

ORDINANCE NO. 20-001

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE XIII – MUNICIPAL CODE ENFORCEMENT; AMENDING SECTION 2-244 – ENFORCEMENT PROCEDURE TO REFERENCE STATE STATUTE 162; DELETING SECTION 2-247 – ADMINISTRATIVE FINES; LIENS; DELETING SECTION 2-248 – DURATION OF LIEN; DELETING SECTION 2-249 – APPEALS; DELETING SECTION 2-250 – NOTICES; RE-NUMBERING SECTION 2-251 PROVISIONS OF ARTICLE SUPPLEMENTAL; AMENDING CHAPTER 2, ARTICLE XIII.5 – SUPPLEMENTAL MUNICIPAL CODE ENFORCEMENT PROCEDURES; AMENDING SECTION 2-260 (B) CLASSES OF VIOLATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in October 2000, pursuant to the authority granted by Sections 162.21-162.23 Florida Statutes, the City of Fort Pierce, Florida adopted Article XIII.5 of Chapter 2 of the Code of Ordinances of the City of Fort Pierce, Florida which provides procedures for additional and supplemental means of enforcing the codes and ordinances of the City of Fort Pierce, Florida, which has been further amended periodically; and

WHEREAS, in June 2017, The Special Magistrate was granted the jurisdiction and authority to hear and to decide alleged violations of the codes and ordinances of the city, and exercise the powers of a code enforcement board as provided in Florida Statute, Chapter 162, and this Code; and

WHEREAS, the City Commission of the City of Fort Pierce recognize the need to periodically amend the Code of Ordinances of the City of Fort Pierce to eliminate conflicting provisions; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida;

SECTION 1. Chapter 2 - Administration, Article XIII – Municipal Code Enforcement is hereby amended so that same shall read thereafter as follows:

244. - Enforcement procedure.

(a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; provided, however, no special magistrate shall have the power to initiate such enforcement proceedings.

(b) ~~All enforcement procedures and proceedings shall comply with Chapter 162, Florida Statutes as amended. Except as provided in subsection (c), if a violation of the codes is found, the code inspector shall notify the violator and give such violator a reasonable time to correct the violation. The notice shall be in writing, delivered either through regular mail or by hand delivery of the code inspector. Should the violation continue beyond the time specified for correction, the code inspector shall notify the special magistrate and request a hearing pursuant to the procedure in section 2-245. Written notice shall be mailed to said violator as provided in this article.~~

~~(c) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety and welfare, the code inspector may proceed directly to the procedure in section 2-245 without notifying the violator.~~

Sec. 2-246. - Powers.

The special magistrate shall have the power to:

- (1) Adopt rules for the conduct of special magistrate hearings;
- (2) Subpoena alleged violators and witnesses to special magistrate hearings. Subpoenas may be served by the sheriff of the county, code inspector, or by any other person designated by the city commission;
- (3) Subpoena evidence;
- (4) Take testimony under oath;
- (5) Issue orders having the force of law, commanding whatever steps are necessary to bring a violation into compliance.

~~Sec. 2-247. - Administrative fines; liens.~~

~~The special magistrate, upon notification by the code inspector that a previous order of the special magistrate has not been complied with by the set time, may order the violator to pay a fine not to exceed two hundred fifty dollars (\$250.00) for each day the violation continues past the date set for compliance. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists or, if the violator does not own the land, upon any other real or personal property owned by the violator and may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed otherwise to be a judgment of a court except for enforcement purposes. After one year from the filing of any such lien which remains unpaid, the special magistrate may authorize the city attorney to foreclose on the lien.~~

Sec. ~~2-251~~ 2-247. - Provisions of article supplemental.

Nothing contained in this article shall prohibit the city commission from enforcing its codes by any other means. It is the legislative intent of this article to provide an additional or supplemental means of obtaining compliance with local codes.

~~Sec. 2-248. - Duration of lien.~~

~~No lien provided by this article shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.~~

~~Sec. 2-249. - Appeals.~~

~~An aggrieved party, including the local governing body, may appeal a final administrative order of the special magistrate to the circuit court. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.~~

~~Sec. 2-250. - Notices.~~

~~All notices required by this article except as otherwise provided, shall be by certified mail, return receipt requested, or where mail would not be effective, by hand delivery by the code inspector.~~

Sec. 248 – Sec. 251. – Reserved.

SECTION 2. Chapter 2, Article XIII.5 Supplemental Municipal Code Enforcement Procedures, Section 2-260(B) of the Code of Ordinances of the City of Fort Pierce are hereby amended so that same shall read hereinafter as follows:

Sec. 2-260. - Classes of violations.

(b) Violations of the city codes and ordinances which constitute civil infractions for which citations may be issued are ~~as follows:~~ considered a Class I violation except where specifically provided herein:

Chapter or Section	Description	Class
Sec. 4-61 <u>5-375</u>	Sea Turtle Lighting	II
Sec. 5-73	House numbers required	I
Sec. 5-370	Exterior property and landscaping	I
Sec. 5-371	Exterior areas	I
Sec. 8.5	Minimum occupancy standards for residential dwellings	III
Ch. 9	Occupational License – not otherwise specified	II
Sec. 9-80	Street vendors; permit required	I
Sec. 9-82	Seasonal vendors; permit required	I
Sec. 9-335	Garage sales regulations	I
Sec. 10-23	Parking regulations	I
<u>Ch. 11.5</u>	<u>Adult Entertainment</u>	III
Sec. 11-10	Storage of scraps and waste	II
Sec. 11-11	Storage of commodity in vehicle	II
Sec. 11-24	Destruction of public property	I
Sec. 11-26	Distribution of handbills	I
Sec. 11-30	Refrigerators and Iceboxes; safety regulations	III
Sec. 11-39	Exhibiting obscene pictures or papers	II
Ch. 15	Signs	II
Sec. 16-22	Littering / dumping prohibited	II
Sec. 16-27	Bulk trash removal; residential	II
Sec. 16-46	Nuisances on property – not otherwise specified	III
Sec. 16-46 / 48(1)(5)	Nuisance as an Object – outside storage	I
Sec. 16-46 / 48(10)(d)	Nuisance as an Object – disabled vehicles	I
Sec. 16-46 / 48(11)	Nuisance as an Object – outside storage of indoor furniture	I
Sec. 17-33	Maintenance of Storm Water Facilities	III
Sec. 17-96	Storm Water Discharges Prohibited	III
Sec. 20-5	Use of water during drought	I
Sec. 21-54	Using vessel as place of business	II
Ch. 22	Zoning violations – not otherwise specified	II
Sec. 22-60	Parking commercial vehicles in residential areas	III

Sec. 22-71(b)	Arcade / Amusement Centers — design standards	↓
Sec. 22-79	Compliance with conditions of approval	III
Sec. 22-187(11)	Screening of refuse collection areas	↓
Sec. 22.192	Tree removal permit required	↓

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but and they shall remain in full force and effect, notwithstanding the invalidity of any part hereof.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 5. This Ordinance is and the same shall become effective immediately upon final passage hereof.

IN WITNESS HERewith, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this ____ day of _____, 2020.

Linda Hudson, Mayor

ATTEST:

Linda Cox, City Clerk

(SEAL)

Approved as to Form
And Correctness:

Peter J. Sweeney, Esq.
City Attorney