

ORDINANCE 2024-10

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 20 - TRAFFIC AND MOTOR VEHICLES AND CHAPTER 22 – WATERWAYS AND BEACH ACTIVITIES OF THE WALTON COUNTY CODE OF ORDINANCES AND CHAPTER 7 – CODE ENFORCEMENT OF THE LAND DEVELOPMENT CODE TO HAVE CODE AND PARKING CITATIONS HEARD BY A SPECIAL MAGISTRATE; PROVIDING FOR AMENDMENTS TO SECTION 20-30. - ENFORCEMENT PROCEDURES; PROVIDING FOR AMENDMENTS TO SECTION 20-31. - FINE SCHEDULE; PROVIDING FOR AMENDMENTS TO SECTION 20-32. - FORM OF CITATION; PROVIDING FOR AMENDMENTS TO SECTION 20-33. - VIOLATIONS DECLARED CIVIL INFRACTIONS; PROVIDING FOR AMENDMENTS TO SECTION 20-38. - DUTIES OF CLERK OF COURT; DISPOSITION OF FINES; PROVIDING FOR AMENDMENTS TO SECTION 20-43. - APPEALS CONCERNING VEHICLES OR OTHER OBJECTS REMOVED FROM TOW-AWAY ZONES; PROVIDING FOR AMENDMENTS TO SECTION 22-62. - PENALTY; FEES AND FINES; PROVIDING FOR AMENDMENTS TO SECTION 7.01.01. - AUTHORITY TO ISSUE CITATIONS; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 162.03 of the Florida Statutes permits a county, by ordinance, to adopt a code enforcement system that gives code enforcement boards or special magistrates, once designated, the authority to hold hearings and assess fines against violators of respective county codes and ordinances;

WHEREAS, at its September 26, 2023 Regular Meeting, the Walton County Board of County Commissioners (the “County”) directed staff to prepare the necessary amendments for the remaining Walton County Code of Ordinance sections that require a county judge to hear citations to instead be heard by a special magistrate;

WHEREAS, it has been determined that portions of Chapter 20 - Traffic and Motor Vehicles and Chapter 22 - Waterways and Beach Activities of the Walton County Code of Ordinances and Chapter 7- Code Enforcement of the Land Development Code need to be amended to designate a special magistrate to hear the aforementioned citations;

WHEREAS, the County has since October 27, 2020 continually employed the services of a special magistrate to hear code enforcement cases on an as-needed basis;

WHEREAS, this individual has been specifically designated the County’s Code Enforcement Special Magistrate; and

WHEREAS, the County determines that it is in the best interests of the public to amend the Walton County Code of Ordinances to have all code citations heard by the Code Enforcement Special Magistrate.

NOW, THEREFORE, be it ordained by the Walton County Board of County Commissioners that Chapter 20 - Traffic and Motor Vehicles and Chapter 22 - Waterways and Beach Activities of the Walton County Code of Ordinances and Chapter 7 - Code Enforcement of the Land Development Code, are hereby amended as follows: [Note: ~~striketrough~~ language deleted, underlined language added]

**CHAPTER 20 - TRAFFIC AND MOTOR VEHICLES
ARTICLE II. - STOPPING, STANDING AND PARKING
DIVISION 3. - CITATIONS**

Sec. 20-30. Enforcement procedures.

If the sheriff or CCPES discovers a vehicle parked in violation of sections enumerated in sections 20-10 through 20-13, sections 20-15 through 20-17, sections 20-21 through 20-25, section 20-45 or section 20-50, as well as in violation of Florida Statutes, he or she shall issue a notice of violation to the vehicle in the form of a citation as described in section 20-32 and approved by the county administrator, and place a copy of the citation in a conspicuous place on the vehicle. The original citation shall then be filed with the Clerk of Court which shall process it in accordance with F.S. § 316.1967(1)-(4). The citation provided to the violator and the clerk shall identify the vehicle, license plate number, time, date, location and violation charged. Additionally, the citation shall inform the violator that he has been charged with a non-criminal infraction and that he may elect to either:

- (1) Pay the scheduled fine and administrative costs in accordance with section 20-31 to the Clerk of the Court within 30 calendar days of the date of the citation; or
- (2) Waive the scheduled fine and request a hearing before the County's Code Compliance Special Magistrate by notifying the Clerk of the Court in writing, by phone, or in person within 30 calendar days of the date of the citation. The violator must appear in person at the hearing. At such hearing the Code Compliance Special Magistrate shall, upon a finding that the violator committed the infraction charged, impose a fine plus administrative costs in accordance with section 20-31.

