



Incorporated 1925

## ORDINANCE

5474

1  
2 AN ORDINANCE OF THE CITY OF BOCA RATON  
3 AMENDING SECTION 9-60, "SUPPLEMENTAL CODE  
4 ENFORCEMENT PROCEDURES," ARTICLE IV, CHAPTER  
5 9, CODE OF ORDINANCES, TO PROVIDE FOR THE  
6 ENFORCEMENT OF THE CODE OF ORDINANCES BY  
7 ISSUANCE OF CITATIONS BY CODE ENFORCEMENT  
8 OFFICERS DIRECTLY TO INDIVIDUAL VIOLATORS;  
9 PROVIDING FOR PROCEDURES FOR THE ISSUANCE OF  
10 SUCH CITATIONS; PROVIDING PROCEDURES TO  
11 CONTEST CITATIONS; SETTING FORTH MINIMUM AND  
12 MAXIMUM CIVIL PENALTIES FOR VIOLATIONS  
13 ENFORCED PURSUANT TO SUCH CITATIONS,  
14 INCLUDING CONTESTED CITATIONS; PROVIDING FOR  
15 SEVERABILITY; PROVIDING FOR REPEALER;  
16 PROVIDING FOR CODIFICATION; PROVIDING AN  
17 EFFECTIVE DATE (AM-18-03/18-92500014)  
18  
19

1           **WHEREAS**, currently fines for violation of the Code of Ordinances are assessed solely by  
2 a special magistrate after hearing; and

3           **WHEREAS**, in order to improve the efficiency and effectiveness of code enforcement  
4 procedures, the City Council desires to amend the Code of Ordinances to authorize code  
5 enforcement officers to issue citations for certain violations of the Code of Ordinances, to set forth  
6 minimum and maximum civil penalties for violations enforced through the issuance of citations,  
7 and setting forth procedures to contest such citations; and

8           **WHEREAS**, the City Council, after notice and public hearing, has considered the proposed  
9 amendments to the Code of Ordinances, and all public comments; and

10           **WHEREAS**, the City Council finds the proposed amendments to the Code of Ordinances  
11 are consistent with the City of Boca Raton Comprehensive Plan; and

12           **WHEREAS**, the City Council desires to amend the Code of Ordinances in order to  
13 incorporate the above referenced amendments to provide for the issuance of citations by code  
14 enforcement officers, to set forth minimum and maximum civil penalties for violations enforced  
15 through the issuance of citations, and setting forth procedures to contest such citations; now  
16 therefore

17  
18           THE CITY OF BOCA RATON HEREBY ORDAINS:

19  
20           Section 1. Chapter 9, "Miscellaneous Offenses," Article IV, "Supplemental Code  
21 Enforcement Procedures," Section 9-60, "Supplemental Code Enforcement Procedures," Code  
22 of Ordinances, is hereby amended to read:

23           Sec. 9-60. - Supplemental code enforcement procedures.

24           (1) Definitions. The following words, terms and phrases, when used in this section,  
25 shall have the meanings ascribed to them in this section, except where the context clearly  
26 indicates a different meaning:

1           ~~"Citation" shall mean notice to appear at a designated time and place before the county~~  
2 ~~court and shall be in a form prescribed by the city and the content of which will be as prescribed~~  
3 ~~by state law.~~

4           "Code enforcement compliance officer" or ~~"code inspector"~~ shall mean those employees  
5 or other agents of the city duly authorized and appointed by the city manager whose duty it is to  
6 assure code compliance, enforce the city codes and to present code violations to the special  
7 magistrate county court.

8           ~~"Codes" shall mean Boca Raton Code of Ordinances and all codes and statutes adopted~~  
9 ~~by reference within the Code of Ordinances, as now existing or as may be amended by ordinance~~  
10 ~~from time to time.~~

11           ~~"Notification or notice" shall mean personally serving the notice upon the person required~~  
12 ~~to be notified.~~

13           "Repeat violation" shall mean a violation of a provision of the Code of Ordinances by a  
14 person who has previously been found, through a special magistrate or other quasi-judicial or  
15 judicial process to have violated, who has failed to contest a citation for violating, or who has  
16 admitted violating, the same provision within 5 years prior to the violation, notwithstanding the  
17 violations occur at different locations.

