

**CODE OF ORDINANCES  
SUWANNEE COUNTY, FLORIDA**

**Codified through  
Ordinance No. 09-04, enacted March 17, 2009.  
(Supplement No. 9)**

**Preliminaries**

**CODIFIED ORDINANCES  
OF  
SUWANNEE COUNTY, FLORIDA**

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Published by Order of the Board of County Commissioners

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Adopted: June 1, 1999

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Published by Municipal Code Corporation  
Tallahassee, Florida 1999

OFFICIALS

of

SUWANNEE COUNTY, FLORIDA

AT THE TIME OF THIS CODIFICATION

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*Chairman*

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*Board of County Commissioners*

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*County Coordinator*

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Hal A. Airth

*County Attorney*

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W. Randy Henderson

*Clerk of the County*

PREFACE

This Code constitutes a codification of the general and permanent ordinances of Suwannee County, Florida.

Source materials used in the preparation of the Code were the ordinances adopted by the board of county commissioners. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

*Chapter and Section Numbering System*

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including

new chapters.

### *Page Numbering System*

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

#### TABLE INSET:

CODE	CD1:1
CODE COMPARATIVE TABLE	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CODE INDEX	CDi:1

### *Index*

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

### *Looseleaf Supplements*

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

### *Acknowledgments*

This publication was under the direct supervision of Alyce A. Whitson, Supervising Editor, and John Welch, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Alton K. Williams, Sheriff, Hal A. Airth, County

Attorney, Randy Henderson, Clerk of the County, and Michael Tyson, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the county readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the county's affairs.

### *Copyright*

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and Suwannee County, Florida. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and Suwannee County, Florida.

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## ADOPTING ORDINANCE

### ORDINANCE NO. 99-08

*AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR SUWANNEE COUNTY, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.*

*BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUWANNEE COUNTY FLORIDA:*

*Section 1.* The Code entitled "Codified Ordinances of Suwannee County, Florida" published by Municipal Code Corporation consisting of chapters 1 through 78, each inclusive, is adopted.

*Section 2.* All ordinances of a general and permanent nature enacted on or before December 1, 1998, and not included in the Code or recognized and continued in force by reference therein, are repealed.

*Section 3.* The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

*Section 4.* Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed \$500.00 or a term of imprisonment not to exceed 60 days or both a fine and term of imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory

ordinance. In addition to the penalty prescribed above, the county may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

*Section 5.* Additions or amendments to the Code when passed in the form as to indicate the intention of the county to make the same a part of the Code shall be deemed to be incorporated in the Code, so the reference to the Code includes the additions and amendments.

*Section 6.* Ordinances adopted after December 1, 1998, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

*Section 7.* This ordinance shall become effective June 10, 1999.

Passed and adopted by the board of county commissioners this 1st day of June, 1999.

By:

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Jerry Scott, Chairman,  
Board of County Commissioners

ATTEST:

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W. Randy Henderson, Clerk of the County

## **CODIFIED ORDINANCES**

### **Chapter 1 GENERAL PROVISIONS**

[Sec. 1-1. Designation and citation of Code.](#)

[Sec. 1-2. Rules of construction and definitions.](#)

[Sec. 1-3. Catchlines of sections.](#)

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[Sec. 1-13. General penalty; continuing violations.](#)

#### **Sec. 1-1. Designation and citation of Code.**

The ordinances embraced in the following chapters and sections shall constitute and be designated as the "Codified Ordinances of Suwannee County, Florida," and may be so cited.

**State law references:** Requirement that county codify and publish its ordinances, F.S. § 125.68.

## **Sec. 1-2. Rules of construction and definitions.**

Unless otherwise provided in the Code, in the construction of this Code, and of all ordinances, the rules of construction and definitions set out in this section shall be observed, unless inconsistent with the manifest intent of the board of county commissioners. The rules of construction and definitions in this section do not apply to any section of this Code that contains any express provisions excluding their application, or where the subject matter or context of such section may be repugnant thereto.

*Board of county commissioners.* The term "board of county commissioners" means the board of county commissioners of Suwannee County, Florida.

*Circuit court.* The term "circuit court" shall mean the circuit court of the third judicial circuit in and for Suwannee County, Florida.

**State law references:** Judicial circuits, F.S. § 26.021(3).

*Clerk of the circuit court or county clerk.* The term "clerk of the circuit court," "county clerk" or "clerk" means the clerk of the circuit court of the third judicial circuit in and for Suwannee County, Florida.

**State law references:** Clerks of the circuit courts, F.S. ch. 28.

*Code.* The term "Code" means the Codified Ordinances of Suwannee County, Florida, as designated in section 1-1.

*Computation of time.* In computing any period of time prescribed or allowed by ordinance, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

**State law references:** Computation of time, Florida Rules of Civil Procedure, rule 1.090(a).

*County.* The term "county" means Suwannee County, Florida.

**State law references:** Boundaries of Suwannee County, F.S. § 7.61.

*Delegation of authority.* A provision requiring the head of a department or other county officer or employee to do an act or perform a duty is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty, unless otherwise prohibited by law or this Code.

*F.A.C.* The abbreviation "F.A.C." means the Florida Administrative Code.

*F.S.* The abbreviation "F.S." means the current edition or supplement of the Florida Statutes.

*Gender.* A word importing the masculine gender shall extend and be applied to the feminine gender and to firms, partnerships and corporations, as well as to the masculine

gender.

*Joint authority.* Words giving a joint authority to three or more persons or officers are to be construed as giving such authority to a majority of such persons or officers.

*Keeper, proprietor.* The term "keeper" or "proprietor" includes any person, firm, association, corporation, club or copartnership, whether acting alone or through a servant, agent or employee.

*May.* The term "may" is to be construed as being permissive.

*Month.* The term "month" means a calendar month.

*Nontechnical and technical words.* Words and phrases are to be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law are to be construed and understood according to such meaning.

*Number.* Words used in the singular number include the plural. Words used in the plural number include the singular.

*Oath.* The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath; and in such cases the terms "swear" and "sworn" are equivalent to the terms "affirm" and "affirmed."

*Officer, official, board, committee, commission.* Whenever reference is made to any board, committee, commission, officer or official, the reference shall be to such board, committee, commission, officer or official of Suwannee County, Florida.

*Or, and.* Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:

- (1) "And" indicates that all the connected terms, conditions, provisions or events shall apply.
- (2) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- (3) "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

*Owner.* The term "owner," as applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

*Person.* The term "person" includes any individual, child, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation and all other groups and legal entities or combinations.

**State law references:** Similar provisions, F.S. § 1.01(3).

*Property.* The term "property" includes real and personal property.

*Property appraiser.* The term "property appraiser" means the county property appraiser.

*Shall.* The term "shall" is to be construed as being mandatory.

*State.* The term "state" means the State of Florida.

*Tables, illustrations, etc.* In case of any difference of meaning or implication between the text of this Code and any caption, illustration, summary table or illustrative table, the text controls.

*Tax collector.* The term "tax collector" means the county tax collector.

*Tenant or occupant.* The term "tenant" or "occupant," as applied to a building or land, includes any person holding a written or oral lease of or who occupies the whole or part of such building or land, either alone or with others.

*Tense.* Words used in the present or past tense include the future, as well as the present and past.

*Week.* The term "week" means seven days.

*Written or in writing.* The term "written" or "in writing" include any representation of words, letters or figures, whether by printing or otherwise.

*Year.* The term "year" means a calendar year.

**State law references:** Definitions of terms used in Florida Statutes, F.S. § 1.01.

### **Sec. 1-3. Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor, unless expressly so provided, shall they be so deemed when any such section, including the catchline, is amended or reenacted.

### **Sec. 1-4. References to chapters, articles or sections.**

All references to chapters, articles or sections are to chapters, articles and sections of this Code unless otherwise specified.

### **Sec. 1-5. History notes.**

The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

### **Sec. 1-6. Cross references, editor's notes and state law references.**

Cross references, editor's notes and state law references which appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

### **Sec. 1-7. Effect of repeal of ordinances.**

- (a) The repeal or amendment of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed or amended took effect.

- (b) The repeal or amendment of any ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed or amended.

**Sec. 1-8. Provisions as continuation of existing ordinances.**

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the county relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

**Sec. 1-9. Code does not affect prior offenses, rights, acts, penalties, forfeitures or contracts.**

- (a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.
- (b) The adoption of this Code shall not be interpreted as authorizing any use or the continuance of any use of a structure or premises in violation of any ordinance of the county in effect on the date of adoption of this Code.

**Sec. 1-10. Certain ordinances not affected by Code.**

- (a) Nothing in this Code or the ordinance adopting this Code, unless otherwise provided in this Code or such ordinance, shall affect any ordinance or portion of an ordinance:
  - (1) Promising or guaranteeing the payment of money for the county, or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness, or any contract or obligation assumed by the county.
  - (2) Granting any right or franchise or conveying any oil, gas or mineral rights.
  - (3) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way.
  - (4) Making any appropriation.
  - (5) Granting ad valorem tax exemptions for specific property.
  - (6) Establishing, amending, or constituting a land development code or any ordinances regarding land use or pertaining to the comprehensive plan.
  - (7) Levying or imposing taxes not codified in this Code.
  - (8) Amending any local law, i.e., special act not in the Code.
  - (9) Providing for local services, special districts or improvements and assessing taxes or other charges for such services, districts or improvements.
  - (10) Dedicating, accepting or vacating any plat or subdivision.
  - (11) Rezoning specific property or establishing or amending a specific planned unit development.

- (12) Establishing street grades or specifications.
  - (13) Establishing specific street regulations or traffic or parking restrictions.
  - (14) Establishing personnel policies and procedures and compensation of personnel.
  - (15) Establishing any fee, charge, deposit or other payments.
  - (16) Which is temporary, although general in effect.
  - (17) Which is special, although permanent in effect.
- (b) The ordinances designated in subsection (a) of this section are recognized as continuing in full force and effect to the same extent as if set out at length in this Code and are on file in the clerk's office.

### **Sec. 1-11. Jurisdiction of Code.**

Except as otherwise provided by law or ordinance, the provisions of this Code shall apply in both the unincorporated and incorporated areas of the county; provided that any provision of this Code in conflict with a municipal ordinance shall not be effective within such municipality to the extent of such conflict. The board of county commissioners shall not enforce a provision of this Code within the boundaries of a municipality unless the municipality passes a resolution requesting such action by majority vote of its governing body and repeals any inconsistent municipal ordinances. The board of county commissioners may accept or reject such request by the municipality. Either the municipality by its governing body or the board of county commissioners may withdraw the municipality from such enforcement by the same voting procedure.

**State law references:** Conflicts between county and municipal ordinances, Fla. Const., art. VIII, § 1(f).

### **Sec. 1-12. Severability of parts of Code.**

It is declared to be the intent of the board of county commissioners that if any section, subsection, sentence, clause, phrase or portion of this Code or any ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Code or any ordinance. It shall be construed to have been the legislative intent to pass this Code or such ordinance without such unconstitutional, invalid or inoperative part; and the remainder of this Code or such ordinance after the exclusion of such parts shall be deemed and held to be valid as if such parts had not been included in this Code or ordinance. If this Code or any ordinance or any provision of this Code is held inapplicable to any person, group of persons, property or kind of property, or circumstances or set of circumstances, such holding shall not affect the applicability of this Code to any other person, property or circumstance.

### **Sec. 1-13. General penalty; continuing violations.**

- (a) In this section, the phrase "violation of this Code" means any of the following:
- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
- (3) Failure to perform an act if the failure is declared an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.
- (b) In this section, the phrase "violation of this Code" does not include the failure of a county officer or county employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.
- (c) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$500.00, imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense in the absence of provisions to the contrary.
- (d) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise, the imposition of civil penalties, or other administrative actions.
- (e) Violations of this Code may be abated by injunctive or other equitable or civil relief, and no bond shall be required nor proof of intent or scienter. The imposition of a penalty does not prevent equitable relief.

**State law references:** Penalty for ordinance violations, F.S. § 125.69.

## Chapter 2 ADMINISTRATION\*

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**\*Cross references:** Contractors licensing board, § 22-106 et seq.; courts, ch. 26; health facility authorities, § 38-31 et seq.; law enforcement, ch. 46; personnel, ch. 58; taxation and finance, ch. 70.

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## **ARTICLE I. IN GENERAL**

### **Sec. 2-1. Disposition of county-owned surplus real property.**

- (a) *Purpose.* This section is created for the purpose of setting forth the methods of disposition of surplus county real property. The county administrator or designee shall have the option of utilizing the statutory methods of disposal, this section, or any combination thereof.
- (b) *Declaration of surplus property.*
  - (1) Any real property owned by the county may be declared as surplus upon:
    - a. Presentation of a staff request to the board of county commissioners by the county coordinator or designee. The county coordinator or designee shall review all real property held by the county as frequently as is needed to determine whether such property is unusable or no longer needed for county purposes.
    - b. Presentation of an interested party's request to the board of county commissioners by the county coordinator or designee. The county coordinator or designee shall include a staff recommendation with the citizen request.
    - c. The board of county commissioners' own motion.
  - (2) When the board of county commissioners finds that any real property owned by the county is unusable or not needed for county purposes, the board may declare the real property to be surplus property. Once the property is declared surplus, the property may be sold, dedicated, donated, leased or otherwise

conveyed to interested parties in accordance with applicable state statutes or pursuant to the terms of this section.

(c) *Methods of property disposal.*

- (1) Once the real property has been declared surplus, the county coordinator or designee shall recommend to the board of county commissioners a particular method of disposal as set forth in this section.
- (2) The county coordinator or designee may dispose of surplus real property in the following manner:
  - a. Through the competitive bidding process (sealed bid) as set forth in F.S. § 125.35(1), or at an advertised open public auction. The county coordinator or designee may sell, convey or lease any real property, whenever the board of county commissioners determines that it is in the best interest of the county to do so, to the highest and best bidder for the particular use of the property the board determines is the highest and best. Notice shall be published once a week for at least two weeks in a newspaper of general circulation, calling for sealed bids on the property, or designating place, time, date, terms and conditions of an open public auction.
  - b. By negotiating a private sale in accordance with F.S. § 125.35(2). The county coordinator or designee may negotiate a private sale with an adjacent property owner when the board of county commissioners finds that the property is of insufficient size and shape to be issued a permit for any type of development, or when the value of the property is \$15,000.00 or less as determined by the Suwannee County Property Appraiser and of use only to the adjacent property owners. Notice of intended action shall be sent to the adjacent property owners by certified mail. If, within ten days, two or more adjacent property owners indicate an interest to purchase the property, then the county shall accept sealed bids for the parcel from those property owners. If no response is received from the adjacent property owners, then a private sale may be completed.
  - c. Exchange surplus real property in accordance with F.S. § 125.37. The board of county commissioners may exchange surplus real property for another parcel of real property, provided that the board has published a notice for at least two weeks, in a newspaper of general circulation, before adoption of a resolution authorizing the exchange. The notice shall set forth the terms and conditions of the exchange of property.
  - d. Sell, transfer, lease or convey surplus real property to another governmental entity or non-profit entity in accordance with F.S. § 125.38. The board of county commissioners may, upon finding that the property is required for use by another governmental entity or nonprofit entity, sell, transfer, lease or convey real property to that entity for such price, whether nominal or otherwise as the board may fix. The fact of the application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by the board. No advertisement is required.

- (3) The board of county commissioners may dispose of surplus real property through the use of a licensed real estate broker or through a public auction house in the following manner:
- a. A licensed real estate broker or public auction house shall be retained through the competitive bidding process in accordance with county policy. Any contract for services shall, at a minimum, set forth the amount of compensation due for services, the length of notice/advertising time, the time for auction, if being auctioned, and such other information as deemed necessary by the county coordinator or designee. The contract(s) shall be approved by the board. Notice of the board's intent to consider the contract(s) shall be published once a week for at least two (2) weeks in a newspaper of general circulation, designating the date, place and time such contracts shall be considered.
  - b. Any offer made through a licensed real estate broker or agent for purchase of listed surplus property shall be brought to the board of county commissioners in the form of a purchase agreement. Notice of the board's intent to consider the purchase agreement shall be published once a week for at least two (2) weeks in a newspaper of general circulation, designating the date, place, time and terms of such purchase agreement to be considered. If the board approves the purchase agreement, then the chair or vice-chair shall be authorized to sign all required closing documents, including the deed. The signature of the chair or vice-chair on the closing documents referred to in this subsection shall be attested to by the clerk of the circuit court acting as clerk to the board.

(d) *Negotiation procedures.*

- (1) In determining the terms and conditions of the disposal of surplus property the county coordinator or designee shall take into consideration the following factors:
- a. The appraised or assessed value of the real property;
  - b. The condition of the real property, and the extent to which the party seeking to acquire the property will have to expend funds to make the property usable, rezoning issues excluded, or, to bring the property, if improved, into compliance with the Suwannee County Code;
  - c. The proposed use of the party seeking to acquire the property.
- (2) In not event shall the disposition of surplus property violate the county comprehensive plan or the zoning regulations of the county.

(Ord. No. 05-02, §§ 1--4, 3-15-2005)

**Editor's note:** Ord. No. 05-02, § 8, adopted March 15, 2005, repealed Ord. No. 04-02, adopted March 16, 2003, from which § 2-1 originally derived.

**Sec. 2-2. English to be official language.**

- (a) English is declared to be the official language of the county. All meetings, hearings,

publications and records of the board of county commissioners, its subsidiary boards and agencies, shall be in English.

- (b) This section shall not apply to any part of the government of the county not under the direct control of the board of county commissioners.

(Ord. No. 08-01, § 1, 11-20-2007)

Secs. 2-3--2-30. Reserved.

## **ARTICLE II. OFFICERS AND EMPLOYEES\***

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**\*Cross references:** Any ordinance establishing personnel policies and procedures and compensation of personnel saved from repeal, § 1-10(a)(14); personnel, ch. 58.

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### **DIVISION 1. GENERALLY**

Secs. 2-31--2-50. Reserved.

### **DIVISION 2. INDEMNIFICATION\***

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**\*State law references:** Indemnification, F.S. § 111.07.

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#### **Sec. 2-51. Authorized.**

The county shall pay all attorney's fees, costs and expenses, if any, incurred by the duly elected sheriff, clerk of circuit court, property appraiser, tax collector, county judge, supervisor of elections, or any one of the county commissioners if any one or more of those persons shall be sued because of any decision made, or act or inaction taken by any one or more of such public officials in good faith in the official conduct of the business of the county, except, however, such attorney's fees, costs and expenses that may be payable as a result of any liability insurance coverage then in force and effect.

(Ord. No. 79-01, § 1, 2-20-1979)

Secs. 2-52--2-85. Reserved.

## **ARTICLE III. CODE ENFORCEMENT\***

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**\*State law references:** Code enforcement, F.S. ch. 162.

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## **Sec. 2-86. Definition of code inspector.**

For the purpose of this article, "code inspector" means any authorized agent or employee of the county whose duty it is to ensure compliance with the codes and ordinances of the county.

(Ord. No. 90-09, § IV(A), 7-17-1990)

**Cross references:** Definitions generally, § 1-2.

## **Sec. 2-87. Creation of code enforcement board; composition, terms and removal of members; organization.**

- (a) There is created a code enforcement board for the county, which shall consist of seven members appointed by the board of county commissioners. The board of county commissioners may appoint up to two alternate members to serve on the board in the absence of code enforcement board members. All members of the code enforcement board shall be residents of the unincorporated area of the county and shall serve without compensation.
- (b) The membership of the code enforcement board shall be made on the basis of experience or interest in the fields of zoning and building control and shall, whenever possible, include:
  - (1) An architect;
  - (2) A business person;
  - (3) An engineer;
  - (4) A general contractor;
  - (5) A subcontractor; and
  - (6) A realtor.
- (c) The initial appointments to the code enforcement board shall be as follows:
  - (1) Two members shall be appointed for a term of one year.
  - (2) Three members shall be appointed for a term of two years.
  - (3) Two members shall be appointed for a term of three years.
  - (4) Alternate members, if appointed, shall be appointed for a term of one year.

Thereafter, each member shall be appointed by the board of county commissioners for a term of three years. A member may be reappointed. Appointments to fill any vacancy on the code enforcement board shall be for the remainder of the unexpired term of office.

- (d) If any member of the code enforcement board fails to attend two of three successive meetings without cause and without prior approval of the chairman, the code enforcement board shall declare the member's office vacant; and the vacancy shall be promptly filled by appointment of the board of county commissioners.

