

Agenda Item #:

AGENDA ITEM SUMMARY

Meeting Date: **November 6, 2007**

☐ Consent ☒ Regular
☐ Workshop ☐ Public Hearing

Department: Planning, Zoning & Building/Code Enforcement Division

Submitted By: Planning, Zoning & Building

Submitted For: Code Enforcement Division

I. EXECUTIVE BRIEF


Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on December 18, 2007 at 9:30 a.m.; an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Schedule “A” of Chapter 8.5, Article II, Palm Beach County Code (known as the “Code Enforcement Citation Ordinance of Palm Beach County, Florida”); to update certain code references; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for a savings clause; and providing for an effective date.

Summary: This amendment updates the County's Code Enforcement Citation Ordinance, bringing Schedule A, which identifies the types of violations and the fines associated with them, into conformance with changes made to the Unified Land Development Code. Countywide (GB)

Background and Justification: The Citation Ordinance allows Code Enforcement, Fire Rescue, Public Affairs and the Sheriff Department to issue citations for certain code and ordinance violations enumerated in Schedule A of the Ordinance. Because of changes to the Unified Land Development Code, many of the code sections referenced in Schedule A need to be updated. Staff has also added the restaurant sign ordinance to the list as one of the ordinances enforceable through the Citation System.

Attachments:

1. Ordinance
2. Exhibit 1

Recommended by: 
Executive Director

9/27/07
Date

Approved By: 
Deputy County Administrator

10/17/07
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	0	0	0	0	0
Operating Costs	0	0	0	0	0
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	0	0	0	0	0

ADDITIONAL FTE

POSITIONS (Cumulative) _____

Is Item Included In Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Agency _____ Org. _____ Object _____

Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact.

C. Departmental Fiscal Review:

Por Dámasio

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

John D. 10-3-07
OFMB
TM
10/02
60
9/28

[Signature]
Contract Dev. and Control 10/4/07

B. Legal Sufficiency:

Legal Sufficiency:

[Signature] 10/4/07

Assistant County Attorney

C. Other Department Review:

Department Director

ORDINANCE NO. 07-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SCHEDULE "A" OF CHAPTER 8.5, ARTICLE II, PALM BEACH COUNTY CODE (KNOWN AS THE "CODE ENFORCEMENT CITATION ORDINANCE OF PALM BEACH COUNTY, FLORIDA"); TO UPDATE CERTAIN CODE REFERENCES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 162.21, Florida Statutes, authorizes local governments to establish a civil citation system for the enforcement of codes and ordinances; and

WHEREAS, Chapter 8.5, Article II, of the Palm Beach County Code (known as the "Code Enforcement Citation Ordinance of Palm Beach County, Florida") establishes a civil citation system for the enforcement of codes and ordinances and authorizes the assessment of civil penalties as specified in Schedule "A" thereof; and

WHEREAS, the Board of County Commissioners desires to amend said Schedule "A" to update certain code references, as set forth herein; and

WHEREAS, the Board of County Commissioners has determined that the revisions to Schedule "A" set forth herein will promote, protect and improve the health, safety and welfare of the citizens of Palm Beach County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. AMENDMENTS TO SCHEDULE "A":

Schedule "A" of Chapter 8.5, Article II, Palm Beach County Code, is hereby amended as set forth in Exhibit 1.

Section 2. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

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Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 5. Savings Clause

Notwithstanding anything to the contrary, all provisions of Chapter 8.5, Article II of the Palm Beach County Code, codifying Ordinance No. 90-45, as amended, are specifically preserved and remain in full force and effect for the limited purpose of enforcing any alleged violations of said Code which occurred prior to enactment of this Ordinance.

Section 6. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida on this _____ day of _____, 2007.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Addie Greene, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the ____ day of _____, 2007.

EXHIBIT 1

Schedule "A"