18           ~~"Violations of an itinerant or transient nature" shall mean violations which are of the nature~~  
19 ~~of violations committed or allegedly committed by persons who travel from place to place or~~  
20 ~~passing through from one place to another; provided, however, the person need not be travelling~~  
21 ~~or passing through at the time the violation or alleged violation occurs.~~

22           "Violator" shall mean the person responsible for the code violation, which, in the  
23 appropriate circumstances, may either be the perpetrator of the violation or the owner of the real  
24 property upon which the violation occurred.

1 (2) Supplemental procedures. Enforcement of the following provisions of the Code of  
2 Ordinances pursuant to the ~~The provisions of this article chapter~~ is hereby authorized:

3 (a) section 4-2, "Hours of operation;"

4 (b) section 5-39, "Number restricted;"

5 (c) section 7-26, "Codes-Adopted;"

6 (d) section 10-1, "Maintenance of lots, structures;"

7 (e) section 10-27, "Litter, untended vegetation and stagnant water – Prohibited,  
8 declared public nuisance;"

9 (f) section 10-54, "Creation of excessive noise unlawful;"

10 (g) section 10-55, "Noise from buildings or premises;"

11 (h) section 10-60(1), "Animal noises;"

12 (i) section 10-118, "Storing, parking or leaving on private property;"

13 (j) section 13-1, "Distribution of handbills, other printed material;"

14 (k) section 14-7, "Precollection procedures-generally;"

15 (l) section 14-20, "Prohibited activities;"

16 (m) section 18-46, "Required;"

17 (n) section 19-168, "Impact of construction;"

18 (o) section 19-169, "Site debris;"

19 (p) section 19-170, "Site debris and construction material storage upon declaration of  
20 a hurricane warning;"

21 (q) section 24-6, "Unlawful signs, sign structures;"

22 (r) section 25-255, "Personal property permitted in swale areas; standards for  
23 placement;"

1 (s) section 28-720(d), "Outdoor storage of motor vehicles, except as permitted  
2 herein;"

3 (t) section 28-720(e), "Outdoor storage of any kind;"

4 (u) section 28-721, "Conformance;"

5 (v) section 28-1266, "Adopted;"

6 (w) section 28-1311, "Accessory garage sales;"

7 (x) section 28-1328, "Performance standards;"

8 (y) section 28-1507, "Certain motor vehicles, trailers prohibited in residential districts;"

9 (z) section 28-1509, "Permitted parking in residential districts;"

10 (aa) section 28-1532, "Outdoor display of merchandise;" and

11 (bb) section 28-1651, "Unlawful elimination of required parking or landscaping."

12 The provisions of this article shall be are an additional and supplemental means of  
13 enforcing city codes provisions of the Code of Ordinances as enumerated hereinand ordinances.  
14 Any provision of the Code of Ordinances specifying that the special magistrate has jurisdiction to  
15 enforce a particular section shall not preclude enforcement of such section pursuant to this article,  
16 provided that enforcement of such section is authorized herein. Nothing shall preclude the city  
17 from employing, enacting and utilizing any other means, methods, procedures and penalties  
18 provided by state or local law for the enforcement of its codes ~~or ordinances~~.

19 (3) Procedures for issuing citations.

20 (a) A code enforcement officer is authorized to issue a citation to a violator person  
21 when, based upon personal investigation, the code enforcement officer has reasonable cause to  
22 believe that the person has committed a ~~civil infraction~~ in violation of any provision enforceable  
23 under this section a ~~duly enacted code or ordinance~~.

24 (b) Prior to issuing a citation, a code enforcement officer may shall provide notice to  
25 the violator that the violator has committed a violation of a ~~provision of the code or ordinance~~ and,

1 if such notice is issued, shall establish a reasonable time period, in light of the nature of the  
2 violation, within which the violator person must correct the violation. Provided, however, a code  
3 enforcement officer shall not issue a notice prior to issuance of a citation, and shall immediately  
4 issue a citation, where a repeat violation is found, or where the code enforcement officer has  
5 reason to believe that the violation presents a serious threat to the public health, safety or welfare.  
6 ~~Such time period shall be no fewer than 5 days; provided, however, in the case of a violation of~~  
7 ~~chapter 7, such time period shall be no fewer than 45 days.~~

8 ~~(c) If, upon personal investigation, a code enforcement officer finds that the person~~  
9 ~~has not corrected the violation within the time period specified in the notice, the code enforcement~~  
10 ~~officer may issue a citation to the person who has committed the violation. Provided, however, if:~~

- 11 1. ~~A repeat violation is found, or~~
- 12 2. ~~The code enforcement officer has reason to believe that the violation presents a~~  
13 ~~serious threat to the public health, safety or welfare, or~~
- 14 3. ~~The violator is engaged in violations of an itinerant or transient nature, or~~
- 15 4. ~~The violation involved is irreparable or irreversible, then the code enforcement~~  
16 ~~officer does not have to provide the person with a reasonable time period to correct the violation~~  
17 ~~prior to issuing a citation and may immediately issue a citation.~~

18 (c) Service of the citation to the violator shall be as follows:

19 1. Whenever possible, the code enforcement officer shall hand deliver the citation  
20 directly to the violator, who shall be required to provide identification to the code enforcement  
21 officer upon request.

