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ORDINANCE NO. 28-07

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AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING CHAPTER 8, ARTICLES I AND II OF THE CODE OF ORDINANCES OF THE TOWN OF JUPITER, PROVIDING FOR THE AMENDMENT OF ARTICLE I TO ENTITLE IT "CITATION SYSTEM" AND SECTION 8-1 THEREOF; PROVIDING FOR THE CREATION OF NEW CODE SECTION 8-2 TO BE ENTITLED "SUMMARY ENFORCEMENT PROCEDURES"; PROVIDING FOR THE AMENDMENT OF CODE SECTION 8-5 REPLACING "CIVIL PENALTIES" WITH SCHEDULE OF FINES AND COSTS"; PROVIDING FOR THE AMENDMENT OF CODE SECTION 8-7 ENTITLED "AUTHORITY OF CODE ENFORCEMENT OFFICER"; PROVIDING FOR THE REPEAL OF SECTIONS 8-8, 8-9, 8-10, 8-11, 8-12, 8-13, 8-14 AND 8-32; PROVIDING FOR THE AMENDMENT TO THE TITLE OF ARTICLE II; PROVIDING FOR THE AMENDMENT OF SECTION 8-27 TO ADD DEFINITIONS; PROVIDING FOR THE AMENDMENT OF SECTION 8-28 ENTITLED "ORGANIZATION OF CODE ENFORCEMENT BOARD"; PROVIDING FOR THE AMENDMENT OF SECTION 8-29 ENTITLED "SPECIAL MAGISTRATES"; PROVIDING FOR THE AMENDMENT OF SECTION 8-30 ENTITLED "JURISDICTION"; PROVIDING FOR THE AMENDMENT OF SECTION 8-35 ENTITLED "NOTICES"; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the Town of Jupiter, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

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WHEREAS, the Town Council has adopted general provisions pertaining to the Town's Code Enforcement Board and Special Magistrate, code enforcement procedures, the use of citations, the imposition of fines and other related provisions in the Town's Code of Ordinances, which have been codified at Chapter 8 of the Code of Ordinances; and

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WHEREAS, the Town staff has recommended to the Town Council that the existing code sections contained in Chapter 8, Article I, and Article II, be amended to

39 update code provisions and the procedures pertaining to code enforcement, to comply
40 with the requirements of Chapter 162, Florida Statutes; and

41 **WHEREAS**, the Town Council has reviewed the recommendations of Town staff,
42 and has determined that amending Articles I, and II, Chapter 8 of the Town's Code of
43 Ordinances would further the public's health, safety and welfare.

44 **NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE**
45 **TOWN OF JUPITER, FLORIDA:**

46 **SECTION 1.** The whereas clauses are incorporated herein as true and correct
47 and as the findings of fact and conclusions of law of the Town Council.

48 **SECTION 2.** Chapter 8, Article I, entitled "In General" is hereby amended as
49 follows:

50 **ARTICLE I. - IN GENERAL CITATION SYSTEM**

51
52 **Sec. 8-1. Purpose and intent.**

53 The purpose and intent of this ~~chapter~~ Article is to enable the Town to exercise
54 the fullest power and authority granted to municipal governments pursuant to F.S. §
55 162.21 including, without limitation thereof, the following:

56 (1) Establishment of a supplemental procedure for the enforcement of Town
57 codes and ordinances.

58 ~~(2) Designation of agents and employees as Code Inspectors whose duty it is~~
59 ~~to assure compliance with Town codes and ordinances and the State statute~~
60 ~~prohibiting littering and pertaining to abandoned property.~~

61 ~~(3)~~(2) Establishment of a system for issuing citations for violations of the codes
62 and ordinances of the Town as part of its enforcement procedures.

63 (4)(3) Establishment of a system of fines for violation of Town codes and
64 ordinances.

