

ORDINANCE 2013-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, AMENDING SECTION 12.02.00, CIVIL CITATIONS, WALTON COUNTY LAND DEVELOPMENT CODE; DELETING FINE AMOUNTS FROM SECTION 14.01.00, DESIGNATION OF VIOLATIONS AND PENALTIES, WALTON COUNTY LAND DEVELOPMENT CODE TO AUTHORIZE THE BOARD OF COMMISSIONERS TO SET FINES BY RESOLUTION; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Walton County:

Section 1. Authority

The Board of County Commissioners of Walton County, Florida, pursuant to the authority of section 125.01, Florida Statutes (2012) and chapter 163, Florida Statutes (2012), hereby enacts the following provisions regarding improvements the civil citation process in Walton County. It is the intent of this ordinance to update the civil citation process to ensure compliance with the Land Development Code and other County ordinances regulating signs, rights-of-ways, zoning and screening by issuance of civil citations.

Section 2. Amendment of Section 12.02.00, Civil Citations, Walton County Land Development Code

Section 12.02.00, Civil Citations, of the Walton County Land Development Code is hereby amended as follows.

12.02.01. -Applicability.

Enforcement by issuance of a civil citation, as provided in this Section, shall be available for any violation of the provisions of this Code or of other County ordinance(s) regulating signs, rights-of-ways, zoning, and screening by Issuance of Citations.

12.02.02. -Authority to Issue Citations.

Any Law Enforcement Officer and/or Code Enforcement Officer is hereby empowered to issue citations 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.

12.02.03. -Penalties to be Assessed.

Violations of codes and ordinances are civil infractions and carry a fine as provided from time to time by resolution of the Board of County Commissioners, with a maximum civil penalty not to exceed \$500. A civil penalty of less than the maximum may be imposed if a violator does not contest the citation. ~~However, in no event shall a fine exceed \$500.00 per violation.~~

12.02.04. -Notice of Violation as Prerequisite to Issuance of Citation.

A. Generally. Prior to issuing a citation, a Code Enforcement Officer shall provide, by hand delivery or certified mail (return receipt requested), a written notice to the person who has committed or is committing the violation, setting forth the nature of the violation and establishing a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. However, a Code Enforcement Officer does not have to provide the violator with a reasonable time period to correct the violation prior to issuing a citation, and may immediately issue a citation as provided in the following subpart, if the Code Enforcement Officer has found a repeat violation or 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 in nature.

B. Contents of Notice. A Code Enforcement Officer or Law Enforcement Officer shall issue a

Notice of Violation 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 time period within which, and the specific date by which, the violation must be corrected;
7. The name and authority of the Code Enforcement Officer or Law Enforcement Officer issuing the Notice; and
8. A statement advising the person that if the violation remains uncorrected by the date specified in the Notice, a Citation will be issued requiring the violator to pay a civil penalty of up to \$500.00 per violation.

12.02.05. -Issuance of Citation.

A. Generally. If, upon personal investigation, a Code Enforcement Officer finds that a person who has been served with a Notice of Violation has not corrected the violation within the time

period specified in the Notice, or if the violation found by a Code Enforcement Officer is a repeat violation or one which is reasonably believed to present a serious threat to the public health, safety or welfare, or to be irreparable or irreversible in nature, a Code Enforcement Officer may issue a citation to the person who has committed or is committing the violation.

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 and Action by County Court. After issuing a citation to an alleged violator, a Code or Law Enforcement Officer shall deposit the original citation and one copy of the citation with the County Court. A person who receives a citation may contest the citation by filing a written demand with the County Court requesting a hearing. Upon receipt of such demand, the clerk will schedule a hearing in the county court and send a notice of the hearing to the alleged violator and the officer who issued the citation.

F. Upon a finding of a violation at a contested hearing, or if an alleged violator fails to pay the civil fine within the time allowed, or fails to appear in court to contest the citation at the scheduled date and time, s/he shall be deemed to have waived any right to contest the citation and the Court may enter an additional civil fine or a judgment against the alleged violator, for an amount up to \$500 per day per violation.