- (e) Members of the code enforcement board may be suspended and removed from office by the board of county commissioners for cause after ten days' written notice and hearing before the board of county commissioners.
- (f) At the first meeting of the code enforcement board, the members shall elect a chair and a vice-chair, who shall be voting members, from among the members of the code enforcement board. The presence of four or more members, including alternate members, shall constitute a quorum of the code enforcement board necessary to take action. Special meetings of the code enforcement board may be convened by the chair upon giving 48 hours' written notice to each member of the board.
- (g) Regular meetings of the board shall occur no less frequently than once every two months, but the board may meet as often as necessary.
- (h) Minutes shall be maintained for all meetings and hearings held by the code enforcement board; and all meetings, hearings and proceedings shall be open to the public.
- (i) The board of county commissioners shall provide clerical support, including necessary supplies, to the code enforcement board as may be reasonably required for the proper performance of its duties.

(Ord. No. 90-09, § I, 7-17-1990)

#### **Sec. 2-88. Legal counsel.**

- (a) An attorney may be appointed by the board of county commissioners to attend meetings of the code enforcement board and to assist such board in the conduct of its hearings.
- (b) The county attorney shall represent the county. The county attorney or a member of the administrative staff of the county shall present each case before the code enforcement board.
- (c) In no event may the county attorney serve in both capacities.

(Ord. No. 90-09, § II, 7-17-1990)

#### **Sec. 2-89. Jurisdiction.**

- (a) The code enforcement board shall have the jurisdiction to hear and decide alleged violations of the following codes and ordinances of the county and any other code the county has adopted or will adopt in the future:
  - (1) Building code.
  - (2) Electrical code.
  - (3) Plumbing code.
  - (4) Mechanical code.
  - (5) Zoning code and comprehensive plan.
  - (6) Contractors or contracting codes.
  - (7) Subdivision codes.

- (8) Licensing codes.
- (9) Mobile home inspection code.
- (b) The jurisdiction of the code enforcement board shall not be exclusive. Any alleged violation of any of the codes and ordinances referred to in subsection (a) of this section may be pursued by appropriate remedy in court at the option of the appropriate official whose responsibility it is to enforce that respective code or ordinance.

(Ord. No. 90-09, § III, 7-17-1990)

### **Sec. 2-90. Enforcement procedures.**

- (a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes and ordinances. No member of the code enforcement board shall have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsection (d) of this section, if a violation of the codes or ordinances is found, the code inspector shall first notify the violator and give the violator a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the code enforcement board and request a hearing pursuant to the procedure set forth in section 2-92.
- (c) The code enforcement board, through its clerical staff, shall schedule a hearing; and written notice of such hearing shall be hand delivered or mailed to a violator as provided in section 2-95. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in section 2-95. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the code enforcement board even if the violation has been corrected prior to the board hearing; and the notice shall so state.
- (d) If a repeat violation is found, the code inspector shall notify the violator; but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to section 2-95. The case may be presented to the code enforcement board even if the repeat violation has been corrected prior to the board hearing; and the notice shall so state.
- (e) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the code enforcement board and request a hearing.

(Ord. No. 90-09, § IV, 7-17-1990)

### **Sec. 2-91. Powers.**

The code enforcement board shall have the power to:

- (1) Adopt rules for the conduct of its hearing.
- (2) Subpoena:

- a. Alleged violators and witnesses to the hearings; and
- b. Evidence to its hearings.

All subpoenas shall be served by the sheriff of the county.

- (3) Take testimony under oath.
- (4) Issue orders having the force and effect of law, commanding whatever steps are necessary to bring a violation into compliance.
- (5) Establish and levy fines pursuant to F.S. § 162.09 and section 2-93.

(Ord. No. 90-09, § V, 7-17-1990)

### **Sec. 2-92. Conduct of hearing.**

- (a) The chair of the code enforcement board may call hearings of the board, and hearings may also be called by written notice signed by at least three members (not including alternate members) of the board. The board at any hearing may recess the hearing to a future time and date.
- (b) Upon scheduling a hearing, the board shall cause notice to be furnished to the alleged violator. The notice of hearing shall contain the date, time and place of the hearing and shall state the nature of the violation and reference to the appropriate code or ordinance.
- (c) At the hearing, the burden of proof shall be upon the code inspector to show, by preponderance of the evidence, that a violation does exist.
- (d) If proper notice of the hearing has been provided to the alleged violator, a hearing may proceed in the absence of the alleged violator.
- (e) All testimony shall be under oath and shall be recorded. The board shall take testimony from the code inspector and alleged violator and from such other witnesses as may be called by the respective sides.
- (f) Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
- (g) Irrelevant, immaterial or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the state.
- (h) Any member of the board, or an attorney appointed to represent the board, may inquire of any witness before the board. The alleged violator, or his attorney, and the attorney representing the code inspector shall be permitted to inquire of any witness before the board. Brief opening and closing statements shall be permitted.
- (i) At the conclusion of the hearing, the code enforcement board shall issue findings of fact, based on evidence in the record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted by state law and by this article. The order shall be stated orally at the meeting and shall be reduced to writing and mailed to the alleged violator within ten days after the hearing. The finding shall be

by motion approved by a majority of those present and voting; however, at least four members of the board must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by that date.

- (j) A certified copy of such order may be recorded in the official records book of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property; and the findings shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the dates specified in the order, the code enforcement board shall issue an order acknowledging compliance that shall be recorded in the official records book. A hearing is not required to issue such an order acknowledging compliance.

(Ord. No. 90-09, § VI, 7-17-1990)

### **Sec. 2-93. Fines and liens.**

- (a) The code enforcement board, upon notification by the code inspector that an order of the code enforcement board has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the code enforcement board for compliance or, in the case of repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If a finding of a violation or a repeat violation has been made, a hearing shall not be necessary for issuance of the order imposing the fine.
- (b) The fine imposed by the code enforcement board shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation.
- (c) In determining the amount of the fine, if any, the code enforcement board shall consider the following factors:
  - (1) The gravity of the violation.
  - (2) The actions taken by the violator to correct the violation.
  - (3) Any previous violations committed by the violator.
- (d) The code enforcement board may reduce a fine imposed pursuant to this section if mitigating circumstances shall be established and recorded in the minutes of the code enforcement board.
- (e) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriff of this county, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After three months from the filing of any such lien which remains

unpaid, the code enforcement board may authorize the county attorney to foreclose on the lien. No lien created pursuant to the provisions of this article may be foreclosed on real property which is homestead under Fla. Const., art. X, § 4.

- (f) No lien provided by this article shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that the prevailing party incurs in the foreclosure. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice unless a notice of lis pendens is recorded.
- (g) All sums received by the code enforcement board under this article shall be accounted for and paid over to the clerk of the circuit court for deposit into the general fund of the county.

(Ord. No. 90-09, § VII, 7-17-1990)

#### **Sec. 2-94. Appeal.**

- (a) An aggrieved party, including the board of county commissioners, may appeal a final administrative order of the code enforcement board to the circuit court. Any such appeal shall be filed within 30 days of the execution of the order to be appealed.
- (b) The scope of review shall be limited to the record made before the code enforcement board and shall not be a trial de novo.
- (c) The code enforcement board shall, by rule, establish reasonable charges for the preparation of the record to be paid by the appealing party.

(Ord. No. 90-09, § VIII, 7-17-1990)

#### **Sec. 2-95. Notices.**

- (a) All notices required by this article shall be provided to the alleged violator by certified mail, return receipt requested, by hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the board of county commissioners; or by leaving the notice at the violator's usual place of residence with any person residing there who is above 15 years of age and informing such person of the contents of the notice.
- (b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement board, notice may also be served by publication, as follows:
  - (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements.
  - (2) Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.
- (c) Notice by publication may run concurrently with, or may follow, an attempt to provide

notice by hand delivery or by mail as required under subsection (a).

- (d) Evidence that an attempt has been made to hand deliver or mail notice as provided in this section, together with proof of publication, shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice.

(Ord. No. 90-09, § IX, 7-17-1990)

### **Sec. 2-96. Supplemental act.**

It is the intent of the board of county commissioners upon adoption of this article to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in this article shall prohibit the county from enforcing its codes by any other lawful means.

(Ord. No. 90-09, § IX, 7-17-1990)

Secs. 2-97--2-130. Reserved.

## **ARTICLE IV. PURCHASING POLICIES AND PROCEDURES\***

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\***Cross references:** Taxation and finance, ch. 70.

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### **Sec. 2-131. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commodity* and *goods* may be used interchangeably and shall mean any of the various supplies, materials, merchandise, equipment and other personal property purchased, leased or otherwise contracted for by the county and its agencies.

*Contractual services* means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include but are not limited to evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged under such studies; and professional, technical and social services. Contractual services does not include:

- (1) Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration.
- (2) The acquisition of services from other governmental agencies and the performance of services in house, other than those performed by an employee in an authorized position, wherein the rate of pay for the performances of such services does not exceed the rate of pay for an equivalent authorized position.

(3) Outside legal services.

*County coordinator* means the County Coordinator of Suwannee County.

*Invitation to bid* means a written solicitation for sealed, competitive bids with the title, date and hour of the public bid opening designated and specifically defining the commodity or goods or group of commodities or goods or services for which bids are sought. It includes instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders simultaneously. The invitation to bid is used when the county is capable of specifically defining the scope of work for which a contractual service is required or when the county is capable of establishing precise specifications defining the actual goods or commodities required.

*Qualified bidder or qualified offeror* means the person who has the capability in all respects to perform fully the contract requirement and has the integrity and reliability which will assure good-faith performance.

*Request for proposals* means a written solicitation for sealed proposals, with the title, date and hour of the public opening designated. The request for proposals is used when the county is incapable of specifically defining the scope of work for which the commodity, group of commodities, or contractual service is required, and when the agency is requesting that a qualified offeror propose a commodity, group of commodities or contractual service to meet the qualifications of the solicitation document. A request for proposals includes but is not limited to general information, applicable laws and rules, functional or general specifications, statement of work, proposal instructions, and evaluation criteria.

*Responsive bidder or responsive offeror* means a person who has submitted a bid which conforms in all material respects to the invitation to bid or request for proposal.

(Ord. No. 93-03, § 1, 7-20-1993)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 2-132. Constitutional officers.**

Nothing contained in this article shall be construed as requiring the county's constitutional officers (clerk of circuit court, property appraiser, sheriff, supervisor of elections, and tax collector) to be covered by the provisions of this article.

(Ord. No. 93-03, § 2, 7-20-1993)

### **Sec. 2-133. Conflict of interest.**

No officer of the county shall contract with or have any business dealings with the county whereby he may derive income or benefits other than those provided as remuneration from the county for his employment. However, no officer or employee of the county shall be prohibited from purchasing, at public auction authorized by law, used goods or materials from the county on the same basis as are all other members of the public. Further, the county may purchase from any employee or officer any real or personal property owned by such officer or employee when it is determined to be needed for county business, provided the consideration paid for such property does not exceed its fair market value.

(Ord. No. 93-03, § 3, 7-20-1993)

### **Sec. 2-134. Adoption of purchasing policies.**

The board of county commissioners shall adopt by resolution the purchasing policies of the county. The purchasing policies, when adopted, shall have the full force and effect of law. The board may amend the purchasing policies by resolution approved by the board at regularly scheduled commission meetings.

(Ord. No. 93-03, § 4, 7-20-1993)

Secs. 2-135--2-165. Reserved.

## **ARTICLE V. ACCESS TO LOCAL PUBLIC OFFICIALS\***

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**\*State law references:** Access to local public officials, F.S. § 286.0115.

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### **Sec. 2-166. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Local public official* means any elected or appointed public official holding a county office who recommends or takes quasi-judicial action as a member of a board or commission.

(Ord. No. 95-10, § 1, 9-5-1995)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 2-167. Access to local public officials permitted.**

- (a) Any person not otherwise prohibited by statute or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. Ex parte communication shall not be presumed prejudicial to the action taken by the board or commission if the communication is disclosed pursuant to this action.
- (b) The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before such official is deemed public information when the substance of the communication and with whom the communication took place is disclosed and made a part of the record prior to final action on the matter.
- (c) Local public officials may read written communication from any person; however, written communication which relates to quasi-judicial action pending before a local public official is deemed public information, and such written communication shall be made a part of the record prior to final action on the matter.

- (d) Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before a local public official if the existence of such investigation, site visit or expert opinion is made a part of the record prior to final action on the matter.

(Ord. No. 95-10, § 2, 9-5-1995)

### **Sec. 2-168. Testifying before a quasi-judicial body.**

In a quasi-judicial proceeding on local government land use matters, a person who appears before the decision-making body who is not a party or party-intervenor shall be allowed to testify before the decision-making body, subject to control by the decision-making body, and may be requested to respond to questions from the decision-making body, but need not be sworn as a witness, is not required to be subject to cross examination, and is not required to be qualified as an expert witness. The decision-making body shall assign weight and creditability to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(Ord. No. 95-10, § 3, 9-5-1995; Ord. No. 97-13, § 1, 4-1-1997)

### **Sec. 2-169. Ex parte communications.**

In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decision-making body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decision-making body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decision-making body. All decisions of the decision-making body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(Ord. No. 95-10, § 3, 9-5-1995; Ord. No. 97-13, § 2, 4-1-1997)

### **Sec. 2-170. Rules.**

Nothing in this article shall restrict the authority of any board or commission to establish rules or procedures concerning public hearings and contacts with local public officials.

(Ord. No. 95-10, § 4, 9-5-1995)

Secs. 2-171--2-200. Reserved.

## **ARTICLE VI. BOARDS AND COMMISSIONS**

### **DIVISION 1. IN GENERAL**

Secs. 2-201--2-225. Reserved.

## **DIVISION 2. ENTERPRISE ZONE DEVELOPMENT AGENCY**

### **Sec. 2-226. Creation.**

There is hereby by created the Suwannee County Enterprise Zone Development Agency, hereafter called the "agency."

(Ord. No. 00-03, § 1, 12-21-99)

### **Sec. 2-227. Board of commissioners.**

The agency shall be governed by a board of commissioners consisting of nine members, which shall carry out the economic development and redevelopment purposes of F.S. Ch. 290.

(Ord. No. 00-03, § 2, 12-21-99)

### **Sec. 2-228. Appointment of members.**

The members of the agency shall be appointed by the board of county commissioners at any regular or special meeting.

(Ord. No. 00-03, § 3, 12-21-99)

### **Sec. 2-229. Board of commissioners--Requirements.**

The board of commissioners of the agency shall always consist of a minimum of eight members and a maximum of 13 members, and shall contain at least one member from the following:

- (1) Chamber of commerce;
- (2) Financial or insurance entities;
- (3) Code enforcement agency; and
- (4) Law enforcement agency.

(Ord. No. 00-03, § 4, 12-21-99)

### **Sec. 2-230. Same--Terms of office.**

The terms of office for the members of the board of commissioners shall be as follows:

- (1) The members from the chamber of commerce, financial or insurance entities shall each serve terms of two years.
- (2) The member from the law enforcement agency shall serve a term of three years.
- (3) All other members shall each serve terms of four years.

(Ord. No. 00-03, § 5, 12-21-99)

### **Sec. 2-231. Same--Chair and vice-chair.**

The board of county commissioners shall annually designate a chair and vice-chair from among the members of the agency.

(Ord. No. 00-03, § 6, 12-21-99)

### **Sec. 2-232. Rules of procedure.**

The agency, through its board of commissioners, shall formulate and amend its own rules of procedure and shall operate pursuant to, and shall have all of the powers set forth in F.S. Ch. 290.

(Ord. No. 00-03, § 7, 12-21-99)

## **Chapters 3--5 RESERVED**

## **Chapter 6 ALCOHOLIC BEVERAGES\***

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**\*Cross references:** Businesses, ch. 22.

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[Sec. 6-1. Definitions.](#)

[Sec. 6-2. Permitted hours of sale.](#)

[Sec. 6-3. Enforcement and penalties.](#)

### **Sec. 6-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;

*Alcoholic beverage:* Any beverage containing more than one percent of alcohol by weight. The percentage of alcohol by weight shall be determined by measuring the weight of the standard ethyl alcohol in the beverage and comparing it with the weight of the remainder of the ingredients as though the remainder ingredients were distilled water. It is the intent of this definition that the volume and weight tables for standard ethyl alcohol and distilled water as established by the National Bureau of Standards shall be conclusive regardless of the actual weight, which variance from the weight of distilled water is due to the adding of sugar, flavoring or other ingredients used in making the final product.

*Beverage law:* F.S. chs. 561, 562, 563, 564, 565, 567 and 568.

*Convention facility:* A business location licensed to sell alcoholic beverages under the provisions of this chapter and having permanent transient lodging facilities for 50 or more persons the rental of which is subject to the tourism development bed tax and permanent indoor seating capacity of 500 or more people located on its business premises and as a part of its routine operation normally hosts large groups of people for business and/or entertainment

purposes, including but not limited to, conventions, conferences, special events, and meetings, indoors and/or outdoors.

*Sale and sell:* Any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with or as a part of a transfer of property other than an alcoholic beverage for a consideration, or the serving of an alcoholic beverage by a club licensed under the beverage law.

*Unincorporated areas of the county:* All the area beyond any incorporated municipality and within the boundaries of the county.

(Ord. No. 80-02, § 1, 8-19-1980; Ord. No. 03-01, § 1, 10-16-2002)

**Cross references:** Definitions generally, § 1-2.

## **Sec. 6-2. Permitted hours of sale.**

- (a) Package sales for off-premises consumption of alcoholic beverages shall be permitted in any business licensed to sell alcoholic beverages pursuant to the regulations set forth by the division of alcoholic beverages and tobacco of the state department of business and professional regulation on Monday through Saturday, inclusive, between the hours of 7:00 a.m. and 12:01 a.m. on the following day. This subsection shall not apply to a convention facility; in which case subsection (c) shall apply.
- (b) Consumption on-premises sales of alcoholic beverages in any business or club open to the public, which business or club having 750 square feet of service area and is equipped to serve 60 persons full course meals at tables at one time, and derives at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages, and holds a license to sell alcoholic beverages pursuant to the regulations set forth by the division of alcoholic beverages and tobacco of the state department of business and professional regulation shall be permitted on Monday through Saturday, inclusive, between the hours of 7:00 a.m. and 2:00 a.m. on the following day, and on Sunday between the hours of 1:00 p.m. and 11:00 p.m. This subsection shall not apply to a convention facility; in which case subsection (c) shall apply.
- (c) Alcoholic beverages may be sold, consumed, served or permitted to be served or consumed, on the premises, indoors or outdoors at any convention facility holding a license under the division of alcoholic beverages and tobacco of the state department of business and professional regulation shall be permitted on Monday through Saturday, inclusive, between the hours of 7:00 a.m. and 2:00 a.m. on the following day, and on Sunday between the hours of 1:00 p.m. and 11:00 p.m.
- (d) Sales of alcoholic beverages for on-premises consumption in any business or club open to the public, not described in subsection (a), (b) or (c), holding a license to sell alcoholic beverages pursuant to the regulations set forth by the division of alcoholic beverages and tobacco of the state department of business and professional regulation, shall be permitted on Monday through Saturday, inclusive, between the hours of 7:00 a.m. and 12:01 a.m. on the following day.
- (e) Alcoholic beverages may only be consumed in any establishment licensed as a "bottle club" by the division of alcoholic beverages and tobacco of the state department of business and professional regulation Monday through Saturday, inclusive, between the hours of 7:00 a.m. and 12:01 a.m. on the following day.

(Ord. No. 80-02, § 2, 8-19-1980; Ord. No. 03-01, § 2, 10-16-2002; Ord. No. 09-04, § 1, 3-17-2009)

### **Sec. 6-3. Enforcement and penalties.**

- (a) Violation of any section of this chapter shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this chapter. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One (1) copy shall be provided to the alleged violator and the officer shall retain one (1) copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer

has probable cause to believe that the person has committed a civil infraction in violation of this chapter, and that the county court will hear the charge. The citation must contain the following information:

- (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 80-02, § 3, 8-19-1980; Ord. No. 05-01, § 1.A, 11-3-2004)

## **Chapters 7--9 RESERVED**

## **Chapter 10 AMUSEMENTS AND ENTERTAINMENTS\***

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**\*Cross references:** Businesses, ch. 22.

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Article I. In General  
Secs. 10-1--10-30. Reserved.  
Article II. Musical or Entertainment Festivals  
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## **ARTICLE I. IN GENERAL**

Secs. 10-1--10-30. Reserved.

## **ARTICLE II. MUSICAL OR ENTERTAINMENT FESTIVALS**

### **Sec. 10-31. Purpose of article.**

This article is enacted pursuant to F.S. ch. 125 for the purpose of providing necessary regulation of any mass gathering of groups or individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure, in the interest of the public health, safety, welfare and morals of the citizens and inhabitants of the county.

(Ord. No. 75-02, § 1, 3-4-1975)

### **Sec. 10-32. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boara* means the board of county commissioners.

*Musical or entertainment festival* means any gathering of groups or individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces, not within an enclosed structure.

