

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves

FROM: Glen J. Torcivia, Town Attorney

VIA: Francine L. Ramaglia, Town Manager

DATE: December 3, 2024

SUBJECT: Ordinance 2024-17, Second Reading (Civil Citation Program)

Background: Chapter 162, Florida Statutes, provides for the enforcement of local codes and ordinances by multiple means. Part I of Chapter 162 includes procedures for hearings before special magistrates and code enforcement boards, while Part II includes procedures for hearings in county court. However, sections 162.03(2), 162.13 and 162.22 authorize municipalities to provide other means of obtaining compliance with local codes.

Ordinance No. 2024-17, which was approved on first reading on November 12, 2024, establishes a supplemental means of enforcing the Town's codes.

The proposed ordinance authorizes code officers to issue a warning for violations of the Town Code. The warning establishes a compliance date of no more than 30 days from the date of issuance. Upon a finding of good cause for an extension, a code officer may extend the deadline for compliance, up to 90 days from the date of issuance of the warning. If the violation remains uncorrected after the applicable deadline has passed, the code inspector may issue a citation to the violator.

Where the violation is irreparable/irreversible or poses a serious risk of harm to the public, a warning is not required.

As currently drafted, warnings and citations may be served by hand delivery, by certified mail, or by posting in accordance with the notice procedures in section 162.12, Florida Statutes.

Once a citation has been served, the violator must either pay the penalty or request a hearing before a special magistrate appointed by the Town. The special magistrate's ruling may be appealed to the circuit court.

Once a penalty is paid, it is deemed to be conclusive proof of the violation for the purpose of establishing a repeat violation. If a penalty is unpaid and the citation is not timely appealed, this is also deemed to be conclusive proof of the violation for the purpose of establishing a repeat violation. The proposed ordinance provides for unpaid penalties to be enforced by any allowable legal means, including by not limited to, instituting civil proceedings to compel payment.

The proposed ordinance provides for a schedule of violations and penalties to be adopted by resolution. Such a resolution has been provided for Town Council's consideration under a separate agenda item.

Finally, the proposed ordinance authorizes the Town Attorney to represent the Town in matters related to civil citations.

There have been no changes to the proposed ordinance since the first reading. See companion item Resolution No. 2024-89 a resolution of the Town Council of the Town of Loxahatchee Groves, Florida, approving a schedule of violation and associated penalties for civil citations.

Recommendation: Motion to approve *Ordinance No. 2024-17* on second reading.