



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council

FROM: Caryn Gardner-Young, Community Standards Director

THRU: Francine Ramaglia, Town Manager

DATE: June 3, 2025

SUBJECT: Civil Citations

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 courts. 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 adopted by the Town Council on December 3, 2024, established a supplemental means of enforcing the Town's codes. The adopted ordinance authorizes code officers to issue a warning for violations of the Town's Code. The warning establishes a reasonable compliance date of no more than thirty (30) days from the date of issuance to correct the violation. Upon finding good cause for an extension, a code officer may extend the deadline for compliance, up to ninety (90) days from the date of issuance of the warning. If the violation remains uncorrected after the applicable deadline has passed, the code officer may issue a citation to the violator. Where the violation is irreparable/irreversible or poses a serious threat to the public health, safety, or welfare, a warning is not required.

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 the Special Magistrate appointed by the Town. The maximum penalty per citation is \$500. It also provides for lower penalties if the violator does not contest the citation and pays the penalty within the timeframe on the citation. 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 adopted ordinance provided for unpaid penalties to be enforced by any allowable legal means, including but not limited to, instituting civil proceedings to compel payment.

The adopted ordinance requires a schedule of violations and penalties to be adopted by resolution. At its regular meeting on November 12, 2024, the Town Council discussed the proposed resolution

and directed staff to remove violations related to alcohol and violations related to the sign code. Accordingly, those violations have been removed from the table of violations and penalties. At its regular meeting on December 3, 2024, the Town Council provided additional feedback on the proposed resolution. At its June 3, 2025, meeting, the Town Council asked Town Staff to consider additional modifications. A revised resolution and schedule of violations and penalties is attached.

Recommendation:

Discussion and Approval of the Resolution to provide a list of violations that citations can be issued.

Attached: Ordinance 2024-017