

## ORDINANCE 14-31

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO CODE ENFORCEMENT BY AMENDING SEC. 22-1 *INTENT OF CHAPTER*, BY CHANGING THE ADMINISTRATIVE BOARD TO A VOLUNTEER ADMINISTRATIVE BOARD; BY AMENDING SEC. 22-2 *CODE ENFORCEMENT OFFICERS*, TO ADD BUILDING INSPECTORS AS DESIGNATED CODE ENFORCEMENT OFFICERS; BY AMENDING SEC. 22-3 *SUPPLEMENTAL NATURE OF CHAPTER PROVISIONS*, TO ADD SUBSECTION (B) TO PROVIDE THE APPOINTMENT BY THE CITY OF A SPECIAL MAGISTRATE(S) TO HOLD HEARINGS AND ASSESS FINES AGAINST VIOLATORS OF CITY ORDINANCES, TO SPECIFY WHO SHALL BE A SPECIAL MAGISTRATE , AND TO OUTLINE THE POWERS AND DUTIES OF THE SPECIAL MAGISTRATE; BY AMENDING SEC. 22-42 *DEFINITIONS*, TO REPLACE UNIFORM DEVELOPMENT WITH LAND DEVELOPMENT IN THE DEFINITION OF "CODE" AND TO CAPITALIZE "TECHNICAL CODES" THEREIN; BY AMENDING SEC. 22-74 *SERIOUS THREATS TO PUBLIC HEALTH, SAFETY AND WELFARE*, TO ADD "OR CONDITION" TO VIOLATION; BY AMENDING SEC. 22-79 TO DELETE "ADMINISTRATIVE" FROM THE TITLE; BY AMENDING SEC. 22-80 *DETERMINATION OF FINE AMOUNT; FACTORS TO CONSIDER*, TO ADD SUBSECTION (4) REGARDING THE COURTESY AND COOPERATION OF THE VIOLATOR TOWARDS THE CODE ENFORCEMENT OFFICER AS FACTORS IN THE CODE ENFORCEMENT BOARD'S DETERMINATION OF FINE AMOUNT, IF ANY; BY AMENDING SEC. 22-81 *RECORDING OF ORDERS IMPOSING FINES AND LIENS*, TO DELETE SUBSECTION (B) IN ITS ENTIRETY; BY AMENDING SEC. 22-84 *NOTICES*, TO DELETE SUBSECTION (A)(1) AND REPLACE IT WITH LANGUAGE REGARDING ADDRESSES TO SEND TAX NOTICES TO PROPERTY OWNERS BY CERTIFIED MAIL OR TO PROVIDE NOTICES BY POSTING; BY AMENDING SEC. 22-105 *PENALTY FOR VIOLATION OF CHAPTER*, SUBSECTION (A) TO REPLACE "MAY" WITH "WILL" REGARDING FINDINGS OF VIOLATIONS, AND TO DELETE "IN THE DISCRETION OF THE COURT" REGARDING UNCONTESTED VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

**WHEREAS**, the City Commission seeks to amend Chapter 22 to bring it into compliance with state and national standards along with flexibility to meet the city needs; and

**WHEREAS**, the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Chapter 22 of the Code of Ordinances of the City of Dunedin is amended in its entirety as follows:

**Chapter 22**

**Code Enforcement**

**Article I. In General**

**Sec. 22-1. - Intent of chapter.**

It is the intent of this chapter to promote, protect, and improve the health, safety, and welfare of the citizens of the city by creating a volunteer administrative board 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 the city, where a pending or repeated violation continues to exist.

**Sec. 22-2. - Code enforcement officers.**

- (a) As used in this section, the term "code enforcement officer" means any designated employee or agent of the city.
- (b) The city may designate certain of its employees or agents as code enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the city. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, building inspectors, law enforcement officers, or fire safety inspectors. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of F.S. §§ 943.085—943.255. Nothing in this section amends, alters, or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law.

**Sec. 22-3. - Supplemental nature of chapter provisions.**

- (a) It is the legislative intent of this chapter to provide an additional or supplemental means of obtaining compliance with city codes and ordinances. Nothing contained in this chapter shall prohibit the city from enforcing its codes and ordinances by any other means provided by law.
- (b) The City may by ordinance appoint a special magistrate(s) designated by the local governing body, the authority to hold hearing and assess

finer against violators of the respective city ordinances. A special magistrate(s) shall have the same status as a code enforcement board under this chapter. Reference in this chapter to an enforcement board, except in s. 22-43, 22-44, 22-45, 22-46 and 22-47 shall include a special magistrate if the context permits.

