



Legislation Details (With Text)

File #: TA2018-10005 **Version:** 1 **Name:** 1st rdg. ORD. 9228.19, TA2018-10005, Code Enforcement to CDC

Type: Planning Case **Status:** Passed

File created: 12/27/2018 **In control:** Planning & Development

On agenda: 1/17/2019 **Final action:** 1/17/2019

Title: Approve amendments to Clearwater Community Development Code, Article 7 - Enforcement Proceedings and Penalties, to revise code enforcement board and special master hearing procedures, fines, and establish a new local civil penalty/citation process for code violations, and pass Ordinance 9228-19 on first reading. (TA2018-10005)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 9228-19.pdf, 2. Staff report TA2018-10005.pdf

Date	Ver.	Action By	Action	Result
1/17/2019	1	City Council		
1/14/2019	1	Council Work Session		

SUBJECT/RECOMMENDATION:

Approve amendments to Clearwater Community Development Code, Article 7 - Enforcement Proceedings and Penalties, to revise code enforcement board and special master hearing procedures, fines, and establish a new local civil penalty/citation process for code violations, and pass Ordinance 9228-19 on first reading. (TA2018-10005)

SUMMARY:

The City enforces the provisions of the Clearwater Community Development Code (Code) and the Clearwater Code of Ordinances through Article 7 of the Code. Article 7, in turn, was created under the authority of Chapter 162, Florida Statutes which vests in local governments the power to “create[e]... administrative boards with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending or repeated violation continues to exist.” § 162.02, Fla. Stat.

The City desires to amend Article 7 in three respects. First, the City’s proposed ordinance amends the so-called “nuisance case” regulations to allow the municipal code enforcement board or a special magistrate to enter orders permitting the City to enter onto a violator’s property to abate and maintain a nuisance after notice and a hearing. Second, the ordinance re-adopts and re-affirms a heightened fine schedule that was previously adopted in 2000. And finally, the ordinance creates a new civil citation system authorizing the issuance of civil citations to code violators and establishing an appeal system should a violator elect to contest this violation.

The Planning and Development Department has determined that the proposed text amendments to the Code are consistent with and furthers the goals, objectives and policies of the Comprehensive Plan and the Code. The Community Development Board also reviewed the proposed amendment at its December 18, 2018 meeting and unanimously recommended approval.

APPROPRIATION CODE AND AMOUNT: N/A

USE OF RESERVE FUNDS: N/A