Code Provision	Description	Class	Fine Amount
Article 7, § Section 6.A.1.D.19.a.1 ULDC	Parking <u>equipment</u> , a commercial vehicle, recreational vehicle, <u>boat, vessel, trailer</u> , sports vehicle such as dune buggy, jet skis, racing vehicle, off-road vehicle, air boat, canoe or paddleboat, boat or trailer , on any public street, or other thoroughfare or any R-O-W within any residential district for a period exceeding 2 <u>1</u> hours in any 24 hour period.	I	\$50.00
Article 7.2.C.18.b.(5) ii Section 6.A.1.D.19.b.5(b) ULDC	Parking recreational vehicle, <u>sports vehicle</u> , or boat <u>or</u> vessel with accompanying trailers, <u>or trailer</u> in the required front yard area or other area between the structure and the street for more than 2 hours in any 24 hour period.	I	\$50.00
Article 7, § Section 6.A.1.D.19.b.5 ULDC	Storage of more than 1 boat, <u>recreational vehicle or trailer</u> or more than 1 camper on property within a residential district.	I	\$50.00
406.4 PBC HOUSING CODE Section 305.1 PBC Property Maintenance Code	Open storage of trash and debris, construction materials, paper products, aluminum, wood, vehicle parts, furniture, appliances and other like materials on property used for residential purposes.	III	\$125.00
Article 7, Section 7.2.C.18.a Section 6.a.1.D.19.b.1 ULDC	Parking of commercial vehicle in excess of 1 ton carrying capacity; or in excess of 12,500 pounds gross <u>vehicle weight rating</u> (GVWR); or in excess of 9' in height, including any load, bed or box; or in excess of 26' in length.	I	\$50.00
Article 7, § 7.2 C.18.a.(2) Section 6.A.1.D.19.a.2 ULDC	Parking unlicensed or unregistered vehicles in residential districts.	I	\$50.00
Florida Building Code Chapter 4, Section 424.2.17.1	Outdoor swimming pools shall be provided with a barrier.	IV	\$250.00
Article 7 § 7.3H.2.h. Section 7.E.4.G ULDC	Landscape area shall not be used for storage/display of materials or sale of products or services.	I	\$50.00
Article 7, § 7.8-A.4 Section 5.E.4.B ULDC	Palm Beach County Noise Ordinance <u>regulations</u>	II	\$75.00
Article 7, § 7.14 Section 8.C ULDC	Palm Beach County Sign Ordinance <u>regulations</u>	III	\$125.00
Article 7, § 7.6-D. Section 4.D.3 ULDC	Excavation and removal of fill without zoning approval or valid permit.	IV	\$250.00
Article 7, § 7.3.H.2 Section 7.E.4.C ULDC	Failure to maintain all landscaping in a way that presents a healthy, neat and orderly appearance.	III	\$125.00
Article 7.3.H.3 Section 7.E.5 ULDC	Pruning of trees such that the canopy spread is less than 20'.	III	\$125.00

Article 7.3.H.3.e Section 7.E.5.A.4 ULDC	Tree topping (hatracking) is prohibited.	IV	\$250.00
Article 9, § 9.5 B. Section 14.C.6 ULDC	Removing vegetation without a permit.	III	\$125.00
Article 14, § 14.2F.1. Section 10.B.4.B.1 ULDC	Violations of a cease and desist order.	IV	\$250.00
Section 3 (PBC Ord. 97-40)	Commercial use of right-of-way prohibited without permit.	III	\$125.00
Article 6, § 6.4.C.3 Section 4.A.3.A.4 and Table 6.4-1 4.A.3.A-1 ULDC	Temporary sales, with or without a tent or temporary structure, without special permit from zoning division.	IV	\$250.00
PBC Water and Irrigation Conservation Ordinance 93-3; Section 4.01	Irrigation of landscape areas between the hours of 9:00 a.m. to 5:00 p.m.	II	\$75.00
Section 4.02	Operating or allowing irrigation system to waste water, including unnecessary watering of impervious areas.	II	\$75.00
Article 5, § 5.1 L. Section 2.A.1.P ULDC	Violation of any condition of any development order of the Board of County Commissioners or failure to comply with an approved site plan.	IV	\$250.00
Ord. No. 88-8, Section 3.A., Burglar Alarm Ordinance	Operating an alarm system without a valid alarm user permit.	IV	\$250.00
Ord. No. 88-8, Section 3.D., Burglar Alarm Ordinance	Failure to obtain separate permits for each structure.	I	\$50.00
Ord. No. 88-8, Section 3.E. Burglar Alarm Ordinance	Failure to be licensed to install, repair, activate alarms; failure to inform system owner of Burglar Alarm Ordinance.	IV	\$250.00
Ord. No. 88-8, Section 4.A., Burglar Alarm Ordinance	Failure to obtain a burglar alarm permit.	IV	\$250.00
Ord. No. 88-8, Section 4.B., Burglar Alarm Ordinance	Failure to comply with emergency notification requirements.	III	\$125.00
Ord. No. 88-8, Section 5, Burglar Alarm Ordinance	Failure to display burglar alarm permit.	I	\$50.00
Ord. No. 88-8, Section 6.A., Burglar Alarm Ordinance	Failure to have sufficient backup power supply.	I	\$50.00
Ord. No. 88-8, Section 6.B., Burglar Alarm Ordinance	Failure to automatically reset alarm after 15 minutes after activation.	III	\$125.00