G. Other Remedies. In addition to the enforcement procedures provided herein, the board may enforce this chapter by any other means provided by law, and may further enforce this chapter by actions at law and in equity, including actions for injunctive relief, and, if the county prevails in any such action, the county shall be entitled to its costs and reasonable attorney's fees incurred in such action.

Section 3. Amendment of Section 14.01.01, Designation of Violations and Penalties, Walton County Land Development Code

Section 14.01.01, Designation of Violations and Penalties, Walton County Land Development Code, is hereby amended as follows.

14.01.01. Designated violations and fines.

The violations listed below by reference to section number and description of violation as stated in the Land Development or Code may be enforced by issuance of a civil citation meeting the requirements of section 12.02.00, Civil Citations, Walton County Land Development Code. The Board of County Commissioners is authorized to set the amount of any fine by resolution of the Board and amend such resolution as the Board determines is necessary.

~~The violations listed below by reference to section number [within this appendix] and description of violation, or other ordinance, may be enforced by issuance of a civil citation meeting the requirements of F.S. § 162.21 and section 12.02.05 of this appendix. The prescribed fine if the citation is uncontested by the violator shall be as shown beside the applicable violation.~~

Section Number	Description	Fine
<u>5.04.03.C.1.</u>	<u>Clear visibility triangle.</u>	<u>\$50.00</u>
	Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection. [The distances from the centerline of the intersection in relation to street type are as follows:]	
	Driveway or residential street. Distance from centerline of intersection—50 feet	
	Collector. Distance from centerline of intersection—80 feet	
	Arterial. Distance from centerline of intersection—100 feet	
<u>5.04.07.A.2(h)</u>	<u>White sand protection restrictions.</u>	<u>\$100.00</u>
	The restriction shall apply to the area located south of U.S. Highway 98 eastward from Okaloosa County line to County Road 30A, thence south of County Road 30A eastward to the juncture of U.S. Highway 98 and the Bay County line. The restricted area shall also include any lakes and adjoining land surrounding said lake, when said lake abuts County Road 30A.	
	In the restricted area, there shall be no use of construction material, which is subject to wind or water transport, that permanently discolors the white beach sands. Such construction materials include, but are not limited to, red or yellow clay or sand.	
	Any material prohibited above may be used if recommended by the County Engineer and	

	approved by the board of County Commissioners.	
	Violations of this restriction shall constitute a misdemeanor. Each day of violation shall constitute a separate and distinct offense and shall be subject to a fine of up to \$500.00 per day. The building inspector shall be notified of any construction where said violation occurs and material in violation of this restriction is removed. Upon the violation all red clay or discoloring material in violation of this restriction shall be removed within ten days of the violation.	
<u>5.07.08.A.</u>	<i>Requirements for outdoor storage.</i>	\$25.00
	All junk shall be screened by a six foot high fence, or natural vegetation or foliage of equal height.	
<u>5.07.08.B.</u>	<i>Duty of maintenance of private property.</i>	\$25.00
	No owner of any premises shall maintain or keep or allow any tenant, lessee, occupant, or other person to maintain or keep any nuisance thereon, nor shall any person keep or maintain such premises in a manner causing substantial decrease in the value of the other property in the same residential area in which such premises are located.	
<u>5.07.08.C.</u>	<i>Exterior storage of nonoperating vehicles, junk, or debris.</i>	\$25.00
	No owner of a premises shall allow partially dismantled, wrecked, junked, discarded, or otherwise nonoperating or nonregistered or unlicensed motor vehicles, or junk to remain on such property longer than 30 days. This section shall not apply with regard to any nuisance or junk in an enclosed building, or shielded by a visual screen or so located on a property as not to be readily visible from any public place or from any surrounding public property.	
<u>6.01.02.A.</u>	<i>Storage buildings, utility buildings, greenhouses.</i>	\$50.00
	No accessory buildings used for industrial storage of hazardous, incendiary or noxious materials shall be located nearer than 100 feet from any property line.	
<u>6.01.04.A.1.</u>	<i>Fences.</i>	\$50.00
	In areas where the property faces two roadways or is located in any other area construed to be a corner lot, no opaque fence or hedge exceeding two feet in height shall be located in the vision triangle described in <u>section 5.04.03.C.</u>	
<u>6.04.00.B., D.</u>	<i>Temporary uses—Development order required.</i>	\$50.00
	No temporary use shall be established unless a development order evidencing the compliance of such use with the provisions of this section and other applicable provisions of this chapter shall have first been issued. All temporary uses must be located on private property [and are subject to the setback requirements for commercial development, parking area requirements for commercial development, as well as applicable scenic corridor guidelines.]	
<u>6.04.02.A.</u>	<i>Roadside vending operations.</i>	\$50.00
	A roadside vending operation is permitted in any district, with the exception of the designated scenic corridors within the County.	
<u>7.02.02</u>	The following signs are expressly prohibited:	
	A. Signs that are in violation of the building code or electrical code adopted by the County.	\$50.00
	B. Any sign that, in the opinion of the building official or the director of planning and zoning, does or will constitute a safety hazard.	\$50.00

