

ORDINANCE NO. 00-07-05

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA ADOPTING ORDINANCE NO. 00-07-05, "CODE COMPLIANCE," OF THE CITY CODE; AUTHORIZING CREATION OF CODE COMPLIANCE BOARD AND/OR SPECIAL MASTER; PROVIDING FOR ADOPTION OF PROVISIONS OF SECTIONS 162.21, 162.22, AND 162.23, FLORIDA STATUTES; PROVIDING FOR SUPERCEDING OF CONFLICTING PROVISIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. Ordinance No. 00-07-05, "Code Compliance," of the City Code is hereby adopted to read as follows:

Sec. 1. Creation of Code Compliance System.

(A) The City may establish, by resolution, a code enforcement system that shall provide for a Code Compliance Board and/or Special Master.

(B) Subject to the amendments adopted below, the City hereby adopts Sections 162.21, 162.22, and 162.23, Florida Statutes, as may be amended from time to time.

Sec. 2. The provisions of Subsections (1), (2), (3)(a), (3)(b), (5), and (6) of Section 162.21, Florida Statutes, as adopted by this ordinance, are hereby amended to read as follows:

(1) As used in this section, "code enforcement officer" means any ~~designated employee~~ or agent of ~~a county or municipality whose duty it is~~ the City designated by the City Manager to enforce codes and ordinances enacted by the ~~county or municipality~~ City.

(2) ~~A county or a municipality~~ The City Manager 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 ~~county or the municipality~~ City Manager. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, animal control 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 ~~ss.~~ Sections 943.085-943.25, Florida Statutes. 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.

(3)(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 and that the county court or Code Compliance Board will hear the charge.

(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 establish a reasonable time period within which the person must correct the violation. Such time period shall be no less than seven 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 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 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 if the violation is irreparable or irreversible. . . .

(5) ~~A county or a municipality~~ The City is authorized to enforce codes and ordinances under the provisions of this section and may ~~enact an ordinance~~ establishing procedures for the implementation of such provisions, including a schedule of violations and penalties to be assessed by code enforcement officers. The schedule of violations and penalties may be established by resolution of the City Council. . . .

~~(6) 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 s. 775.082 or s. 775.083.~~

Section 2. SUPERCEDING CONFLICTING PROVISIONS. Any provisions of Chapter 162, Florida Statutes, that conflict with this Ordinance are hereby superceded.

Section 3. REPEAL OF CONFLICTING PROVISIONS. Any provision of the City Code that conflicts with this Ordinance, including Section 6.3, Monroe County Code, as set forth in Exhibit "A," as attached and incorporated to this Ordinance, is hereby repealed.

Section 4. SEVERABILITY. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. INCLUSION IN THE CODE. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Marathon, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. EFFECTIVE DATE. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by ~~Councilmember~~ Mayor Miller, who moved for its adoption. This motion was seconded by ~~Councilmember~~ Vice Mayor Bartus and upon being put to a vote, the vote was as follows:

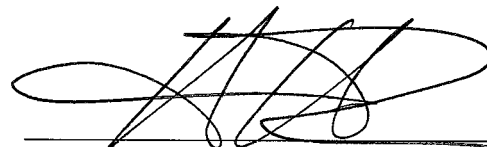
Mayor Robert Miller YES
Vice Mayor John Bartus YES
Councilman Frank Greenman YES
Councilman Jon Johnson YES
Councilman Randy Mearns YES

PASSED on first reading this 12th day of July, 2000.

The foregoing Ordinance was offered by Councilmember Greenman, who moved for its adoption. This motion was seconded by ~~Vice Mayor Bartus~~ Councilmember ~~Bartus~~ Councilman Johnson, and upon being put to a vote, the vote was as follows:

Mayor Robert Miller YES
Vice Mayor John Bartus YES
Councilman Frank Greenman YES
Councilman Jon Johnson YES
Councilman Randy Mearns YES

PASSED AND ADOPTED on second reading this 25th day of July, 2000.

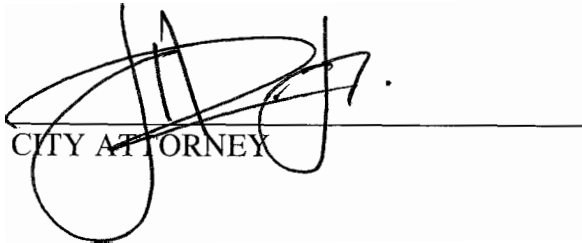

ROBERT MILLER, MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

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