

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: November 12, 2024

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

Background: At its regular meeting on August 6, 2024, the Town Council directed staff to draft a proposed ordinance authorizing the issuance of civil citations for violations of the Town's Code of Ordinances and Unified Land Development Code. A sample ordinance and penalty schedule were provided for discussion at the September 3, 2024 meeting of the Town Council. As a result, the Town Council directed staff to proceed with drafting an ordinance.

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. The proposed ordinance 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 but 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. The maximum penalty per citation is \$500. It also provides for lower penalties if the respondent does not contest the citation and pays the penalty within the timeframe on the citation. A draft resolution and schedule of violations and penalties is also provided for discussion purposes.

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

Recommendation:

1. Motion to approve *Ordinance No. 2024 – 17* on First Reading.
2. Provide staff direction regarding the schedule of violations and penalties.