Sec. 20-31. Fine schedule.

Unless an amount or penalty is specifically provided within a section of this chapter, the Board of County Commissioners is authorized to set the amount of any fee or fine that is designated in this chapter by a resolution of the board and may amend such resolution as the board determines is necessary.

Sec. 20-32. Form of citation.

The county shall design and have printed citations to be issued to violators of this division. Such citation form shall contain, at a minimum, the following information: date, time, type and location of the violation, designated fines; description of the offending vehicle, including make, color, tag number and state of registration; and the issuing officer's name and identification number. The citation form shall further direct that the person, to whom the citation was issued, shall within 30 days either pay the designated fine by mail, by phone, online, or in person.; The address(es), phone number, and website where fines may be paid shall be plainly printed on the citation form. The citation shall also advise the person that they may elect to contest the citation before the County's Code Compliance Special Magistrate by making a request within 30 calendar days of the issuance over the phone, in person, or in writing to the Clerk of Court.

Sec. 20-33. Violations declared civil infractions.

Violations of sections 20-10 through 20-13, sections 20-15 through 20-17, sections 20-21 through 20-25, section 20-45, and section 20-50 are hereby declared to be non-criminal, civil infractions and may be prosecuted in the name of the county, in Code Compliance Special Magistrate hearing, by the sheriff's deputy or CCPES who issued such citation.

Sec. 20-38. Duties of clerk of court; disposition of fines.

The Clerk of Court, or their duly authorized representative, is authorized, in addition to other duties imposed in this chapter, to accept fines paid within the time limit prescribed in section 20-30, issue receipts therefore, schedule court appearances for those persons requesting such court appearances, and establish procedures and provide other services necessary to carry out their duties under this division. Fines collected by the Clerk of Court shall be accounted for and paid monthly in the Sheriff's Office Traffic and Parking Enforcement Fund. Fines collected by the Clerk of Court for CCPES shall be accounted for and paid monthly into the County General Fund. The Clerk shall be entitled to assess reasonable administrative costs in addition to any fine imposed by the Code Compliance Special Magistrate.

DIVISION 4. – TOW-AWAY ZONES

Sec. 20-43. Appeals concerning vehicles or other objects removed from tow-away zones.

If the owner contests the legality of the charges imposed, they may request a hearing before the County's Code Compliance Magistrate.

CHAPTER 22- WATERWAYS AND BEACH ACTIVITIES

Sec. 22-62. - Penalty; fees and fines.

(a) A violation of any provision of this chapter shall constitute a civil infraction punishable by a fine not to exceed \$500.00. Each occurrence of a violation, or, in the case of continuing violations, each day a violation occurs or continues, constitutes a separate offense. The Board of County Commissioners is authorized to set the amount of any fee or fine that is designated in this chapter by a resolution of the Board and may amend such resolution as the Board determines is necessary. In addition to issuance of fines, the County shall use any other lawful methods of enforcement and remedy to gain compliance with the provisions of this chapter.

(b) Deputies of the sheriff's office and code compliance officers shall be responsible for the issuance of citations for any violation of the provisions of this chapter. Any fees and/or fines collected pursuant to this chapter are to be remitted through the Clerk of Court and placed in the general fund of the Board of County Commissioners. A person cited for a violation may elect to either:

(1) Pay the scheduled fine plus administrative costs to the Clerk of Court within 30 calendar days of the date of the citation, or

(2) Waive the scheduled fine and request a hearing before the County's Code Compliance Special Magistrate by notifying the Clerk of the Court in writing, by phone, or in person within 30 calendar days of the date of the citation. The violator must appear in person at the hearing. At such hearing the Code Compliance Special Magistrate shall, upon finding that the violator committed the infraction charged, impose a fine plus administrative costs.

(c) Specifically, as it relates to beach vendor permits, violations of any provision of this chapter may additionally be enforced through vendor permit suspension and revocation as set forth by the Board of County Commissioners, and as may be amended from time to time. Accordingly, the Board of County Commissioners is authorized to, by resolution or ordinance, adopt a violation schedule setting forth a system under which a vendor is subject to suspension or revocation of any or all permits issued, and may base that system upon the number of violations of provisions of this chapter, a point-based calculation whereby points are assessed per violation and suspension or revocation is based on cumulative points received within defined time periods, or any other suspension and revocation methodology determined by the Board of County Commissioner and duly adopted. Upon adoption of such system(s), County Code Enforcement officials are hereby empowered to issue such suspensions or revocations in accordance therewith. An appeal of any such suspension or revocation shall be to the magistrate assigned to hear code matters. A vendor must submit in writing to code compliance their request for appeal and reason within 48 hrs. of being notified that their permit will be suspended.