(Ord. No. 75-02, § 2, 3-4-1975)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 10-33. Permit required.**

No person shall stage, promote or conduct any musical or entertainment festival in the county unless he shall first secure a special entertainment permit issued by the board.

(Ord. No. 75-02, § 3, 3-4-1975)

### **Sec. 10-34. Conditions for issuance of permit.**

- (a) Any person desiring to stage, promote or conduct any musical or entertainment festival in the county shall first secure a special entertainment permit from the board.
- (b) The permit shall not be issued unless the following plans, documents and information are submitted to the board and the following minimum conditions are met:
  - (1) Adequate plans for camp construction, sanitation facilities, sewage disposal, garbage and refuse disposal, drainage, floodlighting during darkness, insect and rodent control, water supply and food service. For the purposes of evaluating

such plans, the standards established by the rules of the department of health and rehabilitative services, division of health, in the sanitary code of the state, particularly chapter 10 D-4, relating to water supplies; chapter 10 D-6, relating to sewage disposal facilities; chapter 10 D-9, relating to plumbing; chapter 10 D-10, relating to sanitary facilities for buildings; chapter 10 D-12, relating to garbage and rubbish; chapter 10 D-13, relating to food service; chapter 10 D-25, relating to camps; chapter 10 D-26, relating to trailer parks; and chapter 10 D-27, relating to miscellaneous subjects, shall be considered as minimum requirements. For the purpose of this article, the entire sanitary code of the Florida Administrative Code shall be considered specifically applicable to the operation of a musical or entertainment festival. In evaluating the plans, the board shall also consider the applicability of provisions of F.S. ch. 386, and such other provisions of law, and of the sanitary code and of local ordinances, as it may deem necessary in the interests of the public health and welfare.

- (2) An adequate geographic description and scale map or plan of the festival site, showing the location of all required facilities, including adequate traffic control and parking facilities for motor vehicles and recreation vehicles outside the performance area. Such plan shall provide at least one parking space for every five patrons and for safe access to and from the performance and other required areas. No motor vehicle or recreation vehicle shall be permitted in the performance area except when necessary to ensure compliance with this section.
- (3) An adequate plan for medical facilities. There shall be provided:
  - a. First aid in the field with direct communication with the Suwannee Emergency Rescue Service;
  - b. One physician, licensed in the state, on call at all times;
  - c. One registered nurse, registered in the state, on duty at all times;
  - d. Complete supplies for first aid treatment in the field of cuts, bruises, abrasions, bites, fractures, infections and other injuries commonly connected with such outdoor activities;
  - e. Drug reactors; and
  - f. Transportation by the Suwannee Emergency Rescue Service or otherwise, for those seriously ill or injured to the extent that more definitive treatment at a hospital is required.
- (4) An adequate plan for internal security, traffic control, communications, fire protection and emergency services in and around the festival area. Such plan shall provide for at least one person professionally trained in security and traffic control on duty at all times for every 500 patrons, with no security personnel working more than one eight-hour shift in any 24-hour period. The plan shall include a detailed description of the plan of security, traffic control, communications, fire protection and emergency services to be used and how it is to be implemented, and a detailed background on the training and ability of the personnel to be used in implementing the plan.
- (5) A full and complete disclosure of the financial backers of the festival, including

the names of all persons with direct or indirect financial interest in the staging, promoting or conducting of the festival, whether such interest is by virtue of ownership in any corporation staging, promoting or conducting of the festival, status as an employee in any person staging, promoting or conducting such festival or any involvement by which such person stands to gain or lose financially from such festival.

- (6) The names of all persons or groups who will perform at the festival and executed copies of all contracts or agreements with such persons or groups.
  - (7) The names of all persons who will provide products, materials or services, other than entertainment, to or at the festival, and executed copies of all contracts or agreements with such persons.
  - (8) Full and complete compliance with all building and electrical codes, zoning and land use laws, beverage laws and other laws, ordinances and regulations applicable to the county.
  - (9) The exact date and time of commencement and the exact date and time of the conclusion of the festival.
- (c) The board may establish by resolution such additional conditions, criteria or detailed specifications for the special entertainment permits as they may deem necessary to carry out the intent of this article, for the protection of the public health, morals, safety and general welfare.
- (d) The application for a special entertainment permit shall be submitted to the board at least three months in advance of the commencement of the festival for which the permit application is filed, to permit the board to evaluate the application in an orderly and expeditious manner. The board shall act on applications at the next regular board meeting occurring at least 30 days after the application is filed by either granting or refusing the permit. If any musical or entertainment festival shall be planned after March 4, 1975, and prior to July 1, 1975, and a regular meeting of the board is scheduled 30 days prior to the date of the proposed festival, an application for a special entertainment permit to conduct such festival shall be submitted to the board at least 30 days in advance of the commencement of the festival for which application is filed; and the board shall act on the application within 20 days after the application is filed.
- (e) A public liability insurance policy written by a company authorized to do business in the state, acceptable to the board, insuring the person staging, promoting or conducting the musical or entertainment festival against any and all claims and demands made by any person, whether a ticket holder or participant in the festival or not, for injuries or damages received, caused or suffered by reason of the staging, promoting, conducting or attendance of or at the musical entertainment festival, the intent of this section being that such public liability insurance policy shall protect any person who suffers any damages to property, real or personal, including poultry, birds and livestock, caused by the noise or other activity generated by the festival. This policy shall provide for coverage of \$300,000.00 damage or injury to any one person for bodily injury or otherwise, plus \$25,000.00 for damages to property for one person and for not less than \$500,000.00 for damages incurred or claimed by more than one person for bodily injury or otherwise, plus \$100,000.00 damages to property claimed by more than one person. The original or duplicate of such policy, fully executed by the insurer, shall be attached

to the application for special entertainment permit, together with adequate evidence that the premiums have been paid.

- (f) The actual good-faith estimate of the number of persons expected to attend the musical or entertainment festival, together with a good-faith estimate of the maximum number who may attend, shall be provided.
- (g) An application fee of \$100.00 shall be paid at the time the application is filed.

(Ord. No. 75-02, § 4, 3-4-1975)

#### **Sec. 10-35. Restriction on location.**

No musical or entertainment festival shall be held within two miles of any business which would be adversely affected by the unusual activity and the noise generated by such festival, such as where commercial poultry is being grown and housed, caged birds, livestock farms, nursing homes and hospitals.

(Ord. No. 75-02, § 5, 3-4-1975)

#### **Sec. 10-36. Cash cleanup bond required.**

Any person holding a special entertainment permit shall deposit with the county a cash bond in the amount of \$50.00 for each 1,000 anticipated patrons, or fraction of 1,000, based upon the estimated attendance and specified length of performance designated in the application for the permit. This cash bond shall be for the expense of cleaning up any debris, paper, litter or trash left by the patrons at such festival or by the holder of the permit or its agents, employees or contractors. This cash bond shall be returned to the holder of the permit upon certification by the county health department sanitarian that all debris, paper, litter or trash has been removed from the premises on which the festival was held within 48 hours from the designated conclusion time of the festival. Upon failure of the holder of the permit to complete such cleanup within the 48-hour time period, the county shall have the right to forthwith take such corrective action as it may deem necessary and to deduct the cost of such action from the amount of the cash cleanup bond.

(Ord. No. 75-02, § 6, 3-4-1975)

#### **Sec. 10-37. Penalty for violation of article.**

- (a) Any person who violates any section or provision of this article shall be prosecuted and punished as provided by law.
- (b) The board may bring suit in circuit court to restrain, enjoin or otherwise prevent violation of this article.
- (c) If there shall be any deviation or violation of or from the conditions and plans submitted under section 10-34 or violation of other provisions of this article, or any material misrepresentation in the application for the permit, the board may revoke the special permit granted. Any such violation or misrepresentation shall be prosecuted as provided by law. Each violation shall constitute a separate offense.

(Ord. No. 75-02, § 7, 3-4-1975)

**Sec. 10-38. Permit prerequisite to issuance of occupational license.**

No occupational license shall be issued under this article until the permit provided for in section 10-34 has been issued by the board of county commissioners and a copy filed with the tax collector prior to the issuance of the license.

(Ord. No. 75-02, § 8, 3-4-1975)

**Sec. 10-39. Severability.**

It is declared to be the intent of the board that if any section, subsection, sentence, clause, phrase or portion of this article 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 hereof.

(Ord. No. 75-02, § 9, 3-4-1975)

**Sec. 10-40. Penalties and remedies.**

- (a) Any person who violates any provision of this article shall be guilty of a misdemeanor of the first degree, and upon conviction shall be punished as provided in section 10-42. Each violation shall constitute a separate offense.
- (b) Any person holding a special entertainment permit who deviates from the conditions and plans approved in the issuance of the permit under the provisions of section 10-34 shall be guilty of a misdemeanor of the first degree, and upon conviction shall be punished as provided in section 10-42. Each deviation shall constitute a separate offense.
- (c) Any person who makes any material misrepresentation in the application provided for in section 10-34 or in any statements or presentations to the board shall be guilty of a misdemeanor of the first degree, and upon conviction shall be punished as provided in section 10-42. Each misrepresentation shall constitute a separate offense.
- (d) The board may revoke the special entertainment permit granted and shall immediately notify the tax collector to revoke any occupational license upon the occurrence of any violation of this article.
- (e) The board may bring suit to restrain, enjoin or otherwise prevent violation of this article in any court of competent jurisdiction.

(Ord. No. 75-02, § 10, 3-4-1975)

**Sec. 10-41. Liberal construction of article.**

The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, morals, welfare and safety of the citizens and residents of this county.

(Ord. No. 75-02, § 11, 3-4-1975)

## **Sec. 10-42. Enforcement and penalties**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain

the following information:

- (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 75-02, § 12, 3-4-1975; Ord. No. 05-01, § 1.B, 11-3-2004)

## **Chapters 11--13 RESERVED**

## **Chapter 14 ANIMALS\***

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**\*Cross references:** Health, ch. 38.

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### Article I. In General

Secs. 14-1--14-30. Reserved.

### Article II. Nuisance, Dangerous, Rabid, At-Large, Feral, Injured or Diseased Domestic Animals

[Sec. 14-31. Intent.](#)

[Sec. 14-32. Definitions.](#)

[Sec. 14-33. Vaccination and identification.](#)

[Sec. 14-34. Nuisance animals.](#)

[Sec. 14-35. Dangerous animals.](#)

[Sec. 14-36. Impoundment and management procedures for dangerous animals.](#)

[Sec. 14-37. Animal bites.](#)

[Sec. 14-38. Quarantine of animals suspected of rabies.](#)

[Sec. 14-39. Impoundment, redemption and disposition of unredeemed animals.](#)

[Sec. 14-40. Abandoning or dumping.](#)

[Sec. 14-41. Fees.](#)

[Sec. 14-42. Penalties.](#)

[Sec. 14-43. Restraint by owner.](#)

[Sec. 14-44. Security bond provisions.](#)

## ARTICLE I. IN GENERAL

Secs. 14-1--14-30. Reserved.

## ARTICLE II. NUISANCE, DANGEROUS, RABID, AT-LARGE, FERAL, INJURED OR DISEASED DOMESTIC ANIMALS\*

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\***Editor's note:** Ord. No. 03-02, §§ 1--14, adopted Dec. 2, 2002, has been treated by the editor as amending the Code by repealing former art. II, §§ 14-31--14-40, in its entirety, and adding a new art. II. Former art. II pertained to dangerous dogs, and derived from Ord. No. 96-03, adopted May 7, 1996; and Ord. No. 00-06, adopted June 6, 2000. Subsequently Ord. No. 03-03, §§ 1--15, adopted March 4, 2003, amended the Code by repealing former art. II and adding a new art. II.

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### Sec. 14-31. Intent.

The intent of the board of county commissioners in adopting this article is primarily to provide for the effective control and management of dangerous, feral and nuisance domestic animals, and not to infringe upon the rights of the citizens of the county to own or hunt with domestic animals.

(Ord. No. 03-03, § 1, 3-4-2003)

### Sec. 14-32. Definitions.

For the purposes of this article, the following words and terms shall be defined as follows:

*Animal* shall mean a domestic animal, unless the context requires otherwise.

*Animal control authority*, hereinafter referred to as "authority," shall mean the sheriff of Suwannee County.

*Animal control officer* shall mean the person or persons designated by the authority to enforce the provisions of this article, who is/are authorized to investigate civil infractions relating to animal control or cruelty, and to issue citations as provided in this article. An animal control officer, other than a deputy of the county sheriff's office, is not authorized to bear arms or make arrests; however such officer may carry a device to chemically subdue and tranquilize an animal, provided such officer has completed the required training in marksmanship, equipment handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the Chemical Immobilization Operational Guide of the American Humane Association.

*Animal shelter* shall mean a facility designated or recognized by the board for the purpose of impounding and caring for domestic animals.

*At-large* shall mean a domestic animal off the property of its owner and not under

restraint. This definition shall not apply to a domestic animal, purposely released by its owner, for the pursuit of legal wild game.

*Attack* shall mean the act, by an animal, of approaching another animal or a person in such a manner that results in injury, or causes reasonable belief and concern that, injury is likely to occur to the other animal or person if not avoided or defended against.

*Boara* shall mean the Suwannee County board of county commissioners.

*Citation* shall mean a written notice, issued to a person by an animal control officer, that the officer has probable cause to believe the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:

- (1) The date, time and place of issuance;
- (2) The name, address, and date of birth, of the person receiving the citation;
- (3) The date, time and place the civil infraction was committed;
- (4) The facts constituting the probable cause;
- (5) The ordinance violated;
- (6) The name and authority of the officer;
- (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

*County health officer* shall mean the person or persons designated by the Suwannee County board of county commissioners pursuant to the definition in F.S. ch. 154, as amended, and the Florida Administrative Code chapter 64(D)(3)

*Dangerous animal* shall mean any animal that has:

- (1) When unprovoked, has bitten, attacked, endangered or has inflicted severe injury on a person when off its owner's property;
- (2) On more than one occasion, injured or killed another animal while off its owner's property; or
- (3) Been used, primarily or in part, for the purpose of dog fighting, or is a dog trained for dog fighting.

*Domestic animal* shall mean a dog, cat or ferret.

*Exposure to rabies* shall mean contact by any person or domestic animal, or captive wild animal with the saliva, brain tissue or body fluids of a rabid animal, or of an animal suspected to

be rabid, due to its apparent ill health.

*Feral animal* shall mean any domestic animal born in the wild, or which has reverted to a wild state.

*Impoundment* shall mean the capture and confinement of an animal by the animal control officer in a manner consistent with professionally recognized standards of humane treatment.

*Nuisance animal* shall mean, an animal, that is allowed to run at large and:

- (1) Habitually destroys or damages property, other than that of its owner;
- (2) Habitually lives out of garbage cans, or scatters litter;
- (3) Habitually chases motor vehicles, or otherwise impedes the orderly flow of traffic;
- (4) Digs holes on property other than that of its owner; or
- (5) Shall exhibit, or shall have exhibited, any tendency toward attacking, biting, mauling or otherwise injuring people or other animals.

*Officer* shall mean any law enforcement officer as defined in F.S. § 943.10, or any animal control officer.

*Owner* shall mean any person, persons, or other entity, possessing, harboring, keeping, feeding, or having control or custody of an animal; or if the animal is owned by a person under the age of 18, the parent or guardian of such person.

*Proper enclosure of a dangerous animal* shall mean while on the owner's property, a dangerous animal is securely confined indoors, or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, sufficient to prevent the animal from escaping over, under, or through the structure and shall also provide the animal with protection from the elements.

*Severe injury* shall mean any physical injury that results in broken bones, multiple bites, deep puncture wounds, or lacerations requiring sutures or cosmetic surgery.

*Unprovoked* shall mean that the person or domestic animal that has been attacked, as defined in this section, was conducting himself/itself in a peaceful and lawful manner.

*Veterinarian* shall mean a person who is licensed to engage in the practice of veterinary medicine, as provided for in F.S. ch. 474.

As used herein the term "he" shall be masculine, feminine, neutral, singular or plural, as the circumstance or context requires.

(Ord. No. 03-03, § 2, 3-4-2003)

### **Sec. 14-33. Vaccination and identification.**

- (a) It shall be unlawful to keep or maintain any animal over four months of age, unless such animal has been vaccinated by a licensed veterinarian with an antirabies vaccine. Any vaccinated animal shall be tagged with evidence of such vaccination.
- (b) All dogs and cats in the county shall wear a properly fitted collar with either a current

identification tag or a current identification plate, securely attached thereto, containing the owner's name, address and telephone number, including area code. The collar shall be placed on the animal so as not to interfere with the animal's breathing. An imbedded data-chip, tattoo, or some other form of identification, may be used in lieu of the identification tag or identification plate, so long as the same information can be readily obtained therefrom.

(Ord. No. 03-03, § 3, 3-4-2003)

#### **Sec. 14-34. Nuisance animals.**

- (a) It is unlawful to allow an animal to be a nuisance animal as defined in section 14-32 of this article. The owner of such animal, upon first being duly notified, in writing, by any officer that such animal is a nuisance animal, shall immediately and permanently abate such nuisance. Any subsequent violation of this article shall be punishable as provided for in section 14-39 and/or section 14-42 hereof.
- (b) Any feral animal shall be classified as a public nuisance and shall be impounded and humanely euthanized. The authority shall not be required to hold feral animals for a minimum period of time prior to euthanization.

(Ord. No. 03-03, § 4, 3-4-2003)

#### **Sec. 14-35. Dangerous animals.**

- (a) *Classification.*
  - (1) Any officer or other person 18 years of age or older may request, under oath, that an animal be classified as dangerous, as defined in section 14-32 of this article by submitting a petition for classification of a dangerous animal, hereafter "petition" to the authority.
  - (2) Upon receipt of a petition, the authority shall notify the owner of the animal that a petition has been filed, and that an investigation into the allegations set forth in the petition will be conducted. At the time of such notification, the authority shall provide the owner with a copy of the petition.
  - (3) Upon completion of the investigation, the authority shall make a determination whether or not the animal is dangerous. The authority shall provide written notification to the owner of the animal's classification. Notification shall be by registered mail, return receipt requested, hand delivery, or service in conformance with the provision of F.S. ch. 48, relating to the service of process. The notice shall inform the owner of his right to appeal the classification to the county court. Upon receipt of the notice of classification as a dangerous animal, the owner shall immediately confine the animal as provided herein, until such time as the county court may overturn such classification.
  - (4) An animal shall not be classified as dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property of the owner, or while lawfully on the property, was tormenting, abusing, or assaulting the animal or its owner.
- (b) *Appeal of classification as a dangerous animal.*

- (1) The owner of an animal classified as dangerous, may, within ten business days following the receipt of the notice of classification, petition to the county court for a review of the classification as provided in section 14-42(c). A copy of the petition for review shall be served upon the authority. The review shall be deemed a trial de novo.
  - (2) If the owner of an animal classified as dangerous is unable, fails, or refuses, to confine the animal in a securely enclosed area during the appeal, the authority, at the owner's expense, shall impound the animal until the conclusion of the appeal.
  - (3) If no petition for review has been filed within the time period specified above, or if the owner fails to appear at the judicial hearing on his petition for review, the owner shall be deemed to have waived his right to appeal such classification.
  - (4) If the court finds that the animal is not dangerous and the animal has been impounded, the animal shall be released to the custody of the owner. In such case, the owner shall redeem the animal, no later than the close of business, on the next business day following the date of the court's denial of the classification.
  - (5) If the owner waives his right to appeal such classification, or the court upholds the determination of the authority, the animal shall be permanently confined as provided herein. If, at any time after an animal is classified as dangerous, and the time for review has passed, the animal is impounded, the authority shall proceed with the disposition of the animal as provided in section 14-39.
- (c) *Confinement and control.*
- (1) All dangerous animals not humanely destroyed shall be confined in a proper enclosure for a dangerous animal, as defined in section 14-32.
  - (2) It shall be unlawful to maintain a dangerous animal on any premises that does not have a proper enclosure in which to confine the animal.
  - (3) The enclosure shall be approved by the authority, prior to its usage, for confinement of the animal.
  - (4) It shall be unlawful to allow a dangerous animal to be outside of the enclosure, unless it is necessary for the animal to receive veterinary care or exercise. When outside its enclosure, the animal shall wear a properly fitted muzzle, be restrained by an adult capable of controlling the animal, and shall be on a leash of sufficient tensile strength, no more than three feet in length. Such muzzle shall not interfere with the animal's breathing.
- (d) *Signs.* The owner of a dangerous animal shall display clearly visible warning signs on all entry points to the premises on which a dangerous animal is maintained. In addition, at least one sign shall be posted on the enclosure in which the dangerous animal is kept.
- (e) *Identification.* Any animal classified as dangerous shall be tattooed by a licensed veterinarian, or by a trained tattooist, at the expense of the owner of such animal. The tattoo shall be placed on the inside rear thigh, with a number corresponding to the number of the dangerous animal permit issued to the owner, as required in section 14-36(b). The tattoo shall be placed on the animal within 30 days of such classification.

