

# TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



## AGENDA MEMO

**TO:** Town Council of Town of Loxahatchee Groves

**FROM:** Office of the Town Attorney

**DATE:** September 3, 2024

**SUBJECT:** Discussion Item: Citation Ordinance

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**Background:** At its regular meeting on August 6, 2024, the Town Council directed staff to draft a proposed ordinance authorizing the issuance of citations as an alternative form of code enforcement. The proposed ordinance is presented for discussion. Staff will proceed as directed.

### *Procedure*

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 inspector 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, poses a serious risk of harm to the public, or occurs on Town property or within a Town right-of-way, 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 fine or request a hearing before a special magistrate appointed by the Town. The special magistrate's ruling may be appealed to the Circuit Court.

### *Fines*

Once a fine is paid, it is deemed to be conclusive proof of the violation for the purpose of establishing a repeat violation. If a fine 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. Unpaid fines may become liens.

The proposed ordinance caps fines at \$500 per citation and provides for a schedule of fines and violations to be established and revised by resolution of the Town Council.

Staff requests direction from the Town Council regarding the proposed ordinance and regarding the schedule of violations and fines. In establishing applicable fines, the Town Council may establish higher fines for repeat offenses. A sample fine schedule from the Village of Wellington is attached.

**Recommendation:** Discussion by the Town Council, if desired, and direction to staff.