65 ~~(5) Determination of the training and qualification of employees to enforce the~~
66 ~~provisions of all Town codes and ordinances.~~

67 ~~(6) Provide a procedure for the utilization of inspection warrants as a means~~
68 ~~of investigating violations of Town codes and ordinances.~~

69 **Sec. 8-2. Definitions.**

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

73 ~~*Citation* shall mean a notice to appear at a designated time and place before the~~
74 ~~County court and shall be in a form and content as prescribed by State law.~~

75 ~~*Code* shall mean any ordinance duly enacted by the Town in effect within the~~
76 ~~Town limits, except as may be specifically excluded from application under this chapter.~~

77 ~~*Code Enforcement Officer or inspector* shall mean any designated or authorized~~
78 ~~employee or agent of the Town whose duty it is to enforce or assure compliance with~~
79 ~~codes and ordinances enacted by the Town. This definition includes, without limitation,~~
80 ~~those agents and employees of the Town having the job titles or employee designation~~
81 ~~as compliance officer.~~

82 ~~*Florida Abandoned Property Law* shall mean the Florida Abandoned Property~~
83 ~~Law codified as F.S. § 705.101 et seq.~~

84 ~~*Florida Litter Law* shall mean the Florida Litter Law codified as F.S. § 403.413.~~

85 ~~*Inspection warrants* shall mean an inspection warrant shall have the same~~
86 ~~definition as contained within F.S. §§ 933.20 through 933.30, i.e., inspection warrant~~

87 ~~means an order in writing, in the name of the people, signed by a person competent to~~
88 ~~issue search warrants pursuant to F.S. § 933.01, and directed to a State or local official,~~
89 ~~commanding him to conduct an inspection required or authorized by State or local law~~
90 ~~or rule relating to municipal or County building, fire, safety, environmental, animal~~
91 ~~control, land use, plumbing, electrical, health, minimum housing or zoning standards.~~

92 **Sec. 8-2. Summary Enforcement Procedures.**

93 (a) **Citations.** Certain code sections and ordinances lend themselves to
94 enforcement by means of a citation method and as such, the town council has
95 established by resolution, a schedule of civil infractions to be enforced by citation and a
96 schedule of fines for the violation of the respective code sections. The schedule of civil
97 penalties may be amended from time to time by the town council as it deems necessary
98 to further the public's health, safety and general welfare. If a violation of a code or
99 ordinance for which the town council has established civil penalties, including the
100 assessment of set specific fines is believed to have occurred or to exist by a code
101 enforcement and/or police officer, the officer may issue the violator a courtesy notice, or
102 a code citation in the form established in Sec. 8-.

103 (b) **Compliance Date.** The citation shall establish a time for compliance, and
104 shall state that each and every day of violation thereafter shall constitute a new violation
105 for which the violator may be fined. The citation shall provide that if the violator fails to
106 comply by the time established in the code citation, the violator must appear at the
107 special magistrate hearing on the date and at the time stated in the citation.

108 (c) **Fine Payment.** The violator may elect to pay the fine and costs as
109 provided on the code citation, or may appear before the special magistrate on the date
110 and time for hearing as noticed in the citation. Once a fine is paid, under this summary

111 procedure, it is deemed to be conclusive proof of the violation for the purposes of
112 establishing a later repeat violation.

113 **Sec. 8-2.**

114 (d) A citation issued by a code enforcement officer and/or police officer
115 ("officer") shall state and contain the following information:

- 116 1.) The date and time of issuance.
- 117 2.) The name and address of the person to whom this citation is issued.
- 118 3.) The date and time the civil infraction was committed.
- 119 4.) The facts constituting reasonable cause.
- 120 5.) The number of section of the code or ordinance violated, or in the case
121 of a State Statute, the applicable section thereof;
- 122 6.) The name of the code enforcement officer and/or police officer.
- 123 7.) The procedure for the person to follow in order to pay the civil penalty
124 or contest the citation.
- 125 8.) The applicable civil penalty if the person elects to contest the citation.
- 126 9.) The applicable civil penalty if the person elects not to contest the
127 citation.
- 128 10.) A statement advising that if the person fails to pay the civil penalty
129 within the time allowed or fails to appear before the town's special
130 magistrate to contest the citation, the person shall be deemed to have
131 waived such person's right to contest the citation and that, in such case,
132 judgment may be entered against the person for an amount up to the
133 maximum civil penalty;
- 134 11.) If the violation is a repeat, the repeat violation shall be so identified in
135 the citation.

136 (e) After issuing a citation to an alleged violator, the code enforcement officer
137 or police officer shall provide the original citation and one copy of the citation to the
138 town's code enforcement division for further processing.

