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Memorandum

TO: Mayor & Commissioners
FROM: Shawn D. Smith, City Attorney 
RE: Additional Language for Second Reading
DATE: February 22, 2016

Mayor and Commissioners,

At the last Commission meeting, I was directed to revise the cigarette butt ordinance penalty provision. The current language has a reference to our code section 2-680, which is a general penalty provision applicable to a number of city code sections. I suggest a specific penalty provision in the proposed cigarette butt ordinance that address the request for a reduced fine from the standard \$100 included in section 2-680. Therefore I propose that section 3 of the proposed ordinance be deleted in its entirety and replaced with the language which follows. Please note that I have left the exact amount of the fine blank because there was not a clear consensus on the actual amount below \$100.

"Sec. 26-166. - Civil penalty.

A violation of 26-165 shall result in assessment of a civil penalty of \$ _____ .00 if the person who has committed the civil infraction does not contest the citation. If the person cited fails to pay the civil penalty within the time allowed or fails to appear to contest the citation, the person shall be deemed to have waived the right to contest the citation, and in such case judgment may be entered against the person for an amount up to the maximum civil penalty, not to exceed \$500.00. 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 F.S. § 775.082 or 775.083."

Please contact me with any questions or comments you may have.