(d) In addition to any suspension or revocation system adopted and implemented above, the failure to pay or timely challenge any citation shall result in the immediate and automatic revocation of all permits issued to the offending vendor, and reinstatement of said permits and

issuance of any new permits to said vendor shall not occur until said vendor has paid all fines due related to said citation(s), together with a non-payment penalty equal to the amount of the original citation multiplied by the total number of days the citation(s) have remain unpaid, and the amount of any permit application costs which must be remitted for reinstatement. Payment of the issued citations shall be made to the Clerk of Court and a receipt showing payment in full produced to the County, and all other payments for penalties and application costs shall be made directly to the County. If additional citations have been issued or are outstanding, the vendor subject to revocation under this subsection must either pay those citations in full at the time of applying for reinstatement or show proof where the vendor has filed a timely notice to contest those citations.

APPENDIX C- LAND DEVELOPMENT CODE

CHAPTER 7 – CODE ENFORCEMENT

7.01.01. Authority to Issue Citations.

Any Code Enforcement Officer is hereby empowered to issue citations with fines under the procedures set forth in this Section to any person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed or is committing a violation of a duly enacted Walton County Code or Ordinance.

- A. Penalties to be Assessed. Violations of codes and ordinances shall carry a fine as provided from time to time by resolution of the Board of County Commissioners. However, in no event shall a fine exceed \$500.00 per violation. Reasonable administrative costs may be assessed in addition to the fine.
- B. Contents of Citation. The citation shall be issued in a form prescribed by the County which 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 reasonable cause to believe the infraction has been committed;
 - 5. The number or section of the code or ordinance violated;
 - 6. The date of issuance of a Notice of Violation, or, if no Notice of Violation was issued prior to issuance of the citation, a statement reflecting the facts supporting a reasonable belief that the violation presents a serious threat to the public health, safety or welfare, or is irreparable or irreversible in nature;
 - 7. The name and authority of the Code Enforcement Officer or Law Enforcement Officer issuing the Notice;
 - 8. The procedure for the person to follow in order to pay the civil penalty or to contest the citation;
 - 9. The applicable civil penalty if the person elects not to contest the citation;
 - 10. A conspicuous statement advising the violator that if s/he fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, s/he shall be deemed to have waived any right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty; and
 - 11. A statement indicating the means of service of a copy of the citation upon the alleged violator.
- C. Service of Citation upon the Alleged Violator. A copy of a citation shall be provided to the alleged violator by either: hand-delivery by the issuing Officer; or delivery by certified mail, return receipt requested.

- D. Penalty for Refusal of a Citation. 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 Section 775.082 of Section 775.083, Florida Statutes.
- E. Delivery to Clerk of Court and Action by Special Magistrate. After issuing a citation to an alleged violator, a Code Enforcement Officer shall deposit the original citation and one copy of the citation with the Clerk of Court. The alleged violator may either pay the scheduled fine plus administrative costs or waive the scheduled fine and request, through the procedure established by ordinance, a hearing before the County’s Code Compliance Special Magistrate. Upon a finding of a violation at a contested hearing before the Special Magistrate, or upon the failure of an alleged violator to either pay the specified fine set out in a Citation or to appear in court to contest the citation, the Special Magistrate shall have the authority to impose a civil fine not to exceed \$500.00 per violation cited plus administrative costs.

Conflicts and Severability. If any provision of this Ordinance is determined by any Court to be invalid or otherwise found to be in conflict with any other provision of law, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), or circumstance(s), such determination shall not affect the applicability hereof to any individual, group, entity, property, or circumstance.

Effective Date. This Ordinance shall be effective on July 1, 2024.

Passed and duly adopted in regular session by the Board of County Commissioners of Walton County, Florida, this 23rd day of April, 2024.



**BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA**

Attest:

Melissa Owens

**Alex Alford, Clerk of the Circuit Court
And County Comptroller**

for

Tony Anderson

Anthony “Tony” Anderson, Chairman