(f) *Right of entry.*

- (1) Pursuant to F.S. §§ 828.073 and 125.01, any officer shall have the authority to enter unfenced private property within the county to carry out the duties imposed by this article.
- (2) Pursuant to F.S. §§ 828.27, 828.073 and 125.01, any officer shall have the authority to enter fenced private property, exclusive of buildings, when:
  - a. The owner of an animal, which has bitten, or exposed a person or other animal or captive wild animal to rabies, refuses to surrender such animal for rabies quarantine;
  - b. The animal being sought was at-large, immediately prior to the authority receiving a complaint, that the animal was attacking people or animals, or was causing the destruction or loss of personal property, but subsequently returned to fenced private property, provided however, that the animal has the clear capability to leave the fenced property by climbing, jumping, or crawling under the fence, and provided that an attempt to notify, either the animal owner or the property owner, if known, was unsuccessful or impractical under the exigencies of the circumstances; or
  - c. An officer may take possession of any animal found neglected or cruelly treated pursuant to F.S. §§ 828.27, 828.073 and 125.01.

(g) *Obstructing enforcement.* No person shall:

- (1) Refuse to surrender an animal upon lawful demand by any officer;
- (2) Interfere with any officer who is lawfully performing his or her duties;
- (3) Hold, hide, or conceal any animal where probable cause or court ruling exists that the animal is in violation of this article;
- (4) Take or attempt to take any animal from any officer or from any vehicle used by him to transport animals in the legal performance of his duties;
- (5) Take or attempt to take any animal from an animal services shelter, a humane live trap, or an animal carrier, without proper authority; or
- (6) Refuse to provide information to any officer necessary to complete official documents, including, but not limited to, citations, officer's reports, or written warnings, or refuse to sign any citation issued by an officer.

(h) *Notification of change of ownership or location.*

- (1) The owner of a dangerous animal shall notify the authority immediately if the animal escapes from its enclosure or restraint, and is at large, or if it bites or attacks a person or other animal, or if it dies. If the animal dies, satisfactory proof of such death must be provided to the authority within 24 hours. Satisfactory proof shall be either certification from an animal shelter, veterinary hospital or officer that the animal in question has expired.
- (2) If the owner of a dangerous animal intends to change his or her address, sell,

give away, or trade any dangerous animal, he shall notify the authority prior to such change of address, sale, transfer, or trade. The owner shall provide the authority with the new name, address, and phone number of the person receiving the animal, as well as the location at which the animal will be maintained. Further, it shall be the responsibility of the owner to notify the person receiving the dangerous animal, in writing, of the classification of the animal as dangerous.

- (3) Any person receiving a dangerous animal must obtain the required permit and tag, as required in section 14-36(b), and provide the required enclosure. Any person obtaining a dangerous animal shall comply fully with the provisions of this article pertaining to the maintenance, control and ownership of a dangerous animal.
- (i) *Citations.* An officer shall issue a citation to any owner of a dangerous animal found in violation of any of the provisions of this article.

(Ord. No. 03-03, § 5, 3-4-2003)

#### **Sec. 14-36. Impoundment and management procedures for dangerous animals.**

- (a) An officer shall impound any animal who, subsequent to its classification as dangerous, bites, wounds, attacks or kills, or assists in biting, wounding, attacking, or killing any person or other animal, or regarding who the owner does not comply with provisions of this article. Such animal shall remain impounded pending a hearing on the disposition of the animal by the court pursuant to section 14-35(b). The impoundment shall be at the owner's expense.
- (b) The owner of a dangerous animal shall, within 14 days of the classification of the animal as dangerous or the completion of the review, whichever is later, or upon the acquisition of such an animal, obtain a permit from the authority to harbor the animal. The permit must be renewed by January 31 each year. The fee for the annual permit shall be \$100.00.
- (c) At the time the permit is issued, an identifying tag shall be issued to the owner of the dangerous animal. Such tag shall be worn at all times by the animal to clearly and easily identify it as a dangerous animal.
- (d) The permit for maintaining a dangerous animal shall be presented to any officer upon demand.

(Ord. No. 03-03, § 6, 3-4-2003)

#### **Sec. 14-37. Animal bites.**

- (a) When any animal bites or wounds a person, or other animal, or is exposed to rabies by a suspected or known rabid animal, the owner shall comply fully with chapter 64(D)(3), Florida Administrative Code, communicable disease control.
- (b) It shall be the duty of any person having knowledge that an animal has bitten, or otherwise exposed a person or other animal to rabies, to immediately report the incident to the county health department, a law enforcement officer or the authority for investigation.

- (c) Any animal, that has bitten or exposed a person or other animal to the potential transmission of rabies, shall be quarantined for a period of not less than ten days.
- (d) The procedure for the investigation of bites inflicted by animals, other than domestic animals, shall be in compliance with the provisions set forth in chapter 64(D)(3), Florida Administrative Code, communicable disease control.
- (e) The location for the examination or quarantine of animals, that have bitten or otherwise exposed a person or other animal to the possible transmission of rabies, shall be established by the county health officer.
- (f) It shall be unlawful to hide, conceal or refuse to surrender any animal, as defined in section 14-37(a), from examination or quarantine upon lawful demand to do so by the county health department, or any officer.
- (g) Any person having knowledge that an animal has been bitten, or otherwise exposed to rabies, shall immediately report such bite or exposure to the county health department, or any officer.

(Ord. No. 03-03, § 7, 3-4-2003)

#### **Sec. 14-38. Quarantine of animals suspected of rabies.**

Any animal suspected of having rabies shall be captured alive, if possible, and quarantined for at least ten days. The animal control officer, in his/her discretion, may allow the owner to quarantine the animal, provided the owner of such animal has proof of current vaccination. If no proof exists of current vaccination, which is in violation of section 14-33(a), the animal may be quarantined at the owner's expense and an additional penalty, as provided in section 14-42(a)(1) hereof, shall be assessed prior to the release of the animal.

(Ord. No. 03-03, § 8, 3-4-2003)

#### **Sec. 14-39. Impoundment, redemption and disposition of unredeemed animals.**

- (a) Any animal found not being kept in conformity with this article may be impounded by the animal control officer at the animal shelter. Upon the impoundment of any animal, the officer shall give written notice of impoundment to the owner of said animal, if the owner's name and address are known. Said notice shall include a statement that unless claimed within four days, excluding the date of the notice, Saturdays, Sundays and holidays, said animal may be adopted or disposed of as provided for in section 14-39(c). The waiting period in this section shall not apply to animals that are feral, diseased, injured, unweaned or animals turned in by their owners.
- (b) Any animal that has been impounded shall be released to its owner upon presentation of proof of ownership and current vaccination, and upon payment of the impoundment fee and daily kennel fee, as they may be set, from time to time, by the board. If the animal has not been vaccinated or proof of current vaccination is not produced by the owner, said animal shall be vaccinated prior to its release. The cost of such vaccination shall be added to the impoundment fee. This section shall not apply to animals that have been classified as dangerous.
- (c) Any animal that is unclaimed shall be disposed of in the following manner:

- (1) The animal may be euthanized as provided in F.S. ch. 828; or
- (2) At the discretion of the officer, said animal may be adopted by a person at least 18 years of age, provided said person pays to have the animal spayed or neutered, vaccinated, and pays the adoption fee.

(Ord. No. 03-03, § 9, 3-4-2003)

#### **Sec. 14-40. Abandoning or dumping.**

Any person who is the owner or possessor, or has, as per section 14-32, custody of any animal and who abandons or dumps such animal to suffer injury, disease, or malnutrition in any private or public place or abandons any animal in the street, road, or any other public place without providing for the care, sustenance, protection, and shelter of such animal, is guilty of a misdemeanor of the first degree, punishable as provided in F.S. § 775.082, or by a fine of not more than \$5,000.00, or by both imprisonment and a fine.

(Ord. No. 03-03, § 10, 3-4-2003)

#### **Sec. 14-41. Fees.**

Impoundment of animals under this article shall be as self-supporting as possible. Impoundment fees shall be collected prior to the release of impounded animals. Initial impoundment fees are as follows:

- (1) Impoundment fee . . . \$25.00
- (2) Subsequent impoundment fee . . . 50.00
- (3) Daily kennel fee . . . 5.00
- (4) Rabies vaccination as charged by licensed veterinarian.
- (5) Euthanasia:
  - a. Small animal . . . 25.00
  - b. Large animal . . . 40.00
- (6) Disposal . . . 20.00
- (7) Adoption fee . . . 15.00
- (8) Animal turned in by the owner . . . 20.00

The board of county commissioners may, by adoption of a resolution, increase or decrease the fees set forth herein.

(Ord. No. 03-03, § 11, 3-4-2003)

#### **Sec. 14-42. Penalties.**

- (a) Violation of any section of this article shall be a civil infraction unless otherwise specified. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less

than the maximum shall be assessed as follows:

- (1) Penalties for violations that do not result in the destruction, loss of personal property, or involve an attack . . . \$25.00
  - (2) Penalties for violations which result in the destruction or loss of personal property . . . 50.00
  - (3) Penalties for violations which result in the unprovoked, biting, wounding, or attacking of an animal . . . 100.00
  - (4) Penalties for violations that result in the unprovoked, biting, wounding, or attacking of a person . . . 250.00
  - (5) Any person, electing to contest a citation, or who is required to appear in court, waives the right to pay the minimum penalty.
  - (6) In addition to the penalties set forth above, the court shall include a surcharge of two dollars for each violation to be used for animal control officer training, pursuant to F.S. § 828.27. The court may also impose court costs or any other fees allowed by law.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate, the original shall be filed with the county clerk of the circuit court. One copy shall be provided to the alleged violator and the officer shall retain one copy.
  - (c) A citation may be contested, by the alleged violator, by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing, the clerk shall schedule a hearing with the county court and send a notice of such hearing to the alleged violator and the officer.
  - (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in section 14-42(a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in section 14-42(a) and the court may assess any penalty up to the maximum allowed.
  - (e) If an alleged violator fails to pay the penalty within 30 days, or fails to appear to contest the citation, the court may issue an order to show cause upon a motion, filed by the clerk. In such case, the violator shall be deemed to have waived his right to contest the violation, and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred, in either a contested citation hearing, or the hearing on the order to show cause.
  - (f) As provided in F.S. § 828.27(5), any person who willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 and 775.083, and is subject to immediate arrest.
  - (g) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.

- (h) Fines and penalties collected pursuant to this article shall be deposited monthly into the county fine and forfeiture fund.

(Ord. No. 03-03, § 12, 3-4-2003)

### **Sec. 14-43. Restraint by owner.**

A property owner or tenant may restrain, in a humane manner, any animal found on his property in violation of the ordinance. When such restraint is made the property owner, or tenant, shall immediately notify the authority or any law enforcement officer. The property owner, or tenant, shall treat the restrained animal humanely, and shall exercise due care to ensure the animal's safety and well-being.

(Ord. No. 03-03, § 13, 3-4-2003)

### **Sec. 14-44. Security bond provisions.**

- (a) The owner of any animal(s) seized as a result of cruelty to said animal(s) shall be required to provide a security bond, or post a cash bond, of ten dollars per day per animal, within five working days (week-ends and holidays excluded) of said seizure, to cover the costs of caring for the animal(s) for 30 days.
- (b) Additional bonds may be required if care for the animal(s) exceed(s) 30 days, or requires exceptional, extraordinary, or special care.
- (c) If the owner fails to provide the required security bond, or post a cash bond, the authority, at its discretion, is free to place for adoption or euthanize the animal(s).

(Ord. No. 03-03, § 14, 3-4-2003)

## **Chapters 15--17 RESERVED**

## **Chapter 18 BUILDINGS AND BUILDING REGULATIONS\***

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\***Cross references:** Contractors, § 22-31 et seq.; fire prevention and protection, ch. 34; health, ch. 38; housing, ch. 42; manufactured homes and trailers, ch. 50; solid waste, ch. 62; streets and sidewalks, ch. 66; street naming and numbering, § 66-71 et seq.; waterways, ch. 78.

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[Sec. 18-73. Energy management devices.](#)  
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Secs. 18-77--18-109. Reserved.  
Articles IV--VII. Reserved  
Secs. 18-110--18-228. Reserved.

## ARTICLE I. IN GENERAL

### Sec. 18-1. Utility hookups.

- (a) *Scope.* This section shall apply in all unincorporated areas of the county.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Permit* means a building permit issued by the building inspector of the county.

*Purchaser* means any person who purchases or causes to be purchased for consumption utility service within the unincorporated area of the county.

*Seller* means any person who sells, furnishes, or delivers for sale utility service within the unincorporated area of the county.

*Utility service* means the purchase, sale, delivery or receipt of electricity in the unincorporated area of the county.

- (c) *Certificate of occupancy, permit required.* No utility service hookup shall be provided to any building or mobile home requiring a certificate of occupancy from the building inspector until such time as the certificate of occupancy has been issued, and no utility service hookup shall be provided to a temporary service pole or any other temporary facility until such time as a permit shall be issued by the building inspector.
- (d) *Penalty.* Any seller or purchaser who violates the provisions of this section shall be guilty of a second degree misdemeanor and upon conviction shall be punished by a definite term of imprisonment in the county jail not exceeding 60 days or a fine in lieu of or in addition to any punishment not to exceed \$500.00.

(Ord. No. 75-01, §§ 1--4, 2-18-1975; Ord. No. 81-03, § 1, 8-4-1981)

Secs. 18-2--18-34. Reserved.

## ARTICLE II. BUILDING CODE\*

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\***Editor's note:** Ord. No. 02-11, adopted April 16, 2002, amended the Code by repealing former art. II, §§ 18-35--18-38, and adding a new art. II to read as herein set out. Former art. II pertained to similar subject matter, and derived from Ord. No. 94-18, adopted November 15, 1994 and Ord. No. 02-09, adopted March 19, 2002. Ord. No. 02-11 added new sections

numbered 18-39--18-43; the editor has redesignated the new sections as §§ 18-35--18-39 to match the numbering of the former article.

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### **Sec. 18-35. Definitions.**

The following words, terms, and phrases, when used in this article and in the code adopted by this article, shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrative authority* means the county building inspector.

*Building department* as used in the Code means the office of the county building inspector.

*Building official* means the county building inspector.

*The Florida Building Code 2001*, as the same may be amended from time to time, adopted by the Florida Building Commission pursuant to Section 553.73 Florida Statutes, shall constitute and be known as the Code.

*Gas official* means the county building inspector.

*Mechanical official* means the county building inspector.

*Plumbing official* means the county building inspector.

*Plumbing inspector* means the county building inspector.

(Ord. No. 02-11, § 1, 4-16-2002)

### **Sec. 18-36. Adopted.**

The Florida Building Code 2001, except for those sections dealing with fees, as the same may be amended from time to time, copies of which are now in the office of the building inspector, is adopted and incorporated as the building code for the county as if fully set forth at length in this article, the provisions of which shall be controlling in the unincorporated areas of the county.

(Ord. No. 02-11, § 1, 4-16-2002)

### **Sec. 18-37. Schedule of fees.**

- (a) The Board may, by resolution, adopt or amend a schedule of fees for the issuance of building, reroofing, mechanical, plumbing, gas, or other permits required under the Code.
- (b) The building official shall be responsible for maintaining the list of current fees imposed under this section.
- (c) The building official shall report to the board at its first regular meeting in December each year on the revenue generated by the fees imposed and the costs incurred by the building department. It being the intent of the board that the building department be

self-sufficient. As part of that report the building official shall recommend amendments, if any, in the schedule of fees.

(Ord. No. 02-11, § 1, 4-16-2002)

**Sec. 18-38. Permit required.**

A permit is required for work covered by the code. The building official, or designee, shall issue the permit upon application, payment of the permit fee and approval of qualification of the applicant.

(Ord. No. 02-11, § 1, 4-16-2002)

**Sec. 18-39. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.

- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
  - (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 02-11, § 1, 4-16-2002; Ord. No. 05-01, § 1.C, 11-3-2004)

Secs. 18-40--18-69. Reserved.

## **ARTICLE III. ELECTRICAL CODE**

### **Sec. 18-70. Definitions.**

The following words, terms and phrases, when used in this article and in the code adopted by this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Building department* means the office of the county building inspector.
- (2) *Building official, inspector and enforcement authority* mean the county building inspector.
- (3) *The National Electrical Code, 1999 edition* (NFPA 70-1999), promulgated by the National Fire Protection Association, shall constitute and be known and be cited as the electrical code.

(Ord. No. 94-17, § 1, 11-15-1994; Ord. No. 00-02, § 1, 12-7-99)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 18-71. Adopted.**

The National Electrical Code, copies of which are now in the office of the building inspector, is adopted and incorporated as the electrical code for all of the county, excepting only the incorporated area of Live Oak, as fully as if set forth at length in this article, the provisions of which shall be applicable and controlling in such area of the county.

(Ord. No. 94-17, § 2, 11-15-1994)

### **Sec. 18-72. Enforcement.**

The building inspector shall be the enforcement authority of this article.

(Ord. No. 94-17, § 3, 11-15-1994)

### **Sec. 18-73. Energy management devices.**

The installation and maintenance of energy management devices when installed by an electric utility company within or without any and all types of public and private buildings or other structures is not covered by this article and is specifically exempt from this article.

(Ord. No. 94-17, § 4, 11-15-1994)

### **Sec. 18-74. Permit required.**

An electrical work permit is required if such work shall not be covered by a building permit issued under the building code. The building inspector shall issue the electrical permit upon application, payment of the permit fee and approval of qualifications of the applicant.

(Ord. No. 94-17, § 5, 11-15-1994)

### **Sec. 18-75. Schedule of fees.**

- (a) The board may, by resolution, adopt or amend a schedule of fees for the issuance of electrical or other permits required under the electrical code.
- (b) The building official shall be responsible for maintaining the list of current fees imposed under this section.
- (c) The building official shall report to the board at its first regular meeting in December

each year on the revenue generated by the fees imposed and the costs incurred by the building department. It being the intent of the board that the building department be self-sufficient. As part of that report the building official shall recommend amendments, if any, in the schedule of fees.

(Ord. No. 94-17, § 6, 11-15-1994; Ord. No. 02-09, § B, 3-19-2002; Ord. No. 02-11, § 2, 4-16-2002)

### **Sec. 18-76. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.

- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
- (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 94-17, § 7, 11-15-1994; Ord. No. 05-01, § 1.D, 11-3-2004)

Secs. 18-77--18-109. Reserved.

## **ARTICLES IV--VII. RESERVED\***

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**\*Editor's note:** Ord. No. 02-11, § 3, adopted April 16, 2002, amended the Code by repealing former arts. IV--VII, §§ 18-110--18-115, 18-150--18-156, 18-190--18-193, and 18-225--18-228. Former art. IV pertained to the plumbing code, and derived from Ord. No. 94-16, adopted November 15, 1994; and Ord. No. 02-09, adopted March 19, 2002. Former art. V pertained to the gas code, and derived from Ord. No. 95-02, adopted February 7, 1995; and Ord. No. 02-09, adopted March 19, 2002. Former art. VI pertained to the mechanical code, and derived from Ord. No. 94-15, adopted November 15, 1994; and Ord. No. 02-09, adopted March 19, 2002. Former art. VII pertained to the swimming pool code, and derived from Ord. No. 92-04, adopted August 4, 1992; and Ord. No. 02-09, adopted March 19, 2002.

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Secs. 18-110--18-228. Reserved.

## Chapters 19--21 RESERVED

### Chapter 22 BUSINESSES\*

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\***Cross references:** Alcoholic beverages, ch. 6; amusements and entertainments, ch. 10; emergency services, ch. 30; fair housing, § 42-51 et seq.; taxation and finance, ch. 70.

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## ARTICLE I. IN GENERAL

### DIVISION 1. MOTOR VEHICLE TITLE LOANS

#### Sec. 22-1. Definitions.

- (a) *Title loan agreement* means a written agreement whereby a secondhand dealer agrees to make a loan for a specific sum of money to the owner of a motor vehicle, and the owner of the motor vehicle agrees to give the secondhand dealer a security interest in a motor vehicle certificate of title owned by the borrower and encumbered only by a title loan agreement.
- (b) *Secondhand dealer* has the same meaning as used in F.S. section 538.03(1)(a), as it may be amended from time to time.

