

ORDINANCE NO. 2007-21

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, DISSOLVING THE CODE ENFORCEMENT BOARD, PRESERVING ITS PRIOR ACTIONS, PROVIDING FOR REPLACEMENT OF THE CODE ENFORCEMENT BOARD WITH A SPECIAL MAGISTRATE; PROVIDING THAT REFERENCES TO THE CODE ENFORCEMENT BOARD ELSEWHERE IN THE CODE, THE LAND DEVELOPMENT REGULATIONS AND ANY OTHER CODES, ORDINANCES AND RESOLUTIONS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ARE DEEMED REFERENCES TO THE SPECIAL MAGISTRATE; GRANTING ALL POWERS AND DUTIES AS PRESCRIBED BY FLORIDA LAW TO THE SPECIAL MAGISTRATE; PROVIDING FOR THE APPOINTMENT OF, AND TERMS AND COMPENSATION OF SPECIAL MAGISTRATES; PROVIDING FOR RANDOM ASSIGNMENT OF CASES TO SPECIAL MAGISTRATES; PROVIDING FOR THE REQUIREMENT THAT CODE ENFORCEMENT HEARINGS BE ELECTRONICALLY RECORDED; CONFIRMING ORDINANCE TO BE ENFORCED; CONFORMING THE FINE PROVISIONS THEREOF TO THE CORRESPONDING PROVISIONS OF SECTION 162.09(2)(D), FLORIDA STATUTES; INCORPORATING THE PROVISIONS OF FLORIDA STATUTE 162.01-162.13, AS AMENDED, THEREIN; REPEALING COUNTY ORDINANCE 82-59; REPEALING COUNTY ORDINANCE 97-40; REPEALING ORDINANCE 2000-64; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the intent of St. Johns County to promote, protect, and improve the health, safety, and welfare of the citizens of St Johns County, Florida by authorizing the appointment of one or more code enforcement Special Magistrates with authority to impose administrative fines and other non-criminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing certain codes and ordinances in force within the county where a pending or repeated violation continues to exist; and

WHEREAS, Chapter 162, Florida Statutes, as amended, authorizes St. Johns County, by ordinance to adopt a code enforcement system that gives Special Magistrates the authority to hold hearings and assess fines against violators of the respective county codes and ordinances; and

WHEREAS, the Special Magistrate shall have the same status and powers as a code enforcement board under Chapter 162, Part I, Florida Statutes, as amended; and

WHEREAS, Section 162.09 of the Florida Statutes, as amended, authorizes any county having a population greater than 50,000 to adopt, by a vote of at least a majority plus one of the entire governing body, an ordinance that gives the Special Magistrate the authority to impose fines in excess of the limits set forth in paragraph (2)(a) of section 162.09.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Findings. The above Recitals are incorporated herein by reference and are hereby adopted as Findings in support of this Ordinance.

Section 2. Definitions

- (A) Unless the context requires otherwise, the terms used in this article shall have the definitions provided under Chapter 162, Florida Statutes, as amended.
- (B) Also as used in this article, and unless the context clearly requires otherwise, the following terms shall have the meanings herein ascribed:
 - (1) The term “Board” shall mean the Board of County Commissioners of St Johns County.
 - (2) The term “County” shall mean St Johns County, Florida.
 - (3) The term, “Rendition of order” shall mean the date final written decision is made by the Special Magistrate.

Section 3. Enforcement Board dissolved; references revised.

The Code Enforcement Board heretofore established by the adoption of Ordinance No. 82-59 is hereby dissolved effective April 3, 2007, provided, all prior administrative actions, orders and liens imposed by such Code Enforcement Board shall remain in full force and effect. No cases shall be referred to the Code Enforcement Board on and after April 3, 2007. All cases remaining pending before the Code Enforcement Board as of April 3, 2007, shall be transferred to the Special Magistrate. All references to the Code Enforcement Board occurring elsewhere within the code, within the County’s Land Development Regulations and within any other codes, ordinances and resolutions of the Board shall hereafter be deemed to refer to the Special Magistrate or Special Magistrates under the authority of this article.

Section 4. Special Magistrate appointment and power.

- (1) The Board shall appoint a Special Magistrate or Special Magistrates, as needed. Appointments shall be made on the basis of experience and interest in the subject matter, in the sole discretion of the Board. A Special Magistrate must be a member on good standing of the Florida Bar. Appointments to fill any vacancy shall be for the remainder of the unexpired term of office.
- (2) The term of office for a Special Magistrate shall be for two years, from the date of appointment, unless terminated earlier by the Board for misfeasance, malfeasance or nonfeasance in office.
- (3) The amount of compensation paid to a Special Magistrate shall be determined by the Board and may not be reduced during the term of

office. The amount of compensation shall be \$140 per hour and may be amended, from time to time, by resolution by the Board.

- (4) Special Magistrate shall have the same status, powers and duties as a Code Enforcement Board as prescribed in Chapter 162, Part I, Florida Statutes, as amended.

Section 5. Administrative fines; unpaid fines constitute liens.

