. If the citation is not contested, the amount of fine is the face value of the citation plus costs.

(f) *Code violations-Civil infractions.* All violations of the Palm Beach Shores Code of Ordinances shall be considered as civil infractions with a maximum civil penalty not to exceed \$500.00.

(g) *Citation contested-County court.* Should any person receiving a citation desire to contest same, such person shall have the right to appear in county court in order to present his case and have the determined position made by the court.

This ordinance shall take effect immediately upon adoption.

(h) Failure to accept citation-Misdemeanor. Any person who willfully refuses to sign and accept a citation issued by a code inspector, code compliance officer or police officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or § 775.083.

(i) Citations not applicable to certain portions of building code. The provisions of this section shall not apply to enforcement pursuant to section 553.79 and 553.80 of the building codes adopted pursuant to 553.73 as they apply to construction, provided that a building permit is either not required or has been issued by the municipality. For the purpose of this subsection, "building" codes means only those codes adopted pursuant to 553.73.

(i) The provisions of this section are additional and supplemental means of enforcing municipal codes and ordinances and may be used for the enforcement of any code or ordinance or for the enforcement of all codes and ordinances except as set forth hereinabove. Nothing contained in this section shall prohibit the town from enforcing its codes or ordinances by any other means.

Section 2: Each and every other article, section and subsection of Chapter 2.

ADMINISTRATION. Article III. BOARDS AND COMMISSIONS. Division 2. CODE ENFORCEMENT; SPECIAL MAGISTRATE. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously enacted.

Section 3: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

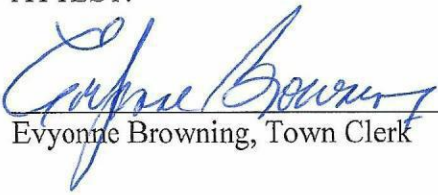
Section 4: Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 5: Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores.

FIRST READING this 19th day of March 2018.

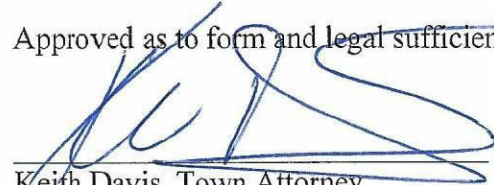
SECOND READING this 16th day of April 2018

ATTEST:


Evyonne Browning, Town Clerk


Myra Koutzen, Mayor

Approved as to form and legal sufficiency,


Keith Davis, Town Attorney

(Seal)