139

140 **~~Sec. 8-5. Civil penalties.~~**

141 ~~(a) A violation of a code or ordinance is a civil infraction.~~

142 ~~(b) There is established a maximum civil penalty not to exceed \$500.00 per~~
143 ~~violation.~~

144 ~~(c) Any person who has committed a civil infraction and does not contest the~~
145 ~~citation shall be assessed a penalty less than the maximum allowed.~~

146 ~~(d) The violations and penalties for uncontested violation assessed are set~~
147 ~~forth in the uniform fine schedule and incorporated herein and on file in the Town~~
148 ~~Clerk's Office.~~

149 ~~(e) Repeat violators will be assessed fines in the next higher class as~~
150 ~~specified in the schedule on file in the Town Clerk's Office.~~

151 ~~(f) Third time offenses will be considered Class IV violations as provided in~~
152 ~~the schedule on file in the Town Clerk's Office.~~

153 **Sec. 8-5. Schedule of Fines and Costs.**

154 The Town Council may, from time to time, establish by resolution a schedule of
155 finances and costs, including attorney and magistrate fees, for various violations of the
156 Town Code and Ordinances.

157 **Sec. 8-7. Authority of Code Enforcement Officer.**

158 (a) The Code Enforcement Officers of the Town are authorized and empowered
159 to issue citations for violation of municipal codes and ordinances,
160 respectively, or subsequent amendments thereto, and for violations of State
161 statutes where municipal enforcement thereof has been provided, to any
162 person or violator, when such code inspector has actual knowledge that a
163 violation has been committed.

164 (b) Except as provided for in Section 8-5, a code inspector shall provide notice to
165 the violator that the violator has committed a violation a provision of the Town
166 Code or ordinance or, when applicable of a state statute, wherein municipal
167 enforcement has been provided.

168 (c) The code enforcement officers of the Town are authorized and empowered to
169 issue notices of violation, notices of hearing, and citations for violations of
170 Town codes and ordinances, development orders, the Florida Building Code,
171 and for violations of state statutes which authorize municipal enforcement
172 when the code inspector has a reasonable belief that a violation has been
173 committed.

174 **~~Sec. 8-8. Limitation on scope of enforcement.~~**

175
176 ~~(a) — A citation may be issued for a violation of any provision of this Code or ordinance~~
177 ~~except for violation of the building codes which are adopted pursuant to F.S. § 553.73,~~
178 ~~as they apply to construction.~~

179 ~~(b) — Code Inspectors shall have no power of arrest nor shall they be subject to the~~
180 ~~provisions of F.S. §§ 943.085-943.255.~~

181 **~~Sec. 8-9. Procedures for issuing notices of violations.~~**

182 ~~(a) — Prior to issuing a citation, a Code Enforcement Officer shall provide notice to the~~
183 ~~person that the person has violated a provision of the Code or ordinance.~~

184 ~~(b) — At the time of issuing a notice of violation, the code inspector shall establish and~~
185 ~~state therein a specific time period within which the person or violator to whom issued~~
186 ~~must correct the violation so noted. Such time period shall be of reasonable duration~~
187 ~~commensurate with the facts and circumstances pertaining to the violation and the~~

188 ~~degree of complexity required on the violator's part to correct same, but in any event,~~
189 ~~such time period shall not exceed 30 days.~~

190 ~~(c) — If the code inspector has reason to believe that the violation involved presents a~~
191 ~~serious threat to the public health, safety or welfare, or if the violation involved is~~
192 ~~irreparable or irreversible, the code inspector shall make appropriate notation thereof on~~
193 ~~the notice of violation, which shall excuse the requirement for providing the violator with~~
194 ~~a reasonable time period within which to correct the violation. In such case, the code~~
195 ~~inspector is authorized to immediately issue a citation for the violation involved.~~

196 **~~Sec. 8-10. Procedure for issuing second notice of violation.~~**

197 ~~If, upon personal investigation, the code inspector finds that the person so~~
198 ~~noticed or the violator has not corrected the violation within the time period provided in~~
199 ~~the first notice, the code inspector may proceed to issue a second notice to the person~~
200 ~~who has committed the violation, and state therein a specific time period not to exceed~~
201 ~~ten days within which the person or violator to whom issued must correct the violation~~
202 ~~so noticed.~~

203 **~~Sec. 8-11. Procedure for issuance of citation.~~**

204 ~~(a) — If, upon personal investigation, the code inspector finds that the person so~~
205 ~~noticed or the violator has not corrected the violation within the time period provided, in~~
206 ~~the second notice of violation, the code inspector may proceed to issue a citation to the~~
207 ~~person who has committed the violation.~~

208 ~~(b) — A Code Enforcement Officer does not have to provide the person with a second~~
209 ~~notice giving a reasonable time period to correct the violation prior to issuing a citation~~
210 ~~and may immediately issue a citation if the officer has reason to believe that the~~