1	Ord. No. 88-8,	Failure to obtain proper permitting and	I	\$50.00
2	Section 6.C.,	approvals.		
3	Burglar			
4	Ordinance			
5	Ord. No. 88-8,	Failure to comply with automatic dialing	III	\$125.00
6	Section 11.A.,	alarm system.		
7	Burglar			
8	Ordinance			
9	Ord. No. 88-8,	Failure to cease operation of system	III	\$125.00
10	Section 11.B.,	within 72 hours upon notice.		
11	Burglar			
12	Ordinance			
13	Ord. No. 88-8,	Failure to remove system within 30 days	III	\$125.00
14	Section 11.C.,	upon notice.		
15	Burglar			
16	Ordinance			
17	Ord. No. 88-8,	Failure to call premises upon alarm	III	\$125.00
18	Section 10.A.,	activation.		
19	Burglar			
20	Ordinance			
21	Ord. No. 88-8,	Failure to maintain current information	III	\$125.00
22	Section 10.B.,	regarding monitored premises.		
23	Burglar			
24	Ordinance			
25	Palm Beach County	Any person who engages in any business	IV	\$250.00
26	Code, Chapter 17,	who does not obtain the required		
27	Article II, Section	occupational license <i>business tax receipt</i>		
28	17-24(f)	is subject to civil citation and penalties.		
29	Ord. No. 96-9,	Improper placing of garbage for	I	\$50.00
30	Garbage Collection	collection.		
31	Ordinance, Section			
32	3A			
33	Ord. No. 99-19,	Allowing any person to perform in an	III	\$125.00
34	Work Identification	adult entertainment establishment without		
35	Card Ordinance	a work identification card.		
36	Ord. No. 99-19,	Failure to retain and make available for	III	\$125.00
37	Work Identification	inspection a photocopy of all work		
38	Card Ordinance	identification cards issued to performers		
39		at adult entertainment establishments.		
40	Section 3-1.5, PBC	Overcrowding/exceeding allowed or	IV	\$250.00
41	Local Amendments	posted capacity.		
42	to Fla. Fire Prevent			
43	Code (Sec. 12-57,			
44	PBC Code)			
45	Section 3-4.1.1,	Open burning without approved permit or	IV	\$250.00
46	PBC	authorization.		
47	Local			
48	Amendments to Fla.			
49	Fire Prevention			
50	Code (Sec. 12-57,			
51	PBC Code)			
52	Section 1-16, NFPA	Operating or conducting a business	III	\$125.00
53	1 Fire Prevention	without approved permit or authorization.		
54	Code, as adopted			
55	and modified by			
56	Fla. Fire Prevention			
57	Code (Ch. 4A-60,			
	F.A.C.)			

Section 4-1.7.1, NFPA 1 Fire Prevention Code, as adopted by Fla. Fire Prevention Code (Ch. 4A-60, F.A.C)	Operating a business with a locked exit.	IV	\$250.00
Section 4-9.1, NFPA 1 Fire Prevention Code, as adopted by Fla. Fire Prevention Code (Ch. 4A-60, F.A.C.)	Operating a business with an obstructed exit.	IV	\$250.00
Sec. 7-3.3, NFPA 1 Fire Prevention Code, as adopted by Fla. Fire Prevention Code (Ch. 4A-60, F.A.C.)	Failure to properly inspect, test and maintain automatic sprinkler system	III	\$125.00
Section 7-7.3.2, NFPA 1 Fire Prevention Code, as adopted by Fla. Fire Prevention Code (Ch. 4A-60, F.A.C.)	Failure to properly inspect, test and maintain fire alarm system(s)	IV	\$250.00
Chapter 12, Article III (Fireworks), Division 1, PBC Code	Illegal or unauthorized sale of fireworks, sparklers, or novelties.	IV	\$250.00
Ordinance 2001-008, Section 3	Emergency water use ordinance.	III	\$125.00
<u>Ordinance 2006-016; Section 13-77</u>	<u>Failure to post a notice advising the public that the latest food service inspection report is available upon request.</u>	I	\$50.00
PBC Cable Ordinance Sec. 8-12(a)	Failure to obtain a permit for the construction, installation, or maintenance of a cable system in county rights-of-way	IV	\$250.00
PBC Cable Ordinance Sec. 8-12(a)	Failure to comply with permit conditions as required by the PBC cable television R/W permit	IV	\$250.00
PBC Cable Ordinance Sec. 8-12(a), (g)	Failure to comply with applicable county rules, policies and procedures related to the construction, installation, and maintenance of a cable system in county rights-of way	IV	\$250.00
PBC Cable Ordinance Sec. 8-12(b)	Failure to restore right-of-way as required by County Code	IV	\$250.00
PBC Cable Ordinance Sec. 8-12 (c), (d)	Failure to comply with construction standards as required by County Code, National Electric Code and/or FDOT Minimum standards	IV	\$250.00
PBC Cable Ordinance Sec. 8-12(d)	Deviation from submitted permit plans without prior approval	IV	\$250.00

All substantive code provisions subject to enforcement by this article shall continue to be enforced as they may be from time to time amended.