



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#18-0929

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: September 4, 2018

TITLE: Ordinance to Establish and Revise Procedures for Redressing
Continuing, Repetitive, or Chronic Violations of the Code of Ordinances
and Revising Civil Penalties

Recommendation

It is recommended that the City Commission adopt an ordinance amending Article IV – Citation Violation Notice Procedures of Chapter 11 of the Code of Ordinances of the City of Fort Lauderdale

Background

At the November 21, 2017 City Commission Conference Meeting, the need for a more aggressive approach to enforcement of chronic violations, a recommendation to establish criteria for defining chronic violations, and the desire for a process that is faster than special magistrate was discussed. During the discussion, the City Manager discussed the issuance of civil citations to address chronic violations in an expeditious manner (Exhibit 1).

Staff is recommending an amendment to Article IV. – Citation Violation Notice Procedures of Chapter 11 of the Code of Ordinances of the City of Fort Lauderdale to establish criteria for defining chronic violations, provide a method for the daily accrual of civil citations when there is a violation, and establish a mandatory hearing for chronic violations that affect the life, safety, and welfare of the community (Exhibit 2). If adopted, the Community Enhancement and Compliance Division will use civil citations as a resource for expeditious code enforcement of chronic violations.

The following summarizes the proposed ordinance amendments:

- Define chronic violation as three violations of the same code section within a six-month period by the same violator or same property owner.
- Provide a method for the daily accrual of civil penalties when a violation continues beyond the timeframe provided for correction.
- Establish a method for an alleged violator to request an appeal before the special magistrate and provide the manner by which the special magistrate shall make a

determination when there is an appeal.

- Establish a mandatory hearing with a maximum penalty of \$500.00 per day for chronic violations of code sections related to the life, safety, and welfare of the community as outlined in the table of violations that a civil penalty may be issued for.
- Increase the civil penalty for the following types of violations related to the life, safety, and welfare of the community.

Code Section	Violation Description	New Civil Penalty	
		Uncontested	Contested
Florida Building Code, Sec. 105.1	Work Without Permits	\$250.00	\$325.00
City of Fort Lauderdale, Code of Ordinances, Chapter 9 excluding Sec. 9-276(a) and Sec. 9-328	Minimum Housing	\$200.00	\$275.00
City of Fort Lauderdale, Code of Ordinances, Chapter 9, Sec. 9-276(a)	Unfit for Human Habitation	\$250.00	\$325.00
City of Fort Lauderdale, Code of Ordinances, Chapter 9, Sec. 9-328	Vacant/Unsecured	\$250.00	\$325.00
City of Fort Lauderdale, Code of Ordinances, Chapter 17	Noise Control	\$250.00	\$325.00
City of Fort Lauderdale, Code of Ordinances, Chapter 24 excluding Sec. 24-11 & 24-7	Solid Waste	\$200.00	\$275.00

- Establish a mandatory hearing with fines up to \$500.00 per day for chronic violations of the following code sections:

Code Section	Violation Description
Florida Building Code, Sec. 105.1	Work Without Permits
City of Fort Lauderdale, Code of Ordinances, Chapter 5	Alcoholic Beverages
City of Fort Lauderdale, Code of Ordinances, Chapter 9 excluding Sec. 9-276(a) and Sec. 9-328	Minimum Housing
City of Fort Lauderdale, Code of Ordinances, Chapter 9, Sec. 9-276(a)	Unfit for Human Habitation
City of Fort Lauderdale, Code of Ordinances, Chapter 9, Sec. 9-328	Vacant/Unsecured
Florida Fire Prevention Code	Fire Prevention and Protection
City of Fort Lauderdale, Code of Ordinances, Chapter 17	Noise Control
City of Fort Lauderdale, Code of Ordinances, Chapter 18	Nuisances
City of Fort Lauderdale, Code of Ordinances, Chapter 24 excluding Sec. 24-11 & 24-7	Solid Waste
City of Fort Lauderdale, Code of Ordinances, Chapter 24, Sec. 24-7	Littering Unlawful Accumulations
City of Fort Lauderdale, Code of Ordinances, Chapter 24, Sec. 24-11	Construction Sites

Resource Impact

There is no fiscal impact associated with action.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included in the Public Places Cylinder of Excellence, specifically advancing:

- Goal 5: Be a community of strong beautiful neighborhoods.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Attachments

Exhibit 1 – November 21, 2017 City Commission Conference Meeting Minutes

Exhibit 2 – Ordinance

Prepared by: Porshia L. Goldwire, Sustainable Development

Department Director: Anthony Greg Fajardo, Sustainable Development