

1. *Code enforcement officer* means any designated employee or agent of the town whose delegated duty is to enforce codes and ordinances enacted by the town.

## **Sec. 2-54. - Violation procedure.**

(a) An officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has probable cause to believe that the person committed a civil infraction in violation of a duly enacted ordinance of the town. However, prior to issuing a citation, an officer shall provide notice, in writing, to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, an officer finds that the person has not corrected the violation within the time period, the officer may issue a citation to the person who has committed the violation. An officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

(b) An officer shall issue a citation in a form prescribed by the town and it shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting probable cause.
- (5) The number or section of this Code or ordinance violated.
- (6) The name and authority of the officer.
- (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citations, he shall be deemed to have waived his right to contest the citations, and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(c) After issuing a citation to an alleged violator, the officer shall deposit the original citation and one copy of the citation with the county court.

(d) Any person who willfully refuses to sign and accept a citation issued by an officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083.

(e) Any person who fails to pay the civil penalty stated on the citation within the prescribed period of time, or who fails to request a hearing within the prescribed period of time, shall be issued a summons to appear in court by the clerk of the court in and for the county. Said summons shall be served upon the violator by the clerk of the county court with a copy sent to the town. If said summons is issued, both the town and the violator shall be present at the time and date specified within the summons for the purpose of answering the violation set forth within the citation.

(f) If the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation. In such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(g) The judgment of the court, or a default judgment pursuant to subsection (d) of this section, shall have the same effect as any civil judgment of the county court, and bear interest at the legal rate. In addition, such judgment shall be a lien on the property, real or personal, on which the violation exists, and may be enforced as provided by F.S. § 162.09(3).

(Code 2015, ch. 1, art. XI, § 1-15; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

## **Sec. 2-58. - Building code enforcement.**

The provisions of this article shall not apply to enforcement pursuant to F.S. §§ 553.79 and 553.80, of building codes adopted pursuant to F.S. § 553.73, as they apply to construction, provided that a building permit is either not required or has been issued by the county or the town. For the purposes of this section, the term "building codes" means only those codes adopted pursuant to F.S. § 553.73.

(Code 2015, ch. 1, art. XI, § 1-19; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

## **Sec. 2-59. - No power to arrest.**

A town code enforcement officer shall have no power to arrest, nor is the officer subject to the provisions of F.S. §§ 943.085—943.255.

(Code 2015, ch. 1, art. XI, § 1-20; Ord. No. 00-06, § 1, 10-16-2000; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

## **Sec. 2-61. - Code enforcement special master.**

The town council may appoint one or more code enforcement special masters, who may conduct code enforcement hearings as set forth in this Code.

## **Sec. 2-62. - Code enforcement officer and code enforcement procedures.**

(a) The town hereby appoints, authorizes and empowers the town zoning official to act as the town's code enforcement officer and code enforcement inspector.

(b) It shall be the duty of the code enforcement officer and code enforcement inspector to initiate enforcement proceedings of the various codes and ordinances of the town as established herein and in keeping with the provisions of this article.

(c) Except as provided in subsections (d) and (e) of this section, if a violation of the town's codes or ordinances is found, the code enforcement officer or inspector shall notify the violator and give the violator a reasonable time to correct the violation. The determination of a "reasonable time" shall be in the sole discretion of the code enforcement officer or inspector based on the type of violation, the facts and circumstances surrounding the violation, the length of time the violation has existed and the action reasonably necessary to correct the violation.

(d) Should the violation continue beyond the time specified for correction, the code enforcement officer or inspector shall notify the code enforcement special master and request a hearing.

(e) If the violation is referred to the code enforcement special master, the assigned clerical staff shall schedule a hearing on the violation and written notice of such hearing shall be delivered to the violator at least ten calendar days prior to the scheduled hearing as provided for by this article.

(f) If the violation is corrected and then reoccurs, or if the violation is not corrected by the time specified for correction by the code enforcement officer or inspector, the violation may be presented to the code enforcement special master even if the violation has been corrected prior to the hearing, and the notice shall so state.

(g) If a repeat violation is found, the code enforcement officer or inspector shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer or inspector, upon notifying the violator of a repeat violation, shall notify the code enforcement special master and request a hearing as provided for above. The violation may be presented to the code enforcement special master even if the repeat violation has been corrected prior to the hearing, and the notice shall so state.

(h) If the code enforcement officer or inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code enforcement officer or inspector shall make a reasonable effort to notify the violator, but regardless of the success of such effort to notify the violator, the code enforcement officer or inspector may immediately notify the code enforcement special master and request a hearing be held as soon as reasonably possible.

(i) The town may also utilize supplemental methods of code enforcement by citation or notice to appear in county court as set forth in F.S. § 161.21 et seq., as may be amended from time to time and as set forth in this Code.

(Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-24), 6-11-2018)

## **Sec. 2-63. - Powers of code enforcement special master.**

## **Sec. 2-64. - Conduct of hearing.**

## **Sec. 2-65. - Penalty phase hearings for fines, costs of repairs, and liens.**

## **Sec. 2-66. - Duration of lien.**

## **Sec. 2-67. - Appeals.**

## **Sec. 2-68. - Notices.**

## **Sec. 2-69. - Supplemental, alternative means of enforcement.**

# **PINELLAS COUNTY**

## **JOB SUMMARY**

Performs specialized, complaint driven as well as proactive, field and office work investigating and enforcing codes and ordinances dealing with the natural and urban jurisdiction; investigates situations for regulatory violations, verifies compliance or non-compliance, and drafts and delivers fine citations; provides assistance and education to the public on ordinance compliance requirements.