	C. Blank temporary signs.	\$25.00
	D. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.	\$50.00
	E. Signs placed upon benches, bus shelters or waste receptacles, except as authorized in writing pursuant to Florida Department of Transportation standards.	\$25.00
	F. Snipe signs.	\$25.00
	G. Signs with a revolving or rotating beam or beacon of light that simulates any emergency light or design.	\$50.00
	H. Portable signs located in the area of the County south of the Choctawhatchee Bay known as South Walton County.	\$25.00
	I. All signs excluding regulatory signs and signage specifically approved by the board of County Commissioners are prohibited within right-of-ways.	\$25.00
<u>7.04.02</u>	<i>Removal of illegal temporary signs.</i>	\$25.00
	Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal. The owner will be notified by the County and given 15 days to remove the illegal sign. If the illegal sign is not removed at the end of the 15 day period, the County may impose a fine in accordance with section 10.13.00 and shall remove the illegal sign at the owner's expense.	
<u>7.04.04</u>	<i>Permissible temporary signs requiring a permit.</i>	\$25.00
	Temporary signs serving the functions below shall require a sign permit and shall be subject to the provisions of this Code:	
	A. To indicate the grand opening or promotional sale for a business or other activity. Such message may be displayed for a period not exceeding 14 days and such display shall be limited to no more than four times per year, except that interior window signs indicating a sale may be displayed any number of times per year.	
	B. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than 60 days or until installation of permanent signs, whichever shall occur first.	
<u>7.07.03</u>	<i>Illumination standards.</i>	\$50.00
	A. Sign lighting may not be designed or located to cause confusion with traffic lights.	
	B. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.	
<u>11.04.03.A.</u>	<i>Sign permits.</i>	\$25.00
	No erection, alteration, or reconstruction of any sign shall be commenced without obtaining a sign permit from the building official. No sign permit shall be issued for development without written certification that plans submitted conform to applicable regulations.	
	When a sign permit has been issued by the building official, it shall be unlawful to change, modify, alter or deviate from the terms of said permit without obtaining prior written approval of the building official.	