211 ~~violation presents a serious threat to the public health, safety, or welfare, or if the~~
212 ~~violation is irreparable or irreversible.~~
213 ~~(Ord. No. 107-90, § 1(8-9), 3-5-91)~~

214 **Sec. 8-12. Information required for issuance of citation.**

215 ~~A citation issued by a code inspector shall state and contain the following~~
216 ~~information:~~

217 ~~(1) The date and time of issuance.~~

218 ~~(2) The name and address of the person in violation.~~

219 ~~(3) The date of the violation.~~

220 ~~(4) The section of the code or ordinance violated, or in the case of a State~~
221 ~~statute, the applicable section thereof.~~

222 ~~(5) The name of the code inspector.~~

223 ~~(6) The date and time when the violator must appear in County court.~~

224 **Sec. 8-13. Delivery of citation to the court.**

225 ~~After issuing the citation to the alleged violator, the Code Enforcement Officer~~
226 ~~shall deposit the original and one copy of the citation with the Clerk of the County Court.~~

227 **Sec. 8-14. County court jurisdiction.**

228 ~~(a) The County Court in and for the Fifteenth Judicial Circuit of Palm Beach County,~~
229 ~~Florida, shall hear charges of code violations pursuant to the issuance of citations.~~

230 ~~(b) Any person so charged may contest the citation in the County court.~~

231 **ARTICLE II. CODE ENFORCEMENT BOARD***

232 **Sec. 8-27. Definitions.**

233 The following words, terms or phrases, when used in this article, shall have the
234 meaning as indicated below:

235 *Code inspector or Code Enforcement Officer* shall mean any authorized agent or
236 employee of the Town of Jupiter whose duty is to assure code compliance.

237 *Decision; Final Order* shall mean an ~~administrative act~~ written order of the
238 Enforcement Board or Special Magistrate constituting final agency action consistent
239 with the powers of the Enforcement Board as described herein.

240 *Enforcement Board* shall mean ~~the Town of Jupiter a~~ Code Enforcement Board
241 ~~as described herein~~ established by the Town Council pursuant to Section 162.05,
242 Florida Statutes.

243 Inspection warrants shall mean an inspection warrant shall have the same
244 definition as contained within F.S. §§ 933.20 through 933.30, i.e., inspection warrant
245 means an order in writing, in the name of the people, signed by a person competent to
246 issue search warrants pursuant to F.S. § 933.01, and directed to a State or local official,
247 commanding him to conduct an inspection required or authorized by State or local law
248 or rule relating to municipal or County building, fire, safety, environmental, animal
249 control, land use, plumbing, electrical, health, minimum housing or zoning standards.

250 Repeat violation shall mean a violation of a code or ordinance by a person who
251 was previously found through a code enforcement board, magistrate, or any other
252 quasi-judicial or a judicial proves, to have violated or who has admitted violating the
253 same provision within 5 years prior to the violation, notwithstanding the violations occur
254 at different locations.

255 *Respondent; alleged violator* shall mean those persons, including ~~both~~ property
256 or business ~~landowners~~ and/or tenants, who have been issued a notice of violation.

257 *Violator* shall mean a person who has been ~~noticed of a violation of or~~ ordered to
258 correct a violation consistent with this article.

259 **Sec. 8-28. Organization of Code Enforcement Board.**

260 A Code Enforcement Board shall be organized in accordance with Section
261 162.05, Florida Statutes as it may be amended from time to time.

262 ~~(a) — There is hereby created a Code Enforcement Board of the Town of Jupiter,~~
263 ~~Florida, which shall consist of nine members appointed on an at-large basis by the~~
264 ~~Town Council of the Town of Jupiter. The Council shall designate seven of its~~
265 ~~appointees as the regular members of the said board. The Council shall also designate~~
266 ~~two appointees as alternates to serve in the absence of the regular board members.~~
267 ~~Members of the Code Enforcement Board must be residents of the Town of Jupiter. The~~
268 ~~Town Council shall appoint seven members as at-large regular members and two~~
269 ~~individuals to serve as alternate members of the Code Enforcement Board. The~~
270 ~~nomination of each at-large member and each alternate member shall be subject to the~~
271 ~~confirmation of a majority vote of the Town Council.~~

272 ~~(b) — The initial appointments to the Enforcement Board shall be as follows:~~