(Ord. No. 00-05, § 1, 3-7-00)

## **Sec. 22-2. Motor vehicle title loan transactions.**

A secondhand dealer registered under F.S. Ch. 538, Pt. I, may engage in motor vehicle title loan transactions, as that term is used in F.S. Ch. 538, Pt. I, if the following conditions are met:

- (1) The secondhand dealer maintains physical possession of the motor vehicle certificate of title;
- (2) The borrower maintains possession of, or control over, the motor vehicle throughout the term of the loan;
- (3) The borrower is not required to pay rent or any other charge for the use of the motor vehicle;
- (4) The secondhand dealer delivers to the borrower, at the time a loan is made, a statement showing the loan amount, origination date, maturity date, finance charges, a description of the security, the name, and address of the borrower and the secondhand dealer, the rate of interest expressed in terms of annual percentage rate, the number of payments required, and the total amount required to be paid over the life of the loan. In the event the borrower has a right to renew the loan, the secondhand dealer must deliver a statement with the information required herein for each renewal;
- (5) The title loan agreement contains the following statement printed in not less than 10-point type:
  - a. Your vehicle has been pledged as security for this loan and if you do not repay this loan in full, including the finance charge, **YOU WILL LOSE YOUR VEHICLE.**
  - b. You are encouraged to repay this loan as the end of the 30-day period. The lender is not required to extend or renew your loan. It is important that you plan your finances so that you can repay this loan as soon as possible.
  - c. This loan has a very high interest rate. Do not complete this loan transaction if you have the ability to borrow from another source at a rate lower than an annual percentage rate of 30 percent.
  - d. The borrow represents and warrants that the motor vehicle and the certificate of title is not stolen, it has no liens or encumbrances against it, the borrower has the right to enter into this transaction, and the borrower will not attempt to sell the motor vehicle or apply for a duplicate certificate of title while the title loan agreement is in effect, and that doing so will be a violation of law.
  - e. Immediately above the signature of the borrower the statement that "I, the borrower declare that the information I have provided is true and correct and I have read and understand the foregoing document."
  - f. A blank line for the signature of the borrower; and

- (6) The secondhand dealer must display, in a prominent place in the title loan premises, for customer viewing, a sign not smaller than three feet by five feet with the following message written in letters no less than two inches high:

IF YOU RECEIVE A TITLE LOAN, YOUR VEHICLE WILL BE PLEDGED AS SECURITY FOR THE LOAN. IF YOU DO NOT REPAY THIS LOAN IN FULL, INCLUDING ALL FINANCE CHARGES, YOU WILL LOSE YOUR VEHICLE.

THIS LOAN HAS A VERY HIGH INTEREST RATE. DO NOT COMPLETE A TITLE LOAN TRANSACTION IF YOU HAVE THE ABILITY TO BORROW MONEY FROM ANOTHER SOURCE AT A RATE LOWER THAN AN ANNUAL PERCENT RATE OF 30 PERCENT.

(Ord. No. 00-05, § 3, 3-7-00)

### **Sec. 22-3. Maximum interest rate.**

A secondhand dealer who engages in title loan transaction, may not exceed the following interest rates:

- (1) A secondhand dealer may charge an interest rate not to exceed 30 percent per annum. In determining compliance with the maximum interest and finance charges, the computation must be simple interest and not add-on interest or any other interest computation.
- (2) The annual percentage rate that may be charged in a motor vehicle title loan may equal, but not exceed, the annual percentage rate that must be computed and disclosed as required by the Federal Truth in Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. When the period for which the charge is computed is more or less than one month, the maximum rate for the period must be computed on a basis of  $1/30$  the applicable monthly interest rate, multiplied by the number of days of the period.
- (3) Any transaction involving a borrower's delivery of a motor vehicle certificate of title in exchange for the advancement of funds on the condition that the borrower shall or may redeem or repurchase the certificate of title upon the payment of a sum of money, whether the transaction be characterized as a "buy-sell agreement," "sale-leaseback agreement," or otherwise, shall be deemed a violation of this division if such sum exceeds the amount that a secondhand dealer may collect in a title loan agreement under this division or if the terms of the transaction otherwise conflict with the permitted terms and conditions of a title loan agreement under this division.
- (4) Any fees or taxes paid to a state agency and directly related to an individual title loan transaction may be collected from the borrower and shall be in addition to the permitted finance and interest charge.
- (5) No charges, including interest, in excess of the combined total of all charges permitted by this section shall be allowed.

(Ord. No. 00-05, § 1, 3-7-00)

#### **Sec. 22-4. Transaction satisfaction and default.**

- (a) When the title loan has been paid in full, the secondhand dealer must deliver to the borrower a certificate of title clear of all encumbrance placed upon the title by the secondhand dealer within 30 days of such payment in full.
- (b) A secondhand dealer who engages in title loan transactions may take possession of the motor vehicle upon the borrower's default under the title loan agreement. Unless the borrower voluntarily surrenders the motor vehicle, the secondhand dealer may only take possession of a motor vehicle through an agent licensed by the state to repossess motor vehicles.
- (c) A secondhand dealer who takes possession of a motor vehicle pursuant to this section shall comply with the applicable requirements of F.S. Ch. 679, Pt. V.
- (d) Disposition of the collateral or motor vehicle may be by public or private proceedings and maybe by way of one or more contracts. Sale or other disposition may be as a unit or in parts and at any time and place and on any terms, but every aspect of the disposition including the method, manner, time, place and terms, including surplus of the debt, must be commercially reasonable.

(Ord. No. 00-05, § 4, 3-7-00)

#### **Sec. 22-5. Violations and penalties.**

- (a) The following acts are violations of this division and shall constitute grounds for disciplinary action:
  - (1) Failure to comply with any provision of this division or rule adopted under this part by the board of county commissioners or any written agreement entered into with the county.
  - (2) Fraud, misrepresentation, deceit or gross negligence in any title loan transaction.
  - (3) Fraudulent misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to a consumer pursuant to this part.
  - (4) Willful imposition of illegal charges on any title loan transaction.
  - (5) False, deceptive, or misleading advertising by a secondhand dealer.
  - (6) Failure to maintain, preserve and keep available for examination, all books, accounts, or other documents required by this division, state or federal law or by any agreement entered into with the county.
  - (7) Aiding, abetting, or conspiring with an individual to circumvent or violate any of the requirements of this division to state or federal law.
  - (8) Refusal to permit inspection of books or records in an investigation or examination by the building and zoning department or refusal to comply with a subpoena issued by the board of county commissioners.
  - (9) Criminal conduct in the course of a secondhand dealer's business as a title lender.

- (10) Knowingly entering into a title loan agreement with a person under the age of 18 years.
- (11) Making any agreement requiring or allowing for the personal liability of a pledgor or the waiver of any of the provisions of this division.
- (12) Knowingly entering into a title loan agreement with any person who is under the influence of drugs or alcohol when such condition is visible or apparent, or with any person using a name other than his own name or the registered name of his business.
- (13) Entering into a title loan agreement in which the amount of money advanced in consideration for the loan secured by any single certificate of title exceeds one-third of the value of the motor vehicle. The building and zoning department shall determine the method of assessing the value of the pledged property.
- (14) Failure to exercise reasonable care in the safekeeping of the certificate of title or motor vehicle repossessed pursuant to this division.
- (15) Failure to return the certificate of title or motor vehicle taken into possession to a borrower, with any and all of the title lender's liens on the property properly released, within 30 days of the payment of the full amount due, unless the property has been seized or compounded by an authorized law enforcement agency, taken into custody by a court, or otherwise disposed of by court order.
- (16) Charging or receiving any finance charge, interest, cost, or fee, which is not permitted by this division.
- (17) Refusing to accept partial repayment of the amount financed when all accrued finance charges have been paid.
- (18) Charging a prepayment penalty.
- (19) Capitalizing any unpaid finance charge as part of the amount finance in the renewal of a title loan agreement.
- (20) In any practice or transaction or course of business relating to the making of a title loan negotiation, promotion, advertisement or hypothecation of a title loan transaction, directly or indirectly:
  - a. To knowingly or willingly employ any devise, scheme or article to defraud;
  - b. To engage in any transaction, practice or course of business, which operates as a fraud upon any person in connection with the purchase or sale of any title loan;
  - c. To obtain property by fraud, willful misrepresentation of a future act or false promise.
- (21) In any manner within the county to knowingly and willfully falsify, conceal or cover up by a trick, scheme or devise a material fact, make any false or fraudulent statement or representation, or make or use any false writing or document, knowing the same to contain any false or fraudulent statement or entry.

- (22) Commission of fraud, misrepresentation, concealment, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any title loan transaction in the county; or aiding, assisting, or conspiring with any other person engaged in any such misconduct and in furtherance thereof.
- (b) Upon a finding by the board of county commissioners that the applicant has committed any of the acts set forth in subsection (a) hereof, the county may enter an order and take one or more of the following actions:
- (1) Deny the application for a license pursuant to this division.
  - (2) Revoke or suspend a license previously granted pursuant to this division.
  - (3) Place a license or applicant for a license on probation for a period of time and subject to such conditions as the division may specify.
  - (4) Issue a letter of concern or reprimand.
  - (5) Place permanent restrictions or conditions upon issuance or maintenance of a license pursuant to this division.
  - (6) Impose an administrative fine not to exceed \$2,500.00 for each violation of this division.
  - (7) The board of county commissioners shall be entitled to a reasonable attorney's fee, including appellate fees and costs, in an action successfully enforcing any fine imposed under this division.
- (c) When the county has reasonable cause to believe that a secondhand dealer is operating in violation of this division, it may bring a civil action in any court of competent jurisdiction to enforce or administer this division, including a temporary or permanent injunction, or appointment of a receiver.
- (d) The board of county commissioners may adopt such additional rules, which set forth with specificity acts, or practices which violate this division and which prescribe procedural rules for the administration of this division.
- (e) Transition period for regulations, restrictions. Each secondhand dealer operating as a title loan lender on the effective date of this division shall have six months from the effective date of the ordinance from which this division derives to comply with the regulations and restrictions of this division before any administrative or civil action, or reference matter for criminal prosecution by the county.

(Ord. No. 00-05, § 6, 3-7-00)

Secs. 22-6--22-30. Reserved.

## **ARTICLE II. CONTRACTORS\***

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\***Editor's note:** Ord. No. 06-04, §§ I--XIV, adopted February 21, 2006, has been treated by the editor as repealing former art. II, §§ 22-31, 22-32, 22-56, 22-57, 22-81, 22-82, 22-106--22-112, 22-136, 22-137, 22-161--22-165, 22-186, 22-187, 22-211, 22-212,

22-236--22-239, 22-261--22-266; and adding a new art. II. Former art. II pertained to similar subject matter, and derived from Ord. No. 97-18, adopted September 9, 1997.

**Cross references:** Buildings and building regulations, ch. 18.

**State law references:** Contractor licensing, F.S. ch. 489.

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## **Sec. 22-31. Definitions.**

For purposes of this article, the following definitions shall apply:

(a) *General.* The definitions set forth in F.S. ch. 489, parts I and II, together with future amendments thereto, with the exception of those words defined in subsection (b), are incorporated herein by reference and shall be used by the board, the licensing board, county tax collector, building official and the department in the performance of their respective duties in connection with this article, unless a contrary definition is set forth in this article specifically, or adopted by the board by administrative action.

(b) *Specific.*

*Board:* The Board of Suwannee County Commissioners.

*Citation:* A written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge.

*Code compliance director:* That board employee appointed and charged by the board with the administration of the building department and the adopted building codes, and licensed in accordance with F.S. ch. 468, part XII.

*Code enforcement officer:* A duly appointed representative of the code compliance director charged with the investigations relating to discipline as outlined in the current licensing ordinance.

*Competency card:* A certificate of competency issued by the county construction industry licensing board or codes compliance director when allowed herein, to approved contractors.

*Contract:* For purposes of this article, "contract" shall mean a written or verbal agreement between two or more individuals or entities involving the performance of services described and defined in section 22-35 of this article.

*Contractor (licensed):* Any person or firm who possesses a current county competency card and who is qualified and responsible for an entire project within the unincorporated area of the county, and within the cities for which the department provides building permitting and inspection services, and/or is a state certified contractor.

*Department:* The county building department.

*Employee:* A person who receives compensation from and is under the supervision and control of an employer.

*Employer:* An individual or other entity who regularly deducts social security

contributions, federal income tax and provides worker's compensation insurance, all as prescribed by law, for an employee.

*Licensing board:* The county construction industry licensing board, as defined in section 22-34 of this article.

*Officer:* Any law enforcement officer as defined in F.S. § 943.10, the code compliance director, or any code enforcement officer of the county.

*Primary qualifying agent:* A person who possesses the requisite skill, knowledge, and experience, and has the responsibility to supervise, direct, manage, and control the contracting activities of the business organization with which he or she is connected; who has the responsibility to supervise, direct, manage, and control construction activities on a job for which he or she has obtained the building permit; and whose technical and personal qualifications have been determined by investigation and examination as provided in F.S. 489, Part I.

*Secondary qualifying agent:* A person who possesses the requisite skill, knowledge, and experience, and has the responsibility to supervise, direct, manage, and control construction activities on a job for which he or she has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination as provided in F.S. 489, Part I.

(Ord. No. 06-04, § I, 2-21-2006)

## **Sec. 22-32. Jurisdiction and exemptions.**

(a) *Jurisdiction.* For the purposes of this article, unless exempted by federal or state law, or this or another ordinance of the county, or F.S. ch. 489, as amended from time to time, any individual, firm, or legal entity of any kind, who contracts or undertakes to contract, or who for compensation, submits a bid to, or does himself/herself or itself, or by others, construct, repair, alter, remodel, add to, subtract from or improve any building or structure, including related improvements to real estate for others or for resale to others, within any of the business, trade or occupation categories set forth in section 22-35 of this article, must, prior to engaging in such activity, possess a county certificate of competency (or state certificate of competency) for the respective contractor category if such activity is conducted:

- (1) Within the territorial limits of the unincorporated area of the county; or
- (2) Within the territorial limits of any municipality in the county which is provided building permitting and inspection services by the department, and which adopts a resolution in an official meeting specifically accepting the applicability of this article within the territorial limits of that particular municipality. Any city adopting such a resolution shall furnish a certified copy of it to the board, at which time this article shall become effective and govern the construction industry within that particular municipality.

(b) *Exemptions.*

- (1) *Homeowner.* This article does not apply to owners of property when acting as their own contractor and providing all material supervision themselves, when building or improving farm out-buildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for

sale or lease, or building or improving commercial buildings at a value of under \$25,000.00 on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this part, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner/builder within one year after completion of same creates a presumption the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by such owner and who acts in the capacity of a contractor. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application. All property owners obtaining a permit pursuant to this exemption shall sign an affidavit and agreement outlining the owner's intention to comply with this subsection. The county building department is authorized to administratively adopt the necessary form for affidavit/agreement.

(2) *Exemptions by statute.* For other exemptions to this article see F.S. ch. 489.103, which is incorporated herein by reference. For exemption 489.103(9), the term "aggregate contract price for labor, materials and all other items" shall mean the total value of the work performed, including materials, equipment, labor and other items. The term "work or operation of a casual, minor, or inconsequential nature" shall mean repair, replacement or installation work on existing structures, further defined as follows:

a. Exterior work such as:

1. Nonstructural carpentry work repairing or replacing siding, trim, eaves, screening, windows and doors. Exempted work does not include creation of new window or door openings or re-framing of windows or doors.
2. Construction of screen enclosures and porches less than 300 square feet and located less than 30 inches above average ground level.
3. Roof repairs to decking and asphalt/fiberglass shingles and roll-roofing, on up to 25 percent of the total roof area (not to exceed 500 square feet). Replacement of the roof covering on a single-family residential structure by the property owner. Exempted work does not include replacement of roof framing.
4. Installation, repairs and replacement of outside steps and sidewalks; repair of driveways, stucco, block or brick walls. Exempted work does include new driveways.
5. Trim and touch-up painting. Exempted work does include repainting of structure.

b. Interior work such as:

1. Carpentry work repairing or replacing paneling and drywall; trim work and installation of non-structural partitions.
2. Ceramic tile repairs and replacements. Exempted work does include new tile work.

3. Touch-up painting and painting of one complete room. Installing or replacing insulation at locations where other exempted work is performed.
  4. Minor plumbing work/repairs.
- c. Electrical work such as the replacement of fixtures, switches and receptacles and the installation of ceiling fans to existing wired outlets. Exempted work does not include the addition of, extension to, or replacement of any part of the wiring system.

(Ord. No. 06-04, § II, 2-21-2006)

**Sec. 22-33. Prohibitions and penalties for unlicensed contracting.**

- (a) *Prohibitions.* No person or firm, partnership, corporation or other legal entity of any kind whatsoever, shall:
- (1) Falsely hold himself/herself or a business organization out as a competency card holder.
  - (2) Falsely impersonate a competency card holder.
  - (3) Present as his/her own the competency card of another.
  - (4) Give false or forged evidence to the building official, licensing board or any member thereof for the purpose of obtaining a certificate of competency.
  - (5) Use or attempt to use a competency card that has been suspended or revoked.
  - (6) Engage in the business or act in the capacity of a contractor or advertise himself/herself or a business organization as available to engage in the business or act in the capacity of a contractor without being the holder of a current competency card in the required field.
  - (7) Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another qualifying agent.
- (b) *Penalties.* Violation of any section of this article shall be a civil infraction unless otherwise specified. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
- (1) First violation: . . . \$100.00
  - (2) Second violation: . . . 200.00
  - (3) Third violation: . . . 300.00
  - (4) Fourth violation: . . . 400.00
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (c) *Citations.*

- (1) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for county. One copy shall be provided to the alleged violation and the officer shall retain one copy.
- (2) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (3) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (b) above within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (b) above and the court may assess any penalty up to the maximum allowed.
- (4) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (5) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (6) Penalties collected pursuant to this article shall be deposited monthly into the county fine and forfeiture fund.
- (7) The citation must contain the following information:
  - a. The date, time and place of issuance;
  - b. The name, address, and date of birth, of the person receiving the citation;
  - c. The date, time and place the civil infraction was committed;
  - d. The facts constituting the probable cause;
  - e. The ordinance violated;
  - f. The name and authority of the officer;
  - g. The procedure for the alleged violator to follow to either pay the civil penalty or to contest the citation;
  - h. The applicable civil penalty if the person elects to contest the citation;

- i. The applicable civil penalty if the person elects not to contest the citation;
- j. 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 citation, he shall be deemed to have waived his right to contest the citation and, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(Ord. No. 06-04, § III, 2-21-2006)

#### **Sec. 22-34. Construction industry licensing board of county.**

There is hereby established and continued the construction industry licensing board of the county which shall hereinafter be referred to as "licensing board."

- (1) *Powers and duties.* The primary responsibilities of the licensing board shall be as follows:
  - a. To evaluate and approve/disapprove contractors for local licensing.
  - b. To act in the capacity of an impartial hearing board for complaints against licensed contractors and to discipline said licensed contractors when warranted.
  - c. To act in the capacity of an impartial hearing board on reports of unlicensed contractor activity, and to refer said reports to the board when warranted.
- (2) *Membership, appointment, terms and attendance of members.*
  - a. *Membership.* The licensing board shall consist of 12 members appointed by the board. Each member shall be a legal, bona fide resident of the county, and meet all other appointee requirements for appointment as established by the board.
  - b. *Appointment.* There shall be one lay member from each county commission district and one lay member selected at-large, with each commissioner nominating one and the remaining member to be agreed upon by the full board. All contractors shall hold an active county competency card or be a state certified contractor.
  - c. *Terms.* The term of office for each lay member of the licensing board representing a county commission district shall coincide with the term of the commissioner from that district. The term of office for the at-large lay member shall coincide with the term for commissioners from districts 1, 3 and 5. The terms of office of the six contractor members appointed from single districts shall be three-year terms. Each member of the licensing board shall serve until his/her successor is qualified and begins serving on the licensing board. Members of the licensing board shall be eligible for re-appointment.
  - d. *Attendance.* Licensing board members serve at the pleasure of the board and may be suspended or removed for cause. If any member fails to

attend two of three successive meetings without cause and approval of the chair, the licensing board may, by majority vote, declare that member's position vacant and notify the board who shall promptly fill such vacancy. A member who ceases to be a resident of the county, or a contractor member, who does not hold a current license, shall be automatically dismissed.

- e. *Travel expense.* The board of county commissioners shall reimburse the members of the construction industry licensing board for travel to and from official licensing board meetings, in accordance with Florida Statutes for the reimbursement to state employees for travel expense.
- (3) *Officers.* The licensing board shall elect from among its members a chairman and vice-chairman in January of each year.
- (4) *Meetings.* The licensing board shall meet as needed. The department shall furnish a secretary who shall maintain written minutes of each meeting and provide clerical services for the licensing board.
- (5) *Quorum and voting.* A quorum for the licensing board shall consist of a simple majority of the active members, but in no case less than seven members, four of whom shall be from the contractor category. All members of the licensing board shall vote on each motion. A failure of a member to vote on any issue shall be recorded as a vote against the motion under consideration. A member of the licensing board may recuse themselves on any issue in the event of a conflict of interest. In the event a member recuses himself or herself, he or she may not participate in any discussion of the issue. The recusal and reasons therefore shall be reflected in the minutes of the meeting.
- (6) *Rules and regulations.* The licensing board may establish and adopt rules and regulations, in compliance with this article, for the conduct of its business and shall include such actions in the written minutes of the meeting.