1. The special magistrate shall serve at the pleasure of the city commission.
2. The special magistrate shall be an attorney and shall be experienced in the fields of zoning, building control and code enforcement.
3. The special magistrate shall not be a city employee, but may be compensated at a rate established by resolution of the city commission based upon recommendation of the city manager and city attorney. The code special magistrate may be reimbursed for such travel, mileage, and per diem as may be authorized by the city commission.
4. The city commission shall provide such clerical and administrative personnel as the city commission shall deem is reasonably required to support the activities of the special magistrate for the proper performance of his (or) her duties. The special magistrate shall not be authorized to engage, hire, or use any person, except those provided or authorized by the city commission, to assist him in the performance of his duties.
5. The special magistrate shall have the following powers and duties.
  - (a) Establish rules of procedure for the conduct of hearings.
  - (b) Issue subpoenas for records, surveys, plats, documentary materials or any other evidence.
  - (c) Subpoena witnesses to appear at its hearings.
  - (d) Take testimony under oath.
  - (e) Issue orders having the force and effect of law which can command such steps as are necessary to bring a violation into compliance with the code or ordinance that has been violated.
  - (f) Order the payment of fines and other costs as is provided in Section 22-79.

**Sec. 22-4. - Transfer of property ownership.**

If the owner of property which is subject to an enforcement proceeding before the code enforcement board or court transfers ownership of such property

between the time the initial pleading was served and the time of the hearing, such owner shall:

- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (4) File a notice with the code enforcement officer of the transfer of the property, with the identity and address of the new owner and copies of the disclosures.

**Secs. 22-5—22-40. - Reserved.**

## **ARTICLE II. ENFORCEMENT BOARD**

**Sec. 22-41. - Creation.**

There is hereby created a code enforcement board whose duties will be to hold hearings and make findings and impose fines for violations, all as provided in this chapter.

**Sec. 22-42. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City attorney* means the legal counselor for the city.

*Code* means a compilation of regulations, standards, rules and/or ordinances, such as any of the several chapters of the city Code or its ordinances, the Land Development Code, or any other codes or Technical Codes of the city.

*Code enforcement board* means the city code enforcement board.

*Code enforcement officer* means any authorized agent or employee of the city whose duty it is to ensure code compliance, including law enforcement officers (see section 2-91 of this Code of Ordinances).

*Repeat violation* means a violation of a provision of a code or ordinance by a person who has been previously found by the code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occurring at different locations.

**Sec. 22-43. - Composition; alternates; residency requirement.**

The code enforcement board shall consist of seven regular members and two alternate members appointed by the city commission. Alternate members shall serve on the board in the absence of regular members. Members of the code enforcement board shall be residents of the city.

**Sec. 22-44. - Appointments; membership skills.**

Appointments to the code enforcement board shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter and jurisdiction of the code enforcement board in the sole discretion of the city commission. The membership of the code enforcement board shall, whenever possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor, and a realtor.

**Sec. 22-45. - Terms; vacancies.**

- (a) Any appointment shall be made for a term of three years. A member may be reappointed by the city commission. An appointment to fill any vacancy on the code enforcement board shall be for the remainder of the unexpired term of office.
  
- (b) If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the code enforcement board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy. The members shall serve in accordance with the ordinances of the city and may be suspended and/or removed as provided in such ordinances for removal of members of boards.

**Sec. 22-46. - Election of chair and vice-chair; quorum; compensation.**

The members of the code enforcement board shall elect a chair and vice-chair, who shall be voting members, from among the members of the code enforcement board. The presence of four or more members or alternate members shall constitute a quorum of the code enforcement board. Members of the code enforcement board shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the city commission.

**Sec. 22-47. - Legal counsel.**

The city attorney shall act as counsel to the code enforcement board.

**Sec. 22-48. - Jurisdiction.**

The code enforcement board shall have the jurisdiction to hear and decide alleged violations of the codes and ordinances in force in the city, including amendments to such codes and ordinances.

**Secs. 22-49—22-70. - Reserved.**

**ARTICLE III. ENFORCEMENT PROCEDURE**

**Sec. 22-71. - Initiation of proceedings.**

It shall be the duty of a code enforcement officer to initiate enforcement proceedings of the various codes and ordinances. No members of the code enforcement board shall have the power to initiate such enforcement proceedings.