Pursuant to Section 162.09 of the Florida Statutes, as amended, the Special Magistrate is authorized to impose fines not to exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the Special Magistrate finds the violation to be irreparable or irreversible in nature. The Special Magistrate may also impose additional fines to cover all costs incurred by the County in the enforcement of the ordinances and codes pursuant to Part I of Chapter 162 of the Florida Statutes, as amended.

Section 6. Jurisdiction of Special Magistrate.

Except as otherwise indicated in this Ordinance, the Special Magistrate shall have the jurisdiction and authority to hear and decide alleged violations of the following codes and ordinances of the County, with the County's designated Code Enforcement Staff bearing the responsibility for investigation and prosecution of:

- (1) Housing and building codes, sign and tree ordinances; and
- (2) Zoning, Land Development regulations, abandoned vehicles, landscape ordinances; and
- (3) Subdivision, water and drainage, County right-of-way ordinances associated with constructing, installing, repairing, removal, restoration with such right-of-way; and
- (4) Litter and solid waste ordinances; and
- (5) St Johns County Animal Control Ordinance, investigate and prosecute by the designated staff of the animal control division.

Section 7. Deposit, disposition of proceeds.

All monies received hereunder, generated by fines or otherwise, shall be deposited into the County's General Fund, and may be used for any lawful purpose authorized by legislation, ordinance, statute, or law.

Section 8. Appeals.

Pursuant to Section 162.11 of the Florida Statutes, as amended, an aggrieved party, including the Board, may appeal a final administrative order of the Special Magistrate to the Circuit Court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the

Special Magistrate. An appeal shall be filed within thirty (30) days of the Rendition of the Order to be appealed.

Section 9. Provisions supplemental.

It is the legislative intent of this article to provide an additional or supplemental means of obtaining compliance with the codes and ordinances set forth in Section 5. Nothing contained herein shall prohibit the Code Enforcement Staff from enforcing such codes and ordinances by any other lawful means.

Section 10. Severability.


If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 11. Effective date.

This Ordinance shall take effect immediately upon a certified copy thereof being filed with the Florida Department of State.

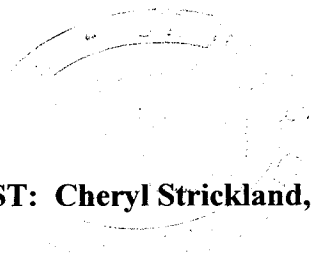
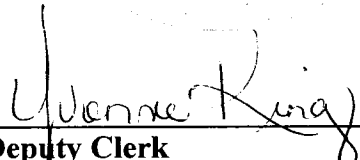
DULY ADOPTED by the Board of County Commissioners of St Johns County, Florida, this 3rd day of April 2006.

**BOARD OF COUNTY COMMISSIONERS
ST JOHNS COUNTY, FLORIDA**

By: 
Ben Rich
Its Chair

ATTEST: Cheryl Strickland, Clerk of Court

RENDITION DATE 04/05/07



Deputy Clerk

Effective Date: 04/11/07

The St. Augustine Record

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT**
who on oath says that he is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a **NOTICE OF HEARING**
in the matter of **ORD CODE ENF BD**
was published in said newspaper in the issues of
MARCH 22, 2007.

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this **22ND** day of **MARCH, 2007.**

by *Charles Barrett* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist
(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, April 3, 2007 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S.1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS STATE OF FLORIDA, Dissolving the Code Enforcement Board, Preserving its Prior Actions, Providing for Replacement of the Code Enforcement Board with a Special Magistrate; PROVIDE THAT REFERENCES TO THE CODE ENFORCEMENT BOARD ELSEWHERE IN THE CODE, THE LAND DEVELOPMENT REGULATIONS AND ANY OTHER CODES, ORDINANCES AND RESOLUTIONS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ARE DEEMED REFERENCES TO THE SPECIAL MAGISTRATE; GRANTING ALL POWERS AND DUTIES AS PRESCRIBED BY FLORIDA LAW TO THE SPECIAL MAGISTRATE; TO PROVIDE FOR THE APPOINTMENT OF, AND TERMS AND COMPENSATION OF SPECIAL MAGISTRATES; TO PROVIDE FOR RANDOM ASSIGNMENT OF CASES TO SPECIAL MAGISTRATES; TO REQUIRE CODE ENFORCEMENT HEARINGS TO BE ELECTRONICALLY RECORDED; CONFIRMING ORDINANCE TO BE ENFORCED; TO CONFORM THE FINE PROVISIONS THEREOF TO THE CORRESPONDING PROVISIONS OF SECTION 162.09(2)(d), FLORIDA STATUTES; INCORPORATING THE PROVISIONS OF FLORIDA STATUTE 162.01-162.13, AS AMENDED, therein; REPEALING COUNTY ORDINANCE 82-59; REPEALING COUNTY ORDINANCE 97-40; REPEALING ORDINANCE 2000-64; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk
L753-7 Mar 22, 2007



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

April 11, 2007

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

Attention: Yvonne King, Minutes and Records Division

FILED
07 APR 17 AM 9:50
CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 9, 2007 and certified copy of St. Johns County Ordinance Nos. 2007-20 through 2007-23, which were filed in this office on April 11, 2007.

Sincerely,

Liz Cloud
Program Administrator

LC/lbh

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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