(Ord. No. 06-04, § IV, 2-21-2006)

### **Sec. 22-35. Classification and definitions of contractors.**

- (a) *Building category.*
  - (1) General contractor. For definition see F.S. ch. 489, pt. I.
  - (2) Building contractor. For definition see F.S. ch. 489, pt. I.
  - (3) Residential contractor. For definition see F.S. ch. 489, pt. I.
  - (4) Commercial pool/spa contractor. For definition see F.S. ch. 489, pt. I.
  - (5) Residential pool/spa contractor. For definition see F.S. ch. 489, pt. I.
- (b) *Trades category.*
  - (1) Class "A" air conditioning contractor. For definition see F.S. ch. 489, pt. I.
  - (2) Class "B" air conditioning contractor. For definition see F.S. ch. 489, pt. I.
  - (3) Electrical contractor. For definition see F.S. ch. 489, pt. II.

- (4) Mechanical contractor. For definition see F.S. ch. 489, pt. I.
- (5) Plumbing contractor. For definition see F.S. ch. 489, pt. I.
- (6) Roofing contractor. For definition see F.S. ch. 489, pt. I.
- (7) Sheet metal contractor. For definition see F.S. ch. 489, pt. I.

(Ord. No. 06-04, § V, 2-21-2006)

### **Sec. 22-36. Application for competency card.**

- (a) *Submission.* To obtain a competency card an applicant shall submit an application in writing to the licensing board on a form prescribed by it. Such form shall contain the statement that the applicant desires the issuance of a competency card, the class of competency card desired and other information the licensing board deems necessary. The applicant must be a resident of the county. A fee, a recent photograph of the applicant and other requirements of this section shall accompany the application. The deadline (cutoff) for submitting applications for each licensing board meeting shall be three weeks prior to that meeting.
- (b) *Person or entity to be licensed.*
  - (1) *Individual.* When the applicant proposes to engage in contracting in his/her own name, the application shall so indicate and the competency card will be issued only to that individual.
  - (2) *Business organization.*
    - a. When the applicant proposes to engage in contracting as a partnership, corporation, business trust or other legal entity, the application shall state the name of the partnership and of its partners, or the name of the corporation and of its officers and directors, or the name of the business trust and its trustee, or the name of such other legal entity and its members, and furnish evidence of statutory compliance if a fictitious name is used. Such applications shall also show that the person applying for the competency card is legally qualified to act for the business organization in all matters connected with its contracting business, and has the authority to supervise construction undertaken by such business organization. The competency card, when issued upon application of a business organization, shall be in the name of such business organization and the name of the qualifying individual(s) shall be noted thereon.
    - b. At least one supervising employee of a business organization shall be qualified under this article and designated as a qualifier in order for the business organization to hold a current competency card in the category of the business conducted for which the member or supervising employee is qualified.
- (c) *Application fee.* A nonrefundable fee of \$100.00 must accompany each application.

(Ord. No. 06-04, § VI, 2-21-2006)

## **Sec. 22-37. Competency card requirements.**

- (a) *Examination.* Upon the effective date of this article, those persons who do not hold a current competency card for the trades, businesses, or occupations set forth in subsections 22-35(1) and (2) shall be required to pass, with a minimum score as specified, a competency examination in the classification applied for (including business exam) as a prerequisite for obtaining a competency card. The licensing board shall accept the results of a duly administered and proctored exam as follows:
- (1) *Exam administered by an approved agency.* A score of 75 percent or higher on an examination developed by an approved agency, or
  - (2) *State exam.* A score of 75 percent or higher on an examination administered by the state department of business and professional regulation; or
  - (3) *Other government exam.* The licensing board may also accept the results of any approved examination administered by a county or municipal competency board, at its sole discretion. The proper certification of such examination results, as determined by the licensing board shall be presented prior to its acceptance.
- (b) *Educational/experience requirements.* For all contractor categories the applicant shall have the following education/experience.
- (1) An associate degree from an accredited two-year college in an appropriate field of engineering, architecture or building construction, and a minimum of two years of active experience as a worker who has learned the trade by serving an apprenticeship as a skilled worker who is able to command the rate of a mechanic in the particular trade or as a foreman who is in charge of a group of workers and is responsible to a superintendent or a contractor of his or her equivalent, provided, however, at least one year of active experience shall be as a foreman; or
  - (2) A total of at least four years of active experience as a workman who has learned his/her trade by serving as an apprentice and skilled workman, and who has commanded the rate of mechanic in his/her particular trade for a minimum of one year, or who has served as foreman in charge of a group of workmen for a minimum of one year.
- (c) *Letters of recommendation.* The applicant for a competency card, in any contractor classification, shall provide to the licensing board a letter of recommendation from a contractor holding an active current certificate of competency in the applicant's field and one letter of recommendation each from any two of the following categories of persons or entities. Such letters shall be notarized, dated no more than six months prior to submission, and address the moral character, experience and other attributes of the applicant that the author feels is important for one in who trust is placed:
- (1) Other county or city building department; or
  - (2) Material man or material supply firm; or
  - (3) Architect or engineer; or
  - (4) Financial institution; or

- (5) Such other persons or entities as approved by the licensing board from time to time.
- (d) *Financial responsibility.* As a prerequisite to issuance of a competency card, the licensing board shall require the applicant to submit proof of financial responsibility in the form of a credit report from an acceptable agency. Such report shall be on the individual applicant and business if applicable, and indicate all credit activity of record for the previous four years.
- (e) *Insurance.* As a prerequisite to issuance of a competency card, the licensing board shall require the applicant to submit satisfactory evidence he/she has obtained workers' compensation insurance or approved waiver, public liability and property damage insurance for the safety of the public in the following amounts:
  - General contractors: \$300,000 and \$50,000
  - Building contractors: \$300,000 and \$50,000
  - Electrical contractors: \$300,000 and \$500,000
  - All other classifications: \$100,000 and \$25,000

Failure to maintain the minimum required insurance coverage shall result in the immediate suspension of the certificate of competency shall be deemed a violation of this article. The certificate of competency shall be deemed a violation of this article. The certificate of competency shall be reinstated upon satisfactory proof of insurance coverage. Suspension of the certificate of competency three times within any five-year period for failure to maintain the required insurance coverage shall be deemed a breach of the financial responsibility required by this article. The board may, by resolution, amend any or all of the worker's compensation, public liability or property damage insurance limits set forth above. This subsection does not apply to inactive competency cardholders.

- (f) *Grandfathering.* There shall be no "grandfathering" or licensing of any contractor not meeting the requirements of this section or previous county ordinance or state law.
- (g) *State registered contractors.* A person or firm who holds a registration of competency from the state construction industry licensing board, and who wishes to obtain a county competency card in the same classification, shall not be required to take an examination if the applicant has passed the exam through another jurisdiction with a grade as required herein.

(Ord. No. 06-04, § VII, 2-21-2006)

### **Sec. 22-38. Review and action on application.**

- (a) *Review.* Upon receipt of all required application materials (letters of intent to insure may be submitted in lieu of proof of insurance), the application shall be evaluated by the code compliance director for compliance with this article in the following areas:
  - (1) Examination score (where applicable) of the applicant, or qualifier in the case of a business application.
  - (2) Documentation of experience of the applicant, or qualifier in the case of a business application.

- (3) Business reputation of the individual applicant, and business if applicable.
- (4) Financial responsibility (credit report) of the individual applicant, and business if applicable.
- (5) Liability/property damage insurance, and workers' compensation insurance, or waiver, of the individual applicant or business if applicable.
- (6) Completeness of application and fee paid.

An applicant may be required to appear before the building official or licensing board secretary to furnish or clarify any information necessary for their review.

(b) *Action.* Action on an application for a competency card shall be as follows:

- (1) The licensing board shall have jurisdiction to review and approve all applications from non-competency cardholders submitted in accordance with the requirements set forth in this article prior to said applicant sitting for an approved competency exam.
- (2) The licensing board shall not review an applicant licensed in one or more counties subject to any reciprocity agreement approved and honored by the county, and said applicants shall be approved by the code compliance director.
- (3) The licensing board may review the application of any other current competency cardholder submitted to the county building department, provided said card-holder is not approved by any county subject to any reciprocity agreement approved and honored by the county, and provided said review is determined to be necessary by the code compliance director after review of the application.

(c) *Review by code compliance director.*

- (1) The applicant shall submit for review by the code compliance director an application approved for use by the licensing board and any other materials required by the application or this article.
- (2) Upon a favorable determination, by code compliance director, that the application is complete and fully complies with the requirements and intent of this article, the application shall be forwarded to the licensing board for review at its next regular meeting, provided said meeting occurs no sooner than ten calendar days from the date of the application's approval. The applicant's presence is not required for the licensing board to take action on an approved application. However, if the licensing board determines an applicant should appear before them prior to their action, it may table the application until the applicant's appearance.
- (3) If the code compliance director determines and documents the applicant has violated the provisions of this article prior to approval of his/her application, the code compliance director may accept the application subject to an additional administrative fee, to be imposed by the licensing board at the permanent license hearing, of up to \$250.00, pursuant to subsection 22-38(b)(3). Such an applicant shall appear before the licensing board for review of his/her application and imposition of the administrative fee.

- (4) An application for which the code compliance director cannot determine full compliance with the requirements and intent of this article shall be referred to the licensing board for review without action by the code compliance director. Such an application shall be placed on the agenda of the next licensing board meeting occurring at least ten days after the referral. The applicant shall be required to appear before the licensing board at that time, and shall be so notified by the code compliance director.
- (d) *Actions of licensing board.* Actions of the licensing board on an application for a competency card shall be as follows:
- (1) *Approval.* Upon a favorable determination that the application fully complies with the requirements and conditions of this article, the licensing board shall forthwith approve the non-cardholder applicant to sit for his/her competency exam, or issue a competency card for the applicant who currently holds a competency card in a count not subject to reciprocity with the county consistent with the terms and conditions of this article.
- (2) *Disapproval.* If the licensing board determines that the applicant does not meet the requirements and intent of this article, the licensing board shall deny without or with prejudice. The licensing board shall set out in the minutes of the meeting to support its conclusions.
- a. If application is denied without prejudice, the applicant may reapply after 90 days from the date of original denial.
- b. If application is denied with prejudice, the applicant may reapply after one year from the date of original denial.
- c. An application may also be tabled or rescheduled if determined insufficient, or if the licensing board needs further information before making a decision.
- (e) *Administrative fine.* If it is determined and documented the applicant has violated the provisions of this article prior to the approval of his/her application, the application shall be approved subject to an additional administrative fee of between \$100.00 and \$250.00, pursuant to the following guidelines, and said fee shall be paid by the applicant prior to issuance of his/her permanent competency card.

TABLE INSET:

Violation		Administrative Fine
a.	When the applicant is found to have contracted prior to application approval, and:	
	(1) Has complied with the first request of the code compliance director or code inspector to stop working and/or apply for a license, or.....	\$100.00
	(2) Has complied with the code compliance director or code inspector's directive to stop working and/or apply for a license after two or more requests, or.....	200.00

Violation		Administrative Fine
	(3) Has complied with the building official's or code inspector's directive to stop working and/or apply for a license only after a hearing has been scheduled.....	500.00
b.	When the applicant is found to have falsely represented himself/herself as holding a competency card.....	250.00
c.	When the applicant is guilty of fraud, deceit, misleading or untrue representation relating to the application or contracting.....	250.00
d.	When the applicant is guilty of interfering with an investigation or disciplinary action related to contracting.....	250.00
e.	When the applicant is guilty of combining and conspiring with a licensed person or entity to evade provisions of this article.....	250.00

- (f) *Failure to appear.* An applicant for a competency card who does not furnish the required materials or who, after having done so, does not appear before the licensing board for consideration when required, after having been notified to do so, within six months from the date of filing his/her application, shall be denied, and the fee paid by him/her shall be credited to the board as an earned fee. Any additional application for a competency card shall be considered a new application. For good cause, the licensing board may waive the fee requirement for a new application.
- (g) *State registered contractors.* Applicants issued competency cards in the fields for which F.S. ch. 489 requires state registration, shall obtain such registration before being issued permits.
- (h) *State certified contractors.* A person or firm who holds a certificate of competency from the state construction industry licensing board and wishes to contract in the county, in the same classification, shall be required to file with the department a copy of said certification.

(Ord. No. 06-04, § VIII, 2-21-2006)

**Sec. 22-39. Reciprocity.**

The licensing board may establish, by administrative action, reciprocity requirements and agreements with other counties or municipalities within the state for the issuance of competency cards.

(Ord. No. 06-04, § IX, 2-21-2006)

**Sec. 22-40. Expiration and renewal of competency card--Restoration.**

- (a) *Expiration dates of competency cards.* Competency cards shall be issued on a biennial basis and shall expire at midnight on June 30 of even numbered years.
- (b) *Renewal.*
  - (1) *Renewal period:*
    - a. *Regular renewal.* Renewal applications must be filed on or before June 30 of even numbered years.

b. *Late renewal.* For additional penalty fees (see table in subsection (2)c. below), late renewal shall be allowed during a one-year period following expiration. No renewals will be allowed after this time except by specific action of the licensing board.

(2) *Types of renewal, requirements and fees.*

a. *Active.* For active renewal, the following is required:

1. A biennial renewal fee of \$100.00 for each active competency card.
2. A certificate of insurance on file, or furnished by the insurer, indicating current insurance coverage for the types and amounts specified in subsection 22-37(e).
3. A copy of the applicant's current state registration in the classification to be renewed, if applicable.
4. A current photograph, if the file photograph is more than five years old.

b. *Inactive.*

1. A person who holds an active competency card may place it on inactive status at any time by notification to the licensing board. During such time his/her competency card is inactive, he/she shall not engage in contracting, but may maintain his/her competency card in that status by the payment of a biennial fee of \$50.00 for each inactive competency card.
2. To maintain inactive status beyond two full biennial renewal periods, proof of continued education and/or substantial active participation in the trade must be submitted and approved by the code compliance director with each subsequent renewal request. The code compliance director failure to renew may be appealed to the licensing board.

c. Active and inactive late renewals shall be as specified above except for the following schedule of additional late renewal fees:

TABLE INSET:

Month of Late Renewal	Active	Inactive	Month of Late Renewal	Active	Inactive
July	\$125.00	\$65.00	January	\$185.00	\$ 95.00
August	135.00	70.00	February	195.00	100.00
September	145.00	75.00	March	200.00	100.00
October	155.00	80.00	April	200.00	100.00
November	165.00	85.00	May	200.00	100.00
December	175.00	90.00	June	200.00	100.00

(3) *Failure to renew.* Failure to renew a competency card prior to its expiration date shall cause the competency card to become expired, inoperative and totally void, and it shall be unlawful for any person to engage or offer to engage or hold

himself/herself out as engaging in contracting under the competency card unless and until the card is renewed, restored or reissued. Any contractor whose competency card has expired and not renewed within the time given shall be required to obtain a new license, through re-application, re-examination and qualification consistent with this article, if he/she wishes to continue contracting in the county.

- (c) *Activation of inactive card.* Competency cards on inactive status may be placed on active status at any time by the holder paying the balance due on the active competency card renewal; presenting proof of the required insurance coverage and state registration (if applicable) and submitting a current photograph to the code compliance director. When activating a competency card that has been on inactive status for more than one renewal period, a favorable current personal and business credit report shall also be required.

(Ord. No. 06-04, § X, 2-21-2006)

### **Sec. 22-41. Qualifier termination.**

Any change in qualifiers shall be handled as follows:

- (1) *Individual acting as qualifier.* An individual, acting as a qualifier on behalf of a business organization, shall notify the licensing board immediately in writing if:
- a. He/she ceases to be affiliated with such business organization.
  - b. He/she proposes to engage in contracting in his/her own name, in which case he/she shall be required to make application for a competency card in his/her name.
  - c. He/she proposes to engage in contracting in affiliation with another business organization, in which case, if that business is not currently licensed, it shall be required to make application for a competency card in its name.
- (2) *Business organization.* A business organization shall notify the licensing board immediately in writing if:
- a. Any of its qualifiers of record cease to be affiliated with the business. In addition, if such individual is the only qualified individual affiliated with the business organization, that business shall not contract for any new work until properly qualified and shall have a period of 60 days from the termination of the individual's affiliation with the business organization in which to provide another qualifier under the provisions of this article, failing which the certificate to the business organization shall be subject to revocation by the licensing board.
  - b. It wishes to have one or more additional qualified individuals to be qualifiers of record.

(Ord. No. 06-04, § XI, 2-21-2006)

### **Sec. 22-42. Identification and advertising.**

- (a) *Signs and identification on vehicles.* All persons, firms, partnerships, corporations or other legal entities regulated by this article, including the classifications set out above, shall be required to display on each vehicle owned by them and used in the activity regulated by this article, a sign which contains the name, phone number and license number of the person, firm, partnership, corporation or other legal entity, in letters of not less than two inches in height. The signs required herein may be permanently painted on each vehicle or may be in the form of decals or magnetic signs. The required signs shall be on each side of the vehicle and shall be displayed within 60 days from the issuance of the competency card, or within sixty days from the date of the exchange or replacement of any such vehicle.
- (b) *Advertising.* The competency card or state registration number of all persons or firms holding such cards shall appear in any newspaper, airwave transmission, phone directory, or other advertising medium used by the contractor.

(Ord. No. 06-04, § XII, 2-21-2006)

### **Sec. 22-43. Enforcement--Procedure.**

- (a) *Designated administrator/investigator.* The code compliance director shall act as the designated administrator and the code enforcement officer as the principal investigator for the licensing board, and is hereby specifically empowered to initiate the enforcement procedures as herein provided.
- (b) *Enforcement procedure.* Complaints against contractors may be originated by anyone on a form prepared for that purpose by the department. All complaints shall be investigated by the county code enforcement officer, who upon determination a probable violation of this article has occurred will conduct an investigation.
  - (1) *Notification to alleged violator.*
    - a. The code enforcement officer shall promptly forward a copy of the complaint and his/her findings to the alleged violator and give the involved party reasonable time to respond to him/her or to correct the violation.
    - b. The code enforcement officer shall also promptly forward a copy of the complaint and his/her findings to the owner of the site or building where the violation exists and explain the nature of the violation and action taken by the department.
    - c. The code enforcement officer shall also notify the complainant of his/her findings and of any action taken by him/her. If the complainant is not satisfied with the findings or action of the code enforcement officer at this time, he/she may request to be placed on the next open agenda of the licensing board.
  - (2) *Referral to licensing board.* If an alleged violation has not been corrected within the time prescribed by the code enforcement officer, a statement of violation and request for hearing shall be submitted to the licensing board secretary to be placed on the agenda of the next licensing board meeting.
- (d) *Licensing board hearing.*

- (1) *Notification to violator and complainant.* The department shall notify both the violator and any complainant and request their presence at the hearing.
  - (2) *Presentation of evidence and licensing board decision.* At the hearing, both complainant and alleged violator shall be allowed to present evidence concerning the complaint, cross exam witnesses, be represented by counsel or a qualified representative. Upon presentation of all the evidence of violation and other information, the licensing board, sitting as an impartial board, shall render a decision and impose disciplinary action when warranted.
- (d) *Licensing board as complainant.* Nothing in this section shall prohibit the licensing board from, on its own motion, investigating and holding hearings on any violation of this article.

(Ord. No. 06-04, § XIII, 2-21-2006)

#### **Sec. 22-44. Discipline of contractors.**

The licensing board may take appropriate disciplinary action if the contractor is found to have committed any one or more of the acts or omissions constituting cause for disciplinary action set out herein or adopted as rules or regulations by the licensing board.

- (1) *Acts constituting cause for disciplinary action.* The following acts, not all-inclusive, constitute cause for disciplinary action:
  - a. Repeated willful or deliberate disregard and violation of the applicable building codes or laws of the state, any municipality in the county or the county. This shall include the failure to obtain building permits and inspections.
  - b. Abiding, abetting or knowingly combining or conspiring with an unlicensed person by allowing one's competency card to be used by an unlicensed person with intent to evade the provisions of this article. When a competency card holder allows his/her competency card to be used by one or more companies without having any active participation in the operations, management or control of said companies; this act constitutes prima facie evidence of intent to evade provisions of this article.
  - c. Acting in the capacity of a contractor under any competency card issued hereunder except in the name of the competency card holder as set forth on the competency card or in accordance with the personnel of the competency card holder as set forth in the application for the card, or as later changed as provided in this article.
  - d. Contracting beyond the scope of competency card.
  - e. Failure to include state registration or competency card number in advertisements, or failure to properly identify vehicles as provided herein.
  - f. Diversion of funds or property received for execution or completion of a specified construction project or operation where, as a result of the diversion, the contractor is or will be unable to fulfill the terms of his

obligation or contract.