273 ~~(1) — Two members appointed for a term of one year each;~~

274 ~~(2) — Three members appointed for a term of two years each;~~

275 ~~(3) — Two members appointed for a term of three years each.~~

276 ~~(c) — Any appointment to fill any vacancy on the Code Enforcement Board shall be for~~
277 ~~the remainder of the unexpired term of office. If any member fails to attend two of three~~
278 ~~successive meetings without providing notice prior to the meeting of said member's~~
279 ~~absence from the meeting, the Enforcement Board may declare the member's office~~
280 ~~vacant. Notice shall be provided to the Chairman of the Code Enforcement Board or to~~
281 ~~the Code Compliance Division. The Town Council shall promptly fill such vacancy.~~

282 ~~Members of the Code Enforcement Board may be suspended or removed as provided~~
283 ~~herein.~~

284 ~~(d) — Membership of the Code Enforcement Board shall, whenever possible, include a~~
285 ~~member from some or all of the following professions: an architect, business person,~~
286 ~~engineer, general contractor, landscape architect, land use planner, subcontractor,~~
287 ~~realtor and attorney.~~

288 ~~(e) — At the first meeting of the Enforcement Board, the members shall elect a~~
289 ~~chairperson and a vice chairperson. The chairperson and vice chairperson shall serve a~~
290 ~~one year term, but may be re-elected for additional terms at the discretion of the~~
291 ~~Enforcement Board. The chairperson shall preside at all meetings and shall direct the~~
292 ~~business affairs of the Enforcement Board, subject to the directions of the Enforcement~~
293 ~~Board. The vice chairperson shall act in the absence of the chairperson in the conduct~~
294 ~~of meetings, or otherwise, and shall perform such duties as may be delegated by the~~
295 ~~chairperson from time to time. In acting in the chairperson's absence, the vice-~~
296 ~~chairperson shall have all the powers of, and be subject to, all restrictions upon the~~
297 ~~chairperson. The election of a chairperson and vice chairperson shall occur during the~~
298 ~~month of the one year anniversary of the Enforcement Board's first meeting and each~~
299 ~~subsequent yearly anniversary thereafter.~~

300 ~~(f) — Four members shall constitute a quorum for the purposes of a meeting. The~~
301 ~~affirmative vote of a majority of the members present at any meeting of the Enforcement~~
302 ~~Board shall be necessary to take action. In the event of a tie vote, the proposed motion~~
303 ~~shall be considered to have failed.~~

304 ~~(g) — Special meetings of the Enforcement Board may be convened by the chairperson~~
305 ~~upon the giving of written notice thereof to each member of the Enforcement Board.~~

306 ~~Unless waived by a majority of the Board, notice of a special meeting shall be given at~~
307 ~~least 24 hours prior thereto.~~

308 ~~(h) Minutes shall be maintained of all hearings held by the Enforcement Board, and~~
309 ~~all hearings shall be open to the public. The Town Council shall provide clerical and~~
310 ~~administrative personnel as may be reasonably required by the Enforcement Board for~~
311 ~~proper performance of its duties. The Town Attorney, or his/her designee, shall attend~~
312 ~~meetings to serve as counsel to the Enforcement Board. The Chief Code Compliance~~
313 ~~Officer, or his/her designee, shall represent the Town by presenting alleged violations to~~
314 ~~the Enforcement Board.~~

315 **Sec. 8-29 Special magistrates.**

316 (a) Special magistrates shall be ~~selected~~ appointed by the Town Council from a list
317 of attorneys recommended by the town attorney, who are licensed to practice law in the
318 State of Florida and are good standing members of the Florida Bar. More than one
319 special magistrate may be used. ~~A special magistrate shall serve for a one year term, at~~
320 ~~the pleasure of the Town Council. The special magistrate may be reappointed by the~~
321 ~~Council at the end of the term.~~

322 ~~(b) Duties, responsibilities and powers. Special magistrates shall have all the duties,~~
323 ~~responsibilities and powers, and shall carry out the functions and procedures as set~~
324 ~~forth herein.~~

325 (b) A special magistrate shall have the duties, responsibilities and powers,
326 and shall carry out the functions and procedures as set forth in Chapter 162, F.S. as
327 amended from time to time. These duties, responsibilities and powers may include, but
328 are not limited to, adopting reasonable rules and procedures for the conduct of
329 hearings; subpoena alleged violators and witnesses to its hearings; subpoena evidence

330 to its hearings; hold hearings and take testimony under oath and receive evidence;
331 assess fines and costs against violators, including but not limited to attorney's fees
332 incurred by the town for services by the Town Attorney and Magistrate; issue orders
333 having the force of law commanding whatever relief or steps are necessary to bring a
334 violation into compliance; grant, deny or modify extensions of time for compliance; to
335 hear and decide requests for abatement or reduction of fines, and authorize liens to be
336 recorded against property owned by violators.