22 2. Otherwise, service of the citation may be provided to the alleged violator by:

23 a. Certified mail to the address listed in the tax collector's office for tax notices, or to  
24 any other address provided by the property owner in writing to the city for the purpose of receiving

1 notices. For property owned by a corporation, notices may be provided by certified mail to the  
2 registered agent of the corporation; or

3 b. For those violations involving the location of a motor vehicle, recreational vehicle,  
4 boat or trailer, posting the citation conspicuously on the motor vehicle, recreational vehicle, boat  
5 or trailer; or

6 c. Leaving the citation at the violator's usual place of residence with any person  
7 residing therein who is above 15 years of age and informing such person of the contents of the  
8 notice; or

9 d. In the case of commercial premises, leaving the citation with the manager or other  
10 person in charge.

11 3. Evidence that an attempt has been made to hand deliver or mail citation as  
12 provided in subsections (3)(c)(1) or (2) above, shall be sufficient to show that the notice  
13 requirements of this division have been met, without regard to whether or not the violator actually  
14 received such notice.

15 (4) Information required for issuance of citation. A citation issued by a code  
16 enforcement officer shall state and contain the following information:

- 17 (a) The date and time of issuance;
- 18 (b) The name and (if known) address of the person to whom the citation was issued;
- 19 (c) The date and time the violation was committed or observed;
- 20 (d) The facts constituting reasonable cause;
- 21 (e) The number or section of the code ~~or ordinance~~ violated;
- 22 (f) The name and authority of the code enforcement officer;

1 (g) The minimum civil penalty and the procedure for the violator person to follow if the  
2 violator elects in order to pay the minimum civil penalty.

3 (h) A conspicuous statement that payment of the minimum civil penalty does not  
4 relieve the violator of the obligation to comply with the code.

5 (i) The procedure for the violator to follow if the violator elects or to contest the  
6 citation, including the address to which a request to contest the citation is to be sent, the applicable  
7 maximum civil penalty, and the time limitation to contest the citation;

8 ~~(ii) The applicable civil penalty if the person elects not to contest the citation; and~~

9 (kj) A conspicuous statement that if the violator person fails to pay the minimum civil  
10 penalty or contest the citation as otherwise provided in this section, within the time allowed, or  
11 fails to appear in court to contest the citation, the violator person shall be deemed to have admitted  
12 the violation-waived his or her right to contest the citation and that, in such case, judgment may  
13 be entered against the person for an amount up to the maximum civil penalty.

14 (5) Procedure upon issuance of citation.

15 (a) A violator who has been served with a citation pursuant to this section shall elect  
16 either to:

17 i. Pay the minimum civil penalty in the manner indicated on the notice; or

18 ii. Contest the citation by filing the request in writing to the address specified on the  
19 citation, within 10 calendar days from issuance of the citation (if the last day to contest the citation  
20 is on a day that the City offices are not open for regular business, then the time shall be extended  
21 to the next day that the City offices are open for regular business).

22 (b) If the violator fails to either (i) pay the minimum civil penalty or (ii) contest the  
23 citation within the time specified in subsection (5)(a)ii, then the violation will be deemed admitted.



1           (c) Upon receipt of a violator's timely request to contest a citation, the matter shall be  
2 set for hearing before a special magistrate, and shall be subject to the procedures set forth in  
3 Sections 2-116 through 2-123.

4           (d) Notice of the administrative hearing shall be provided to the violator in accordance  
5 with section 2-123.

6           (65) Civil penalties.

7           (a) Any ~~code or ordinance~~ violation enforced pursuant to this section these  
8 ~~supplemental code enforcement procedures~~ is a civil infraction.

9           (b) ~~There is established a maximum civil penalty not to exceed \$500.00 per violation. In~~  
10 the case of a contested citation, the special magistrate may impose civil penalties as provided in  
11 section 2-121.