- g. Gross negligence, incompetence, and/or misconduct, fraud or deceit. Misleading or untrue representations by competency card holder to others concerning his/her contractor's license or construction activity.
  - h. Misconduct by failure to reasonably honor a one-year warranty on materials and workmanship.
  - i. Being convicted or found guilty of a crime relating to contracting.
  - j. Disciplinary action by any municipality, city, state or county, which shall be reviewed by the licensing board before said board takes any disciplinary action of its own.
  - k. Abandonment of a construction project in which the contractor is engaged or under contract as a contractor. A project is presumed to be abandoned when:
    - 1. If after 90 consecutive days of no work on the project, and the contractor fails to respond to requests by the owner for completion, or
    - 2. If the contractor, by his/her actions, terminates said project without notification to the owner and without just cause, or
    - 3. It can be demonstrated that the contractor has ceased to do business in the county or state.
  - l. Obtaining competency card through fraud or misrepresentation, or the making of any material false statement in the application for competency card, renewal or any investigation pursuant to this article.
  - m. Failure in any material respect to comply with the provisions of this article. The absence of any violation from this section shall be viewed as an oversight, and shall not be construed as an indication that no penalty is to be assessed.
  - n. Performing any act, which assists a person or entity in engaging in the prohibited unlicensed practice of contracting, if the license holder knows or has reasonable grounds to know that the person or entity was unlicensed.
  - o. Committing mismanagement or misconduct in the practice of contracting, as defined in F.S. § 489.129, that causes financial harm to a customer.
- (2) *Disciplinary action.* The licensing board may impose fines, require restitution, assess investigative and legal costs, suspensions or revocations or a combination, thereof, as follows:
- (1) Fine. An administrative fine or penalty, not to exceed the maximum amounts specified in chapter 61G4-17.001, Florida Administrative Code, shall be recoverable by the licensing board only in an action at law. However, a violator's failure to pay any imposed fine shall be grounds for further disciplinary actions by the licensing board.

- (2) Restitution.
  - (3) Investigative and legal costs. Reasonable costs incurred by the licensing board for investigating and prosecuting the violation.
  - (4) Suspension of competency card.
    - a. The licensing board may permit the holder of a suspended competency card to complete any contracts then uncompleted.
    - b. A contractor who has more than two suspensions in any three-year period shall have his competency card automatically revoked.
  - (5) Revocation of a competency card. The licensing board may revoke a competency card for cause. A revoked competency card shall not be renewed or reissued for at least one year after revocation and then only upon a showing of rehabilitation of the contractor.
- (c) *Removal of suspension.* After suspension of the competency card on any grounds set forth in this section, the licensing board may remove the suspension on proof of compliance by the contractor with all conditions prescribed by the licensing board for removal of suspension, or, in the absence of such conditions, at the sound discretion of the licensing board.
- (d) *Further investigation or disciplinary proceedings against suspended or revoked contractor.* The lapse or suspension of a competency card by operation of law or by order of the licensing board or court, or its voluntary surrender by a competency card holder not deprive the licensing board of jurisdiction to investigate or act in disciplinary proceedings against the holder.
- (e) *Legal proceedings.* The licensing board may institute any legal proceedings, whether in law or equity, which it deems proper, to enforce this article and in the event that it becomes necessary to the board such legal proceedings, such board shall be entitled to recover from the violating party, all costs and expenses, including a reasonable attorney's fee, whether litigation be instituted or not, at the trial and appellate court level, incurred by the licensing board in enforcing the provisions of the article, and this provision for recovery of costs and expenses, including attorney's fees, in addition to all other remedies provided by this article, or as otherwise provided by federal, state, county or municipal law, rule or regulation.

(Ord. No. 06-04, § 14, 2-21-2006)

## **Chapters 23--25 RESERVED**

### **Chapter 26 COURTS\***

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\***Cross references:** Administration, ch. 2; law enforcement, ch. 46.

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[Sec. 26-1. Court costs levied; use.](#)

[Sec. 26-2. Service charges levied; use.](#)

[Sec. 26-3. Court facility charge.](#)

[Sec. 26-4. Court costs--Teen court program.](#)  
[Sec. 26-5. Surcharge to fund court facilities.](#)  
[Sec. 26-6. Criminal justice education and training costs.](#)  
[Sec. 26-7. Alcohol and other drug abuse trust fund; assistance grants.](#)  
[Sec. 26-8. Additional charge allocated for local substance abuse treatment program.](#)  
[Sec. 26-9. Assessment of additional court costs.](#)

### **Sec. 26-1. Court costs levied; use.**

- (a) Pursuant to the provisions of F.S. § 938.15, the county levies and assesses \$2.00 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a county ordinance in all courts created by Fla. Const., art. V.
- (b) The county levies and assesses as a court cost \$2.00 from every bond estreature or forfeited bail bond related to the violation of a state penal or criminal statute or county ordinance.
- (c) No assessment as provided in subsections (a) and (b) of this section shall be made against any person convicted for violation of any state statute, municipal ordinance or county ordinance relating to the parking of vehicles.
- (d) All such costs collected by any such court shall be remitted to the clerk of the board of county commissioners and deposited by him into a special account earmarked for criminal justice education and training, including basic training expenditures for law enforcement officers, part-time law enforcement officers, auxiliary law enforcement officers, correctional officers, and support personnel of the county provided that all such education and training activities shall conform to the requirements of F.S. § 938.15. Expenditure of such funds shall be made only upon the recommendation of the sheriff and approved by the board of county commissioners.

(Ord. No. 83-03, §§ 1--4, 2-15-1983)

### **Sec. 26-2. Service charges levied; use.**

- (a) The clerk of courts shall collect in addition to other service charges levied by law, a service charge of \$5.00 on any civil circuit court proceeding commenced in the county. The service charge levied under this section may be increased or decreased by resolution of the board of county commissioners.
- (b) The clerk of courts shall collect, in addition to other service charges levied by law, a service charge of \$30.00 on any petition for modification of a final judgment of dissolution of marriage filed in the county. The service charge levied under this section may be increased or decreased by resolution of the board of county commissioners.
- (c) All funds derived from the imposition of the service charges set forth in subsections (a) and (b) above shall be deposited in the court's mediation-arbitration account fund to be used to fund circuit mediation services under the direction of the chief judge of the third judicial circuit. One dollar of each charge collected shall be forwarded to the office of the state courts administrator for deposit in the state mediation and arbitration trust fund, the clerk of courts is authorized to retain as an administrative fee \$1.00 of each charge collected, and the remainder utilized to fund circuit mediation services.

- (d) The clerk of courts shall collect in addition to other service charges levied by law a service charge of \$5.00 on any civil county court proceeding commenced in the county. The service charge levied under this section may be increased or decreased by resolution of the board of county commissioners.
- (e) All funds derived from the imposition of the service charges set forth in subsection (d) above shall be deposited in the county's mediation-arbitration account fund to be used to fund the county civil mediation services under the supervision of the chief judge of the third judicial circuit. One dollar of each charge collected shall be forwarded to the office of the state courts administrator for deposit in the state mediation and arbitration trust fund, the clerk of courts is authorized to retain as an administrative fee \$1.00 of each charge collected, and the remainder utilized to fund county civil mediation services.

(Ord. No. 95-05, §§ 1--5, 6-6-1995; Ord. No. 02-17, §§ 1--5, 7-16-2002)

**Sec. 26-3. Court facility charge.**

- (a) *Levied.* In addition to any service charge, filing fee, surcharge or cost otherwise provided for by law, any party filing or instituting any action, suit or proceeding in the county or circuit court in and for the county shall pay, as part of the filing fee, an additional service charge, to be referred to as the court facility charge. Court facility charges shall be as follows:

TABLE INSET:

Court		Court Facility Charge
<i>County court:</i>		
	Claims not exceeding \$100.00.....	\$ 2.00
	Claims \$1,000.00 but not more than \$2,500.00.....	15.00
	Claims \$2,500.00 or more.....	32.00
	Landlord-tenant, replevin, attachment and distress actions.....	32.00
	All other initial actions.....	32.00
<i>Circuit court:</i>		
	All civil actions and family law actions.....	32.00
	Summary administration.....	22.00
	Family administration.....	32.00
	Formal administration and ancillary administration.....	32.00
	Curatorship, conservatorship, guardianship.....	32.00

- (b) *Nonapplicability.* The charges imposed by this section shall not apply to any indigent person who qualifies for court services without charge under F.S. § 57.081.
- (c) *Creation of court facility fund.* There is created the county court facility fund. All moneys collected as court facility charges pursuant to this section shall be paid by the clerk of the court into the court facility fund. All moneys expended from the court facility fund

shall be expended only upon an order issued by the judge of the county court in and for the county, a resident judge of the circuit court in and for the county, or the board of county commissioners authorizing the expenditure. All moneys expended from the county court facility fund shall be used exclusively in providing and maintaining facilities of the courts of this county, to include the purchase or lease of equipment and furnishings, and the acquisition, construction, maintenance, improvement, renovation and operation of court facilities and programs.

(Ord. No. 97-17, §§ 1--3, 9-9-1997)

#### **Sec. 26-4. Court costs--Teen court program.**

- (a) Pursuant to F.S. § 938.19, a sum of \$3.00 shall be assessed against each person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a criminal law or a municipal or county ordinance, or who pays a fine or civil penalty for any violation of F.S. ch. 316. Any person whose adjudication is withheld under F.S. § 318.14(9) or 318.14(10) shall also be assessed the cost.
- (b) The assessment for court costs shall be assessed in addition to any fine or civil penalty or other court cost and may not be deducted from the proceeds of that portion of any fine or civil penalty that is received by a municipality in the county or by the county in accordance with F.S. §§ 316.660 and 318.21. The assessment shall be specifically added to any civil penalty paid for a violation of F.S. ch. 316, regardless of whether the penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court. The assessment may not be made against a person for a violation of any state law or municipal or county ordinance relating to the parking of vehicles, with the exception of a violation of the handicapped parking laws.
- (c) The clerk of the circuit court shall collect the assessments for court costs established in this section and shall remit the assessments to the teen court monthly. The clerk of the circuit court shall withhold five percent of the assessments collected, which shall be retained as fee income of the office of the clerk of the circuit court.
- (d) The teen court shall be administered by the office of the clerk of the circuit court of the county.

(Ord. No. 02-01, § 1--4, 12-4-2001; Ord. No. 06-01, § 2, 10-18-2005)

#### **Sec. 26-5. Surcharge to fund court facilities.**

- (a) Pursuant to F.S. § 318.18(13)(a), every person who pays a fine or civil penalty for any violation of a noncriminal traffic infraction pursuant to F.S. ch. 318, and every person who pleads guilty or nolo contendere to, or is convicted, regardless of adjudication, of a violation of a noncriminal traffic infraction or a criminal violation of section 318.17, shall be assessed a surcharge of \$15.00. A noncriminal traffic infraction is defined in F.S. § 318.14(1).
- (b) The court shall order payment of this additional court cost in all matters subject to this section, and the clerk of court shall add this surcharge to all payments of fines or civil penalties for any violation of a noncriminal traffic infraction pursuant to F.S. ch. 318, or a criminal violation of F.S. § 318.17.

- (c) The funds collected pursuant to this section shall be deposited into a fund to be designated "court facility fund."
- (d) Monies shall be expended from the court facility fund only upon an order issued by:
  - (1) The judge of the county court in and for the county; or
  - (2) Any circuit court judge residing in this county and who has been assigned duties in this county; or
  - (3) The board of county commissioners of this county.

All monies expended from this fund shall be used exclusively in providing and maintaining facilities of the county and circuit courts in this county, to include the purchase or lease of equipment and furnishings, and the acquisition, construction, maintenance, improvement, renovation, repair, and operation of court facilities and programs.

(Ord. No. 04-03, § 1, 8-17-2004)

### **Sec. 26-6. Criminal justice education and training costs.**

- (a) *Assessed.* There is hereby assessed \$2.50 as court costs against every person convicted for violation of a state penal or criminal statute, or convicted for violation of a municipal or county ordinance, or who pays a fine or civil penalty for any violation of F.S. ch. 316; provided, however, that no such assessment shall be made against any person convicted of violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.
- (b) *Collection.* The clerk of the court shall collect all costs assessed pursuant to subsection (a), above, and shall remit such costs to the board of county commissioners.
- (c) *Purpose.* All costs collected pursuant to subsection (b), above, shall be expended solely for criminal justice education and training, including basic training for county law enforcement and correctional officers, part-time law enforcement officers, auxiliary officers, and support personnel; provided that such education and training activities conform to the requirements of F.S. § 943.14.

(Ord. No. 04-03, § 1, 8-17-2004)

### **Sec. 26-7. Alcohol and other drug abuse trust fund; assistance grants.**

- (a) *Establishment.* There is hereby established the Suwannee County Alcohol and Other Drug Abuse Trust Fund. Assessments imposed by the courts and collected pursuant to F.S. § 938.23 shall be deposited in the fund. The county shall be responsible for the implementation, administration, supervision and evaluation of the fund.
- (b) *Expenditures.* Monies in the fund shall be used only for assistance grants by the board of county commissioners to county-based alcohol and other drug abuse treatment or education programs that meet the qualifications of the state department of children and family services and that are designated by the board of county commissioners as program recipients. Selection shall be based on the success of the program. Designation of program recipients shall be made annually upon recommendation to the board of county commissioners by the county manager, with final designation approval

to be made by the board of county commissioners. A county alcohol and other drug abuse treatment or education program that requests an assistance grant from the county shall provide the county with detailed financial information, along with its request for an assistance grant.

- (c) *Collection of assessment.* In those criminal cases in which the indictment was found in the county or the prosecution was commenced in the county and the court imposes an additional assessment pursuant to F.S. § 938.23, the clerks of courts shall collect and remit the collected assessments to the board of county commissioners for deposit in the county's alcohol and other drug abuse trust fund.

(Ord. No. 04-03, § 1, 8-17-2004)

### **Sec. 26-8. Additional charge allocated for local substance abuse treatment program.**

- (a) *Imposition of costs.* Pursuant to F.S. § 938.13, when any person is found guilty of any misdemeanor under the laws of this state, in which the unlawful use of drugs or alcohol is involved, there shall be imposed by the court an additional cost in the case, in addition to any other cost required to be imposed by law, in the sum of \$15.00. Under no condition shall a political subdivision be held liable for payment of such sum.
- (b) *Collection of costs by the clerk.* The clerk of the court shall collect the \$15.00 and forward \$14.00 thereof to the board of county commissioners of the county as described in F.S. § 893.165(2) to be deposited to the credit of the county alcohol and other drug abuse trust fund for allocation for the county's local substance abuse treatment programs under F.S. § 893.165. The clerk shall retain the remaining \$1.00 of each \$15.00 collected as a service charge of the clerk's office.

(Ord. No. 04-03, § 1, 8-17-2004)

### **Sec. 26-9. Assessment of additional court costs.**

- (a) Pursuant to F.S. § 939.185, an additional court cost not to exceed \$65.00 shall be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under state statutes. Funds received from the additional court cost shall be accounted for separately and shall be allocated as follows:
  - (1) Twenty-five percent shall be allocated to fund innovations to supplement state funding for the elements of the state court system in the county identified in F.S. § 29.004 and 29.008(2)(a)2.
  - (2) Twenty-five percent shall be allocated to assist in providing legal aid programs in the county required under F.S. § 29.008(3)(a).
  - (3) Twenty-five percent shall be allocated to fund law libraries in the county.
  - (4) Twenty-five percent shall be used as determined by the board of county commissioners to support juvenile assessment centers and other juvenile alternative programs.
- (b) The clerk of the courts, as financial officer of the county, shall report the funds collected,

pursuant to subsection (a) above, and an itemized list of expenditures for all authorized programs and activities:

- (1) To the governor, the chief financial officer, the president of the senate and the speaker of the house of representatives.
  - (2) The report shall be submitted quarterly, in the format developed by the supreme court, beginning with the quarter this ordinance becomes effective.
  - (3) The report shall be filed not later than 30 days after the end of the quarter.
- (c) Any unspent funds at the close of the county's fiscal year, allocated under subparagraphs (a)(2), (a)(3), and (a)(4) shall be transferred for use pursuant to subparagraph (a)(1).

(Ord. No. 04-03, § 1, 8-17-2004; Ord. No. 06-01, § 1, 10-18-2005; Ord. No. 07-01, § 1, 10-3-2006)

## **Chapters 27--29 RESERVED**

## **Chapter 30 EMERGENCY SERVICES\***

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**\*Cross references:** Businesses, ch. 22; fire prevention and protection, ch. 34; law enforcement, ch. 46; municipal services special district for emergency medical services, § 70-326 et seq.; ambulance, rescue and advanced life support services district, § 70-401 et seq.

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- Article I. In General  
Secs. 30-1--30-30. Reserved.
- Article II. Enhanced 911 Telephone Service
- [Sec. 30-31. Purpose.](#)
  - [Sec. 30-32. Fee imposed; purpose.](#)
  - [Sec. 30-33. Collection of fee.](#)
  - [Sec. 30-34. Notice to telephone company.](#)
  - [Sec. 30-35. 911 fund.](#)
  - [Sec. 30-36. Indemnification.](#)
  - [Sec. 30-37. Responsibility of county for charges.](#)
- Secs. 30-38--30-50. Reserved.
- Article III. Hazardous Material Incident Cost Recovery
- [Sec. 30-51. Hazardous material cost recovery.](#)
  - [Sec. 30-52. Authority.](#)
  - [Sec. 30-53. Intent and purpose.](#)
  - [Sec. 30-54. Rules of construction.](#)
  - [Sec. 30-55. Definitions.](#)
  - [Sec. 30-56. Hazardous materials incidents--Liability for costs.](#)
  - [Sec. 30-57. Collection and disbursement of funds for cost recovery.](#)
  - [Sec. 30-58. Supervision.](#)
  - [Sec. 30-59. Conflict with other laws.](#)

## **ARTICLE I. IN GENERAL**

Secs. 30-1--30-30. Reserved.

## **ARTICLE II. ENHANCED 911 TELEPHONE SERVICE**

### **Sec. 30-31. Purpose.**

The establishment of an enhanced 911 system in the county is declared to be a public purpose and for the benefit of the citizens of the county as well as for visitors to the county.

(Ord. No. 91-16, § 1, 9-17-1991)

### **Sec. 30-32. Fee imposed; purpose.**

There is imposed a monthly 911 fee for the provision of enhanced 911 service and equipment, in an amount established by resolution of the board of county commissioners, to be paid by the local exchange subscribers in the county.

(Ord. No. 91-16, § 2, 9-17-1991)

### **Sec. 30-33. Collection of fee.**

Alltel Florida, Inc., "the telephone company," is requested to collect the 911 fee from its subscribers in the county, the county paying to the telephone company an administrative fee equal to one percent of the fees collected by the telephone company. This administrative fee shall be first deducted by the telephone company from the fees collected, and the remainder of the fees collected shall be remitted to the county. The telephone company shall supply monthly to the county a statement as to fees collected. The telephone company shall have no obligation to take legal action to enforce collection of the fee.

(Ord. No. 91-16, § 3, 9-17-1991)

### **Sec. 30-34. Notice to telephone company.**

The county shall provide a minimum of 90 days' written notice to Alltel Florida, Inc., prior to the collection of any 911 fees.

(Ord. No. 91-16, § 4, 9-17-1991)

### **Sec. 30-35. 911 fund.**

The county creates a separate fund to be used exclusively for receipt and expenditure of 911 fee revenues collected pursuant to this article. All fees placed in the fund, and any accrued interest, shall be used solely for 911 costs and appropriated for 911 purposes by the board of county commissioners and incorporated into the annual county budget. The county may carry forward on an annual basis unspent moneys in the fund for expenditures allowed by F.S. § 365.171(13), provided the county shall not carry forward more than ten percent of the 911 fees billed for the prior year. The amount of moneys carried forward each year may be accumulated in order to allow for capital improvements. In no event shall the 911 fee carry over surplus moneys be used for any purpose other than for 911 equipment, service features and installation charges authorized by F.S. § 365.171(13). The county shall cause a financial audit to be performed on an annual basis on the fund established for 911 fee revenues in accordance with

F.S. § 11.45, and a report of the audit shall be forwarded to the division of communications within 60 days of its completion as required by F.S. § 365.171(13).

(Ord. No. 91-16, § 5, 9-17-1991)

**Sec. 30-36. Indemnification.**

The county shall indemnify Alltel Florida, Inc., against liability in accordance with its lawfully filed tariffs.