337 (c) The Town Council hereby specifically designates to the special magistrate
338 the authority of Section 162.09(3), Florida Statutes, concerning the satisfaction and
339 release of code enforcement liens which have been previously recorded in the public
340 records.

341 **Sec. 8-30. Jurisdiction.**

342 (a) The Code Enforcement Board and the special magistrate shall have the
343 jurisdiction and authority to hear and decide alleged violations of the codes and
344 ordinances enacted by the Town, including, but not limited to, the following:

345 building, electrical, fire, gas, landscape, plumbing, sign, zoning noise, minimum
346 housing and; any other similar type codes which may be adopted by the Town in the
347 future, which regulate aesthetics, construction, safety, use of property or location of any
348 structure on real property in the Town of Jupiter.

349 In addition the Code Enforcement Board or Special Magistrate may enforce
350 parking violations; a developer's failure to comply with conditions of a development
351 order; violations charged by the use of a citation as the charging document as provided
352 for in Article I.

353 (b) The provisions of this article are supplemental and shall not prohibit the Town
354 from enforcing its codes by other legal means.

355 **Sec. 8-32. Powers.**

356 ~~The Code Enforcement Board and the special magistrates shall have the power~~
357 ~~to:~~

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

359 ~~(2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may~~
360 ~~be served by a sheriff or other authorized persons consistent with Rule 1.410(c),~~
361 ~~Florida Rules of Civil Procedure upon request by the chairperson or the special~~
362 ~~magistrate.~~

363 ~~(3) Subpoena records, surveys, plats and other documentary materials.~~

364 ~~(4) Take testimony under oath.~~

365 ~~(5) Issue orders having the full force and effect of law to command whatever~~
366 ~~steps are necessary to bring a violation into compliance.~~

367 ~~(6) Assess fines pursuant to section 8-33.~~

368 ~~(7) Lien property pursuant to section 8-33.~~

369 ~~(8) To reduce, compromise, settle, satisfy or release a fine imposed pursuant~~
370 ~~to this section, specifically including fines which have been recorded in the public~~
371 ~~records and have lien status.~~

372 **Sec. 8-34. Appeal.**

373 Any aggrieved party, including the Town Council, may appeal an order of the
374 Enforcement Board or the special magistrate in accordance with the rules of Appellate
375 Procedure. Such appeal shall not be a hearing de novo and the court shall be limited to

376 appellate review of the record created before the Enforcement Board or the special
377 magistrate.

378 The timely filing of an appeal shall not stay the accrual of any fines ordered to be
379 paid pursuant to Section 8-33 until final disposition of the appeal. The Code
380 Enforcement Division's Clerk may assess a reasonable charge for the preparation of the
381 record to be paid in accordance with Florida Statute 119.07.

382 **Sec. 8-35. Notices.**

383 All notices required by this article shall be ~~by certified mail, return receipt~~
384 ~~requested, or, when mail is not effective, by hand delivery by a code inspector.~~ Notice
385 may also be provided by publication or posting, served consistent with the provisions of
386 Florida Statutes, Chapter Section 162.10 ~~This section shall not apply to notices of~~
387 ~~special meetings as described in section 8-31. Notices placed shall contain at a~~
388 ~~minimum, the date and time of the scheduled violation hearing during which time the~~
389 ~~alleged violator is required to appear; the name and address of the alleged violator; the~~
390 ~~address or legal description of the property wherein the alleged violations have~~
391 ~~occurred; and those codes or provisions of a code for which the alleged violator has~~
392 ~~been cited.~~

393 **SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase
394 or portion of this Ordinance is for any reason held invalid or unconstitutional by any
395 court of competent jurisdiction, such portion shall be deemed a separate, distinct and
396 independent provision and such holding shall not affect the validity of the remaining
397 portions thereof.

398 **SECTION 4. Repeal of Laws in Conflict.** All ordinances or parts of ordinances
399 in conflict herewith are hereby repealed to the extent of such conflict.

400 **SECTION 5. Codification.** The sections of the Ordinance may be made a part
401 of the Town Code of Laws and Ordinances and may be renumbered or re-lettered to
402 accomplish such, and the word "ordinance" may be changed to "section," "article," or
403 any other appropriate word.

404 **SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon
405 adoption.

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