## **ESSENTIAL JOB FUNCTIONS (examples, not all inclusive)**

- Performs dispatch responsibilities concerning anonymous complaints and daily complaints;
- Inspects lots and acreage, researches and locates property by legal description, verifies compliance with ordinances, advises owner of non-compliance and correction process, and establishes legal ownership of property;
- Coordinates re-inspection of properties to ensure violation correction;
- Analyzes structural and related components of existing dwellings, investigates complaints, prepares reports, and makes recommendations for the correction or demolition of structures;
- Prepares and delivers fine citations and appears in court as a witness;
- Gathers information from various sources to aid in cost analysis on rehabilitation feasibility of condemned dwellings;
- Investigates and documents potentially illegal noise sources through the use of noise monitoring equipment, advises property owners of potential noise source violations and methods of correcting point source noise, and enforces compliance or non-compliance of the noise ordinance;
- Enforces zoning regulations, identifies regulations violated, notifies owners, and verifies compliance or non-compliance;
- Enforces lot clearing ordinances, locates overgrown or debris-ridden lots, estimates amount of trash, calculates square footage to be mowed, documents findings, and coordinates with owners or private contractors hired by the County to clear land;
- Investigates illegal dumping and the accumulation of trash, used materials, abandoned or inoperative vehicles, and discarded appliances;
- Provides technical assistance and information regarding code violation problems, prepares daily inspection reports, and recommends appropriate actions to be taken;
- Assists in the training of new officers;
- Attends community events, meetings, or commission hearings;
- Performs other related job duties as assigned.

## **QUALIFICATIONS**

### **Education and Experience:**

Five (5) years of experience in regulatory compliance and enforcement, law enforcement, or a related field; or a Bachelor's degree with course work in law enforcement, criminal justice, natural sciences, public administration, or a related field and one (1) year of experience as described above; or an equivalent combination of education, training, and/or experience.

**Special Qualifications (May be required depending on area of assignment):**

- Florida Driver's License or Florida Commercial Driver's License and endorsement, if any.
- Assignment to work a variety of work schedules including compulsory work periods in special, emergency, and/or disaster situations.
- Certification in the appropriate areas of assignment from the Florida Association of Code Enforcement.
- Other knowledge, skills, abilities, and credentials required for a specific position.

### Knowledge, Skills and Abilities:

- Ability to apply computer applications and software;
- Ability to use or repair small and medium equipment and machinery;
- Ability to acquire working knowledge of related codes, ordinances, and procedures;
- Ability to conduct field inspections, determine facts through investigation, and read legal descriptions, maps, and construction drawings;
- Ability to effectively communicate and interact with the general public and enforce regulations firmly, tactfully, and impartially.

### PHYSICAL/MENTAL DEMANDS

The work is light work which requires exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force to move objects. Additionally, the following physical abilities are required:

- **Balancing:** Maintaining body equilibrium to prevent falling while walking, standing or crouching on narrow, slippery, or erratically moving surfaces. The amount of balancing exceeds that needed for ordinary locomotion and maintenance of body equilibrium.
- **Crouching:** Bending the body downward and forward by bending leg and spine.
- **Feeling:** Perceiving attributes of objects, such as size, shape, temperature or texture by touching with skin, particularly that of fingertips.
- **Fingering:** Picking, pinching, typing, or otherwise working, primarily with fingers rather than with the whole hand as in handling.
- **Grasping:** Applying pressure to an object with the fingers and palm.
- **Handling:** Picking, holding, or otherwise working, primarily with the whole hand.
- **Kneeling:** Bending legs at knee to come to a rest on knee or knees.
- **Lifting:** Raising objects from a lower to a higher position or moving objects horizontally from position-to-position. Occurs to a considerable degree and requires substantial use of upper extremities and back muscles.
- **Reaching:** Extending hand(s) and arm(s) in any direction.
- **Visual ability:** Sufficient to effectively operate office equipment including copier, computer, etc.; and to read and write reports, correspondence, instructions, etc.
- **Hearing ability:** Sufficient to hold a conversation with other individuals both in person and over a telephone; and to hear recordings on transcription device.
- **Speaking ability:** Sufficient to communicate effectively with other individuals in person and over a telephone.
- **Mental acuity:** Ability to make rational decisions through sound logic and deductive processes.
- **Stooping:** Bending body downward and forward by bending spine at the waist. Occurs to a considerable degree and requires full motion of the lower extremities and back muscles.
- **Talking:** Expressing or exchanging ideas by means of the spoken word including those activities in which they must convey detailed or important spoken instructions to other workers accurately, loudly, or quickly.

- Repetitive motion: Substantial movements (motions) of the wrist, hands, and/or fingers.
- Standing: Particularly for sustained periods of time.
- Walking: Moving about on foot to accomplish tasks, particularly for long distances or moving from one work site to another.

## WORKING CONDITIONS

Work is performed in a dynamic environment that requires sensitivity to change and responsiveness to changing goals, priorities, and needs.