(Ord. No. 91-16, § 6, 9-17-1991)

**Sec. 30-37. Responsibility of county for charges.**

The county shall be responsible to Alltel Florida, Inc., for all enhanced 911 service and equipment charges.

(Ord. No. 91-16, § 7, 9-17-1991)

Secs. 30-38--30-50. Reserved.

**ARTICLE III. HAZARDOUS MATERIAL INCIDENT COST RECOVERY\***

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\***Editor's note:** Ord. No. 02-12, § 1, adopted April 16, 2002, amended the Code by adding a new art. III, §§ 11.5-27--11.5-35, to the Code. In order to add the provisions to the new Code in a logical order, the editor has redesignated the provisions as §§ 30-51--30-59.

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**Sec. 30-51. Hazardous material cost recovery.**

This article shall be known as and may be cited as the "Hazardous Material Incident Cost Recovery Ordinance."

(Ord. No. 02-12, § 1, 4-16-2002)

**Sec. 30-52. Authority.**

The county has the authority to adopt this article pursuant to and in accordance with the provision of F.S. chs. 166 and 252.

(Ord. No. 02-12, § 1, 4-16-2002)

**Sec. 30-53. Intent and purpose.**

This article is intended to provide for recovery by the county of costs incurred in the response and recovery efforts related to hazardous material incidents. This article is also intended to provide for recovery of costs incurred by entities other than the county, which are requested by the county to assist during a hazardous material incident. In addition, it is intended to provide for cost recovery for damages to government-owned properties.

(Ord. No. 02-12, § 1, 4-16-2002)

### **Sec. 30-54. Rules of construction.**

The provisions of this article shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare of the citizens and residents of the county.

(Ord. No. 02-12, § 1, 4-16-2002)

### **Sec. 30-55. Definitions.**

*Cost(s)* shall mean and include, but is not limited to:

- (1) All costs incurred for response, containment and/or removal and disposal of hazardous materials or initial remedial action.
- (2) Costs of any health assessment or health effects study and related treatment carried out for responding personnel as a necessity resulting from a hazardous material incident.
- (3) Labor, including benefits, overtime and administrative overhead, exclusive of normal departmental operations.
- (4) The cost of operating, leasing, maintaining, repairing, and replacement where necessary of any equipment.
- (5) Contract labor and equipment.
- (6) Materials, including but not limited to, absorbents, foam, dispersants, overpack drums, or containers.
- (7) Supervision of clean up and abatement.
- (8) Labor and equipment obtained directly by the county, their agencies or agents, and other agencies.

*Fire chief* shall mean the chief of the fire department or fire district that responded to a hazardous material incident.

*Hazardous material* shall mean any substance or material in any form or quantity that poses an unreasonable risk to safety, health, or property.

*Hazardous substance* shall mean any material which when discharged may be harmful to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public or private property, shorelines and beaches.

*Hazardous material incident* shall mean actual or threatened release of hazardous substances or materials that pose an immediate threat to the health, safety or welfare of the population, including hazardous waste.

*Incident commander* shall mean the senior fire official at the site of the hazardous material incident; or the initial senior on-scene response official in the absence of the senior fire official; or a unified command structure which delegates control to officials from more than one agency.

*Release* shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other receptacles containing any hazardous material or substance or waste or pollutant or contaminant).

*Response* shall mean a phase of emergency management that occurs during and immediately following an incident. Provides emergency assistance to victims of the event and reduces the likelihood of secondary damage.

*Responsible party* shall mean the person(s) whose negligent or intentional act or omission caused a release; or, the person(s) who owned or had custody or control of, the hazardous substance or waste at the time of such release without regard to fault or proximate cause; or, the person(s) who owned or had custody or control of the container which held the hazardous substance at the time of or immediately prior to such release without regard to fault or proximate cause. "Responsible party" may also include a corporation or partnership, facility, or other type of business entity.

(Ord. No. 02-12, § 1, 4-16-2002)

### **Sec. 30-56. Hazardous materials incidents--Liability for costs.**

The incident commander or fire chief is hereby duly authorized to take all reasonable measures to respond to and stabilize the hazardous material incidents. Any responsible party who causes a hazardous material incident shall be liable to the county for the payment of all reasonable direct costs incurred in response to, stabilization of, and any necessary monitoring of such an incident.

The county will seek all available remedies at law including the provisions of this article, against any parties responsible for any hazardous material incident, to include those actions and remedies available under the United States Bankruptcy Code relating to such matters.

(Ord. No. 02-12, § 1, 4-16-2002)

### **Sec. 30-57. Collection and disbursement of funds for cost recovery.**

The county fire department shall serve as the county's agent for collecting invoices and billing the responsible party for costs. Agencies of the county or organizations responding to a hazardous material incident according to the responsibilities set forth in the LEPC Region 3 Hazardous Materials Response Plan or at the request of the county, will be eligible to submit bills.

Invoices that identify eligible costs under this article shall be submitted to the fire chief or designee within ten working days after the costs were incurred or identified. Submitted invoices should include sufficient documentation for cost reimbursement (i.e., copies of time sheets for specific personnel, copies of bills for materials, equipment, and supplies procured or used, etc.). Accepting invoices from agencies outside the county shall not incur liability to the county to pay costs from such agencies until payment has been received by the county from the responsible party.

The fire chief or his designee shall submit one or a series of consolidated invoice(s) to the responsible party identifying agencies or agents and their specific costs for reimbursement. The responsible party shall issue a certified check to the county within 60 days of receiving any

invoice. All funds received under the authority of this article shall be disbursed according to the claims submitted. Where the reimbursement is less than the requested amount, each agency shall receive a pro rata share of such reimbursement as the agencies reimbursable costs bear to the total reimbursable cost. The county shall not be liable to the agency for any deficiency.

(Ord. No. 02-12, § 1, 4-16-2002)

### **Sec. 30-58. Supervision.**

In the event that any person(s) undertakes, upon order or direction of the incident commander or fire chief, to clean up or abate the effects of any hazardous material unlawfully released into the environment, the incident commander or fire chief may take any action necessary to supervise such cleanup or abatement. The person(s) described in section 30-56 of this article shall be liable to the county for all costs incurred as a result of such supervision, except when a federal, state or other governmental agency is supervising or abating any such release, unless the incident commander or fire chief is requested by any such agency to take action.

(Ord. No. 02-12, § 1, 4-16-2002)

### **Sec. 30-59. Conflict with other laws.**

Whenever the requirements or provisions of this article are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the more restrictive requirements shall apply.

Further, this article shall not restrict or replace cost recovery from funding sources available under state and federal regulations such as the revolving fund established under Section 311(K) of the Federal Water Pollution Control Act {33 USC 1321 k}; the Hazardous Substance Response Trust Fund established under Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9611); and the Florida Coastal Protection Trust Fund established under F.S. ch. 376.

(Ord. No. 02-12, § 1, 4-16-2002)

## **Chapters 31--33 RESERVED**

## **Chapter 34 FIRE PREVENTION AND PROTECTION\***

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**\*Cross references:** Buildings and building regulations, ch. 18; emergency services, ch. 30; municipal services benefit unit for fire protection, § 70-276 et seq.

**State law references:** Fire prevention and protection, F.S. ch. 633.

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Article I. In General  
Secs. 34-1--34-30. Reserved.  
Article II. Fire Prevention Code  
[Sec. 34-31. Definitions.](#)  
[Sec. 34-32. Adopted.](#)  
[Sec. 34-33. Amendments.](#)

[Sec. 34-34. Exceptions.](#)  
[Sec. 34-35. Enforcement and penalties.](#)  
Secs. 34-36--34-65. Reserved.  
Article III. Life Safety Code  
[Sec. 34-66. Definitions.](#)  
[Sec. 34-67. Adopted.](#)  
[Sec. 34-68. Exceptions.](#)  
[Sec. 34-69. Enforcement and penalties.](#)

## ARTICLE I. IN GENERAL

Secs. 34-1--34-30. Reserved.

## ARTICLE II. FIRE PREVENTION CODE\*

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**\*State law references:** Uniform minimum mandatory standards, F.S. § 633.025.

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### Sec. 34-31. Definitions.

The following words, terms and phrases, when used in this article and the code adopted by this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fire official* means the county fire coordinator or such other official as the board of county commissioners may designate.

*Fire prevention department* means the county fire coordinator and the department under his direct supervision.

*The Standard Fire Prevention Code* means the Standard Fire Prevention Code, 1994 edition, as compiled by the Southern Building Code Congress International, Inc., and subsequent editions of such code.

(Ord. No. 95-13, § 1, 9-19-1995)

**Cross references:** Definitions generally, § 1-2.

### Sec. 34-32. Adopted.

The Standard Fire Prevention Code, compiled by the Southern Building Code Congress International, Inc., copies of which are now in the offices of the building inspector and the fire coordinator, adopted by reference and incorporated in this article as the fire prevention code for the county, excepting only the incorporated area of Live Oak, as fully as if set forth at length in this article, the provisions of which shall be controlling in such area of the county. Additional copies of the Standard Fire Prevention Code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, AL 35213-1206.

(Ord. No. 95-13, § 2, 9-19-1995)

### **Sec. 34-33. Amendments.**

The Standard Fire Prevention Code is amended as follows:

- (1) Appendix B to the Standard Fire Prevention Code is deleted; and
- (2) Subsection A101.4.1 of appendix A of the Standard Fire Prevention Code is amended to read as follows:

*A101.4.1 Fire official qualifications.* The fire official shall have at least ten years' experience in fire prevention or suppression, at least five years of which shall have been in fire prevention inspection and in responsible charge of work. As an alternate, fire prevention experience combined with suitable education as determined by the board of county commissioners of Suwannee County may be substituted for the ten years' experience. The fire official must be a State of Florida certified fire inspector.

(Ord. No. 95-13, § 3, 9-19-1995)

### **Sec. 34-34. Exceptions.**

The Standard Fire Prevention Code shall not apply to buildings and structures subject to the uniform fire safety standards under F.S. § 633.022 and buildings and structures subject to the minimum fire safety standards adopted pursuant to F.S. § 394.879.

(Ord. No. 95-13, § 4, 9-19-1995)

### **Sec. 34-35. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the Courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court,

send a notice of such hearing to the alleged violator and the officer.

- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
  - (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 95-13, § 5, 9-19-1995; Ord. No. 05-01, § 1.1, 11-3-2004)

Secs. 34-36--34-65. Reserved.

### **ARTICLE III. LIFE SAFETY CODE\***

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**\*State law references:** Uniform minimum mandatory standards, F.S. § 633.025.

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#### **Sec. 34-66. Definitions.**

The following words, terms and phrases, when used in this article and in the code adopted by this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authority having jurisdiction* means the board of county commissioners and its designated officers, which shall include the building inspector and the fire coordinator.

*Life Safety Code* means the Life Safety Code, 1994 edition, as compiled by the National Fire Protection Association, Inc., and subsequent editions of such code.

(Ord. No. 95-12, § 1, 10-17-1995)

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 34-67. Adopted.**

The Life Safety Code, copies of which are now in the offices of the building inspector and the fire coordinator is adopted by reference and incorporated in this article as the life safety code for the county, excepting only the incorporated area of Live Oak, as fully as if set forth at length in this article, the provisions of which shall be controlling in such area of the county. Additional copies of the Life Safety Code are available from the National Fire Protection Association, Inc., One Batterymarch Park, Post Office Box 9101, Quincy, MA 02269-9904.

(Ord. No. 95-12, § 2, 10-17-1995)

#### **Sec. 34-68. Exceptions.**

The Life Safety Code shall not apply to buildings and structures subject to the uniform fire safety standards under F.S. § 633.022 and buildings and structures subject to the minimum fire safety standards adopted pursuant to F.S. § 394.879.

(Ord. No. 95-12, § 3, 10-17-1995)

#### **Sec. 34-69. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed

as follows:

- (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
- (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;

- (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 95-12, § 4, 10-17-1995; Ord. No. 05-01, § 1.J, 11-3-2004)

## **Chapters 35--37 RESERVED**

## **Chapter 38 HEALTH\***

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**\*Cross references:** Animals, ch. 14; buildings and building regulations, ch. 18; housing, ch. 42; manufactured homes and trailers, ch. 50; solid waste, ch. 62; waterways, ch. 78.

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- Article I. In General
- Secs. 38-1--38-30. Reserved.
- Article II. Health Facilities Authority
- Secs. 38-31--38-60. Reserved.
- Article III. Percolation And/Or Subsoil Tests
- [Sec. 38-61. Fee schedule.](#)
- [Sec. 38-62. Payment of fees required.](#)
- [Sec. 38-63. Use of fees.](#)
- [Sec. 38-64. Penalty for violation of article.](#)
- Secs. 38-65--38-95. Reserved.
- Article IV. Health Services Fees
- [Sec. 38-96. Title.](#)
- [Sec. 38-97. Schedule of fees.](#)
- [Sec. 38-98. Use of fees.](#)
- [Sec. 38-99. Penalty.](#)

## **ARTICLE I. IN GENERAL**

Secs. 38-1--38-30. Reserved.

**ARTICLE II. HEALTH FACILITIES AUTHORITY\***

\*Cross references: Administration, ch. 2.

Secs. 38-31--38-60. Reserved.

**ARTICLE III. PERCOLATION AND/OR SUBSOIL TESTS**

**Sec. 38-61. Fee schedule.**

Any person securing the services of the county health department to supervise and/or perform percolation and/or subsoil tests for sanitary waste disposal systems for subdivisions or proposed subdivisions in the county shall first pay a fee to the health department in accordance with the following schedule:

TABLE INSET:

Number of Lots	Fee
0--25.....	\$ 50.00
26--50.....	100.00
51--75.....	150.00
76--100.....	200.00
Over 100.....	300.00

(Ord. No. 78-02, § 1, 12-19-1978)

**Sec. 38-62. Payment of fees required.**

No percolation and/or subsoil tests shall be made or supervised by the county health department until such time as all fees have been paid to the health department as required in section 38-61.

(Ord. No. 78-02, § 2, 12-19-1978)

**Sec. 38-63. Use of fees.**

All fees collected under this article shall be deposited in the county health department trust fund account within ten days following the calendar month in which the fees were collected and shall be used by the health department solely for the purpose of providing health services and facilities within the county.

(Ord. No. 78-02, § 3, 12-19-1978)

**Sec. 38-64. Penalty for violation of article.**

Any person who violates any provision of this article shall be deemed guilty of a misdemeanor of the second degree and, upon conviction, shall be punished as provided by law.

(Ord. No. 78-02, § 4, 12-19-1978)

Secs. 38-65--38-95. Reserved.

## **ARTICLE IV. HEALTH SERVICES FEES**

### **Sec. 38-96. Title.**

This article shall be known and may be referred to as the Suwannee County Health Services fee ordinance.

(Ord. No. 79-03, § 1, 12-18-1979)

### **Sec. 38-97. Schedule of fees.**

- (a) The board may, by resolution, amend the schedule of fees charged by the county health department for services rendered by it.
- (b) The director of the county health department shall be responsible for maintaining the list of current fees imposed under this section.
- (c) The director of the county health department shall report to the board at its first regular meeting in August each year on the revenue generated by the fees imposed and the costs incurred by the county health department. It being the intent of the board that the county health department be self-sufficient. As part of that report the director shall recommend amendments, if any, in the schedule of fees.

(Ord. No. 79-03, § 2, 12-18-1979; Ord. No. 82-10, § 2, 10-5-1982; Ord. No. 86-07, § 2, 10-7-1986; Ord. No. 88-25, § 2, 9-6-1988; Ord. No. 91-10, § 2, 5-21-1991; Ord. No. 04-01, § 1, 10-7-2003)

### **Sec. 38-98. Use of fees.**

All fees collected under this article shall be deposited in the county health department trust fund account within ten days following the calendar month in which the fees were collected and shall be used by the health department solely for the purpose of providing health services and facilities within the county.

(Ord. No. 79-03, § 3, 12-18-1979)

### **Sec. 38-99. Penalty.**

Any person who violates any provision of this article shall be deemed guilty of a misdemeanor of the second degree and, upon conviction thereof, shall be punished as provided by law.

(Ord. No. 79-03, § 4, 12-18-1979)

## Chapters 39--41 RESERVED

## Chapter 42 HOUSING\*

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\***Cross references:** Buildings and building regulations, ch. 18; health, ch. 38; manufactured homes and trailers, ch. 50; solid waste, ch. 62.

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- Article I. In General
- Secs. 42-1--42-30. Reserved.
- Article II. Discrimination
  - Division 1. Generally
  - Secs. 42-31--42-50. Reserved.
  - Division 2. Fair Housing
    - [Sec. 42-51. Declaration of policy.](#)
    - [Sec. 42-52. Definitions.](#)
    - [Sec. 42-53. Exemptions.](#)
    - [Sec. 42-54. Discrimination in the sale or rental of housing.](#)
    - [Sec. 42-55. Discrimination in the financing of housing.](#)
    - [Sec. 42-56. Discrimination in the provision of brokerage services.](#)
    - [Sec. 42-57. Administration.](#)
    - [Sec. 42-58. Procedure.](#)
    - [Sec. 42-59. Hearings before the county commission.](#)
    - [Sec. 42-60. Other remedies.](#)
    - [Sec. 42-61. Report to real estate commission.](#)
  - Secs. 42-62--42-90. Reserved.
  - Article III. Housing Assistance Program
    - Division 1. Generally
      - [Sec. 42-91. Definitions.](#)
      - [Sec. 42-92. Creation of housing assistance trust fund.](#)
      - [Sec. 42-93. Establishment of housing partnership.](#)
      - [Sec. 42-94. Nondiscrimination.](#)
    - Secs. 42-95--42-99. Reserved.
    - Division 2. Affordable Housing Advisory Committee
      - [Sec. 42-100. Created; purpose.](#)
      - [Sec. 42-101. Membership, terms, quorum and voting requirements.](#)
      - [Sec. 42-102. Adoption of affordable housing incentive plan.](#)
    - Secs. 42-103--42-105. Reserved.
    - Division 3. Local Housing Assistance Plan
      - [Sec. 42-106. Created, intent.](#)
      - [Sec. 42-107. Use of State Housing Initiatives Partnership program funds.](#)
      - [Sec. 42-108. Adoption; purpose.](#)
      - [Sec. 42-109. Responsibility for implementation and administration.](#)

### ARTICLE I. IN GENERAL

Secs. 42-1--42-30. Reserved.

### ARTICLE II. DISCRIMINATION

#### DIVISION 1. GENERALLY

Secs. 42-31--42-50. Reserved.

## **DIVISION 2. FAIR HOUSING\***

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**\*Cross references:** Businesses, ch. 22.

**State law references:** Housing discrimination, F.S. § 760.20 et seq.

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### **Sec. 42-51. Declaration of policy.**

It is the policy of the county, in the exercise of its police power for the public safety, public health and general welfare, to assure equal opportunity to obtain adequate housing by all persons, regardless of race, color, religion, ancestry, sex, place of birth, handicap, familial status, age or national origin, and to that end to eliminate discrimination in housing.

(Ord. No. 88-01, § 1, 1-19-1988; Ord. No. 90-22, § 1, 12-4-1990)

### **Sec. 42-52. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*County commission* means the Suwannee County Commission.

*Discriminatory housing practice* means an act that is unlawful under section 42-54, 42-55 or 42-56.

*Dwelling* means any building, structure, or portion of a building or structure which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location on the land of any such building, structure or portion.

*Familial status* is established when an individual who has attained the age of 18 is domiciled with:

- (1) A parent or other person having legal custody of such individual; or
- (2) A designee of a parent or other person having legal custody, with the written permission of such parent or other person.

*Family* includes a single individual.

*Handicap* means:

- (1) A person has a physical or mental impairment which substantially limits one or more major life activities, or he has a record of having, or is regarded as having, such physical or mental impairment; or
- (2) A person has a developmental disability.

*Person* includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

*To rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(Ord. No. 88-01, § 2, 1-19-1988; Ord. No. 90-22, § 2, 12-4-1990)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 42-53. Exemptions.**

(a) Nothing in section 42-54(2) (other than subsection (b)) shall apply to:

(1) Any single-family house sold or rented by an owner provided:

- a. Such private individual owner does not own more than three such single-family houses at any one time;
- b. In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period;
- c. Such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; and
- d. After the effective date of this article, the sale or rental of any such single-family house shall be excepted from the application of this article only if such house is sold or rented:
  1. Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person; and
  2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 42-54(3);

but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

- (b) For the purposes of subsection (a) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:
  - (1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest in such sale or rental;
  - (2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest in such sale or rental; or
  - (3) He is the owner of any dwelling designed or intended for occupancy by or occupied by five or more families.
- (c) Nothing in this article shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, familial status, handicap, age or national origin. Nor shall