



MEMORANDUM

Date: April 10, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress
City Manager

From: Jim Young
Director of Code Compliance

Subject: Amending Chapter 62, titled Streets and Sidewalks, Article I, titled In General, Section 62-1, Deposits of oil, grease or other waste and Sec. 62-2, Obstructions to allow Code Compliance to issue a Notice of Code Violation.

Introduction

This measure proposes to amend Chapter 62, titled Streets and Sidewalks, Article I, titled In General, Section 62-1, Deposits of oil, grease or other waste and Sec. 62-2, Obstructions to allow Code Compliance to issue a Notice of Code Violation as an option to arrest.

Background

While researching the penalties for violating unlawful deposits of oil, grease or other waste and obstructions it was discovered that Code Compliance could not cite the violator due to the ordinances stating violations shall be punishable as provided in section 1-15. Upon researching Volume One of the City's Code of Ordinances it was discovered that Code Compliance could not issue a notice of code violation in several other ordinances due to the ordinances stating violations shall be punishable as provided in section 1-15. City Management as well as the Legal Department determined that those ordinances should be amended to allow both Code Compliance and KWPD to cite violators.

Section 1-15 General penalty states.

(a) Except as provided in subsection (c) hereof, whenever in this Code of Ordinances section 1-15 is referred to as providing a penalty for violation, the violation shall be punishable by a fine of not more than \$500.00 or a term of imprisonment not to exceed 60 days or both a fine and term of imprisonment.

(b) All such violations may be enforced by notice to appear in the county court as provided by F.S. § 901.28 or for a threat to public health, safety and welfare by arrest as provided in F.S. § 901.15 (1), except where prohibited by law.

(c) Through section 86-11 hereof, a violation of a city zoning or land development regulation is deemed a civil infraction, unless such a specific regulation provides for criminal penalties. The special master of the city, under his or her authority to impose administrative fines and non-criminal penalties, may hear cases of alleged violations of the zoning or land development regulations.

Recommendation

Since there have been no changes to the Ordinance from the first reading to the second reading the City Manager's Office recommends the Mayor and Commission approve the second reading amending Chapter 62, titled Streets and Sidewalks, Article I, titled In General, Section 62-1, Deposits of oil, grease or other waste and Sec. 62-2, Obstructions to allow Code Compliance to issue a Notice of Code Violation as an option to arrest.