12           (c) Any violator person who ~~has committed a civil infraction and~~ does not contest a  
13 ~~the citation~~ issued pursuant to this section and instead elects to pay the minimum civil penalty  
14 provided on the face of the citation shall not be assessed any additional civil penalty in an amount  
15 less than the maximum allowed.

16           (d) ~~The minimum civil penalties for uncontested violations assessed are set forth in~~  
17 ~~this section, as may be amended from time to time.~~

18           (df) Civil penalty for uncontested citations violations. The minimum civil penalties for  
19 ~~uncontested violations of municipal ordinances~~ enforced pursuant to this section shall be  
20 established by the city council by resolution. ~~these supplemental code enforcement procedures~~  
21 ~~are set forth below:~~

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1 CLASS I VIOLATIONS

<del>Sections 2-129 and 2-130—Community Appearance Board Criteria</del>	<del>\$55.00</del>
<del>Section 8-30—Local Occupational License Tax and Certification of Use</del>	<del>55.00</del>
<del>Section 14-9—Unbundled Solid Waste</del>	<del>55.00</del>
<del>Section 14-16(9)—Unacceptable Materials Placed for Collection</del>	<del>55.00</del>
<del>Section 13-1—Distribution of Handbills, Other Printed Material</del>	<del>55.00</del>

2 CLASS II VIOLATIONS

<del>Section 18-46—Certificate of Public Convenience and Necessity</del>	<del>\$75.00</del>
<del>Section 24-6—Unlawful signs, sign structures</del>	<del>75.00</del>
<del>Section 28-1507—Certain Motor Vehicles, Trailers Prohibited in Residential Districts</del>	<del>75.00</del>

3 CLASS III VIOLATIONS

<del>Chapter 7—Fire Prevention and Protection</del>	<del>\$125.00</del>
<del>Chapter 16-57—Display of Identification on Trucks</del>	<del>125.00</del>
<del>Section 20-3—Environmental Protection</del>	<del>125.00</del>
<del>Section 27-66—Vegetation Permit Required</del>	<del>125.00</del>

4 CLASS IV VIOLATIONS

<del>Repeat Violations</del>	<del>\$250.00</del>
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5 ~~(6) — Criminal penalty. Any person who willfully refuses to sign and accept a violation~~  
6 ~~issued by a code inspector shall be guilty of a misdemeanor of the second degree, punishable~~  
7 ~~as provided by section 775.082 or 775.083, Florida Statutes.~~

8 ~~(7) — Delivery of citation to the court. After issuing the citation to an alleged violator, the~~  
9 ~~code enforcement officer shall forward the original and one copy of the citation to the clerk of the~~  
10 ~~county court.~~

11 ~~(8) — County court jurisdiction.~~

12 ~~(a) — The county court in and for the Fifteenth Judicial Circuit of Palm Beach County,~~  
13 ~~Florida, shall hear charges of code violations pursuant to the issuance of citations. Such~~

1 ~~procedures will be conducted under the laws of the state and/or such other applicable local rules~~  
2 ~~promulgated by the court.~~

3 ~~(b) Any person so charged may contest the citation in the county court.~~

4 Section 2. If any section, subsection, clause or provision of this ordinance is held  
5 invalid, the remainder shall not be affected by such invalidity.

6 Section 3. All ordinances and resolutions or parts of ordinances and resolutions and  
7 all sections and parts of sections in conflict herewith shall be and hereby are repealed.

8 Section 4. Codification of this ordinance in the City Code of Ordinances is hereby  
9 authorized and directed.

10 Section 5. This ordinance shall take effect immediately upon adoption.

11  
12 PASSED AND ADOPTED by the City Council of the City of Boca Raton this 27<sup>th</sup>  
13 day of November, 2018.

14 CITY OF BOCA RATON, FLORIDA

15  
16 ATTEST:

17  
18  
19 Susan S. Saxton  
20  
21 Susan S. Saxton, City Clerk

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24 Scott Singer  
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26 Scott Singer, Mayor

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29 Approved as to form:

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31  
32 Diana Grub Frieser  
33  
34 FOR Diana Grub Frieser, City Attorney

COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SCOTT SINGER	✓		
DEPUTY MAYOR JEREMY RODGERS	✓		
COUNCIL MEMBER MONICA MAYOTTE	✓		
COUNCIL MEMBER ANDREA LEVINE O'ROURKE	✓		
COUNCIL MEMBER ANDY THOMSON	✓		