**Sec. 22-72. - Notice of violation; corrections; hearing.**

Except as provided in sections 22-73 and 22-74, if a violation of the codes or ordinances is found, the code enforcement officer shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue past the time specified for correction, the code enforcement officer shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in section 22-84 to the violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in section 22-84. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified for correction by the code enforcement officer, the case may be presented to the code enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.

**Sec. 22-73. - Repeat violations.**

- (a) If a repeat violation is found, the code enforcement officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer, upon notifying the violator of a repeat violation, shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to section 22-84. The case may be presented to the enforcement board

even if the repeat violation has been corrected prior to the board hearing, the automatic fine shall be levied, and the notice shall so state.

- (b) If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his rights to this hearing and pay the costs as determined by the code enforcement board.

**Sec. 22-74. - Serious threats to public health, safety and welfare.**

If the code enforcement officer has reason to believe a violation or condition presents a serious threat to the public health, safety and welfare, or if the violation or condition is irreparable or irreversible in nature, the code enforcement officer shall make a reasonable effort to notify the violator and may immediately notify the code enforcement board and request a hearing.

**Sec. 22-75. - Conduct of hearing.**

- (a) Upon request of the code enforcement officer, or at such other times as may be necessary, the chair of the code enforcement board may call a hearing of the code enforcement board. A hearing also may be called by written notice signed by at least three members of the code enforcement board.
- (b) Minutes shall be kept of all hearings by the code enforcement board, and all hearings and proceedings shall be open to the public. The city commission shall provide clerical and administrative personnel as may be reasonably required by the code enforcement board for the proper performance of its duties.
- (c) Each case before the code enforcement board shall be presented by a member of the administrative staff of the city as designated by the city manager.
- (d) If the city commission prevails in prosecuting a case before the code enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case before the code enforcement board, and such costs may be included in the lien authorized under section 22-81.
- (e) The code enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code enforcement officer, alleged violator, and any witnesses. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

- (f) At the conclusion of the hearing, the code enforcement board shall issue findings of fact, based on evidence of record, and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted by this chapter. The finding shall be by motion approved by a majority of those members present and voting, except that at least four members of the code enforcement board must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed and, under the conditions specified in section 22-79, the cost of repairs may be included along with the fine if the order is not complied with by such date.

**Sec. 22-76. - Recording of certified copy of order.**

A certified copy of the order may be recorded in the public records and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be finding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the code enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

**Sec. 22-77. - Evidence; questioning of witnesses.**

- (a) Irrelevant, immaterial, and unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state. The burden of proof shall be upon the code enforcement officer to show, by a preponderance of the evidence, that a violation exists.
- (b) Any members of the code enforcement board, the person presenting the city's case, or the city attorney, may inquire of any witness before the code enforcement board. The alleged violator or his attorney shall be permitted to inquire of any witness before the code enforcement board and to present brief opening and closing statements.

**Sec. 22-78. - Powers of the code enforcement board.**

The code enforcement board shall have the power to:

- (1) Adopt rules for the conduct of its hearings.

- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff or any deputy sheriff of the county or any law enforcement officer.
- (3) Subpoena evidence to its hearings.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
- (6) Levy, adjust or excuse a fine for violations.

**Sec. 22-79. - Fines; liens.**

- (a) The code enforcement board, upon notification by a code enforcement officer that an order of the code enforcement board has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the code enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation.
- (b) In addition, if the violation is a violation described in section 22-74, the code enforcement board shall notify the city commission, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the city commission to make further repairs or to maintain the property and does not create any liability against the city commission for any damages to the property if such repairs were completed in good faith.
- (c) If a finding of a violation or a repeat violation has been made as provided in this article, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (d) of this section.
- (d) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (b) of this section. However, if the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.

**Sec. 22-80. - Determination of fine amount; factors to consider.**

- (a) In determining the amount of the fine, if any, the code enforcement board shall consider the following factors:
  - (1) The gravity of the violation;
  - (2) Any actions taken by the violator to correct the violation; and
  - (3) Any previous violations committed by the violator.
  - (4) The courtesy and cooperation the violator extends to the code enforcement officer.
- (b) The code enforcement board may reduce a fine imposed pursuant to section 22-79

**Sec. 22-81. - Recording of orders imposing fines and liens.**

A certified copy of an order imposing a fine may be recorded in the public records of the county and thereafter such order shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. The lien shall be superior to all other liens or encumbrances against the property, except taxes, including the liens of mortgages or other encumbrances against the property recorded subsequent or prior to the recording of this lien in the public records of the county. Upon petition to circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this article shall continue to accrue until the violator comes into compliance or until a judgment is rendered in a suit to foreclose on a lien filed pursuant to this article, whichever comes first. After three months from the filing of any such lien which remains unpaid, the code enforcement board may authorize the city attorney to foreclose on the lien. No lien created pursuant to the provisions of this chapter may be foreclosed on real property which is a homestead under section 4, article X of the state constitution.

**Sec. 22-82. - Duration of lien.**

No lien provided under the Local Government Code Enforcement Boards Act shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant to section 22-81 in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The city commission shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien

effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

**Sec. 22-83. - Appeals.**

An aggrieved party, including the city commission, may appeal a final administrative order of the code enforcement board to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the code enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

**Sec. 22-84. - Notices.**

- (a) All notices required by this part shall be provided to the alleged violator by:
- (1) Certified mail to the address listed in the tax collector's office for tax notices, or to any other address provided by the property owner in writing to the city commission for the purpose of receiving notices. For property owned by a corporation notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the date of mailing, notice may be provided by posting as described in subsections (b)(3) and (b)(4) of this section.
  - (2) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the city commission;
  - (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or
  - (4) In the case of commercial premises, leaving the notice with the manager or other person in charge.
- (b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement board, notice may also be served by publication or posting, as follows:
- (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements.

- (2) Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051. In lieu of publication as described in subsection (b)(1) of this section, such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the city hall.
  - (3) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
  - (4) Notice by publication or posting may run concurrently with, or may follow, an attempt to provide notice by hand delivery or by mail as required under subsection (a) of this section.
- (c) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsection (b) of this section, shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

**Secs. 22-85—22-100. - Reserved.**

**ARTICLE IV. CITATION SYSTEM PROCEDURE**

**Sec. 22-101. - Issuance; filing; notice.**

- (a) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance. The citation will be filed and heard in the county court.
- (b) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall give such person a reasonable time period within which to correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within such time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

**Sec. 22-102. - Form and content of citation.**

A citation issued by a code enforcement officer shall be in a form prescribed by the city, and shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting reasonable cause.
- (5) The number or section of the code or ordinance violated.
- (6) The name and authority of the code enforcement officer.
- (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

**Sec. 22-103. - Deposit of citation with county court; refusal to sign and accept.**

- (a) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court.
- (b) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083.

**Sec. 22-104. - Application of article provisions; violations prosecuted as misdemeanors.**

- (a) The provisions of this section shall not apply to the enforcement pursuant to F.S. §§ 553.79 and 553.80 of building codes adopted

pursuant to F.S. § 553.73 as they apply to construction, provided that a building permit is either not required or has been issued by the city. For the purposes of this subsection, the term "building codes" means only those codes adopted pursuant to F.S. § 553.73.

- (b) The violation of this chapter shall be a civil infraction and shall be prosecuted in the county court in the same manner as misdemeanors are prosecuted. The jurisdiction of the county court is provided by F.S. § 34.01.

**Sec. 22-105. - Penalty for violation of chapter.**

- (a) Findings of violations will subject the violator to a maximum fine of \$500.00. Uncontested violations may result in a lower fine.
- (b) Any person charged with a violation of an ordinance in county court may appear and contest the citation, and if found to be in violation, may appeal such finding as provided in Florida Rules of Court Civil Proceedings.
- (c) The county court may assess costs, service charges and attorney's fees in addition to any fine levied.

**Sec. 22-106. - Notice to appear.**

- (a) Notwithstanding F.S. § 34.07, a code enforcement officer, designated pursuant to this chapter, may issue a notice to appear at any hearing conducted by a county court if the officer, based upon personal investigation, has reasonable cause to believe that the person has violated a code or ordinance. A notice to appear means a written order issued by a code enforcement officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. If a person issued a notice to appear under this section refuses to sign such notice, the code enforcement officer has no authority to arrest such person.
- (b) Prior to issuing a notice to appear, a code enforcement officer shall provide written notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no fewer than five days and no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the prescribed time period, a code enforcement officer may issue a notice to appear to the person who has committed the violation. A code enforcement officer is not required to provide the person with a reasonable time period to correct the violation prior to issuing a notice to appear and may immediately issue a notice to appear if a repeat violation is found, or if the code

enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or that the violator is engaged in violations of an itinerant or transient nature, as defined by local code or ordinance within the jurisdiction, or if the violation is irreparable or irreversible.

**Section 2:** That this Ordinance shall be effective upon passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 4th day of December, 2014.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: November 20, 2014

READ SECOND TIME AND ADOPTED: December 4, 2014