13.02.00.F.2.	<i>Prohibited signs.</i>	\$25.00
	In addition to the signs prohibited in <u>section 7.02.02</u> , the following signs shall be prohibited in the Route 30A scenic corridor: permanent outdoor advertising signs (billboards); pole signs; water towers as advertising; wall murals as advertising; off premise signs (signs located on other properties); temporary mobile signs; interior lit single panel plastic or lexan face; streamers, pennants, ribbons, spinners and other similar devices; flashing signs; signs containing reflective elements that sparkle or twinkle in the sunlight; roof signs and signs containing moving parts.	
13.02.01.III	<i>Outside merchandising/storage.</i>	\$25.00
	There shall be no outdoor display of merchandise, goods or products within the scenic corridor district. Open or covered storage for merchandise, goods or products shall not be visible from U.S. 98 or U.S. 331.	
13.02.01.III	<i>Temporary structures for promotional purposes.</i>	\$25.00
	Temporary structures, specifically tents, are allowed only for certified nonprofit organizations and must be approved for a temporary structure permit as outlined in <u>section 6.00.00</u> of this Code. The tent or temporary structure shall be placed only for a maximum time period of 72 hours. A nonprofit organization shall only be granted a maximum of two temporary structure permits within a calendar year. Banners advertising said charitable promotion shall also be allowed for the same maximum time period of 72 hours.	
13.02.01.III	<i>Signage—Prohibited signs.</i>	\$25.00
	In addition to those prohibited signs described in <u>section 7.00.00</u> , the following are also prohibited [in the Scenic 98/331 Corridor]: billboards; pole signs; water towers as advertising; wall murals as advertising; off premise signs (sign located on other properties); temporary mobile signs; interior lit single panel plastic or lexan face signs.	
13.02.01.III	No flags, spinners, banners, etc., are allowed for permanent promotion purposes. Vehicles bearing the name of an establishment may not be parked in front so as to serve as "additional signage" for the establishment. Such vehicles shall be subject to removal.	\$25.00
13.02.01.III	<i>Temporary signs (Scenic 98/331 Corridor).</i>	\$25.00
	Temporary storefront signage permitted, not to exceed ten percent of the total facade square feet of the occupied unit.	
	Temporary signage may not be affixed to the storefront window and must be professionally constructed of a durable material.	
	Hand lettered, cardboard or paper temporary signs are not permitted.	
	Print advertising mounted on a rigid material and hung in the storefront window is not permitted.	
9-101—9-118	Walton County Litter and Nuisance Control Ordinance.	\$50.00

Section 4. Conflicting Provisions

If any provision of the Walton County Code or Walton County Land Development Code or an ordinance or part of an ordinance conflicts with the provisions of this ordinance, this ordinance shall prevail, to the extent possible under Florida law.

Section 5. Severability

Should any section or provision of this ordinance, or any portion of it, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder, as a whole or any part, other than that part declared to be invalid.

Section 6. Codification

This ordinance shall be codified and made a part of the Walton County Land Development Code and amend the provisions of chapters 12 and 14 of the Land Development Code accordingly.

Section 7. Effective Date

A certified copy of this ordinance shall be filed with the Department of State by the clerk of the Board within 10 days after enactment and shall take effect upon filing with the Department of State in accordance with section 125.66(2), Florida Statutes (2011).

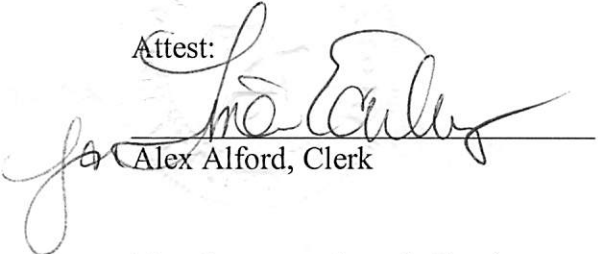
Duly adopted on February 26, 2013.

**Board of County Commissioners
of Walton County**



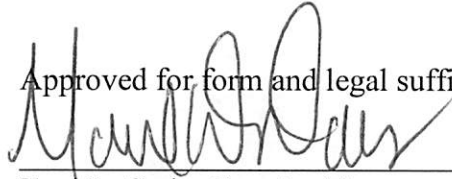
Kenneth Pridgen, Chairman

Attest:



Alex Alford, Clerk

Approved for form and legal sufficiency:



Tom L. Craig, County Attorney

New Language is underlined.
Deleted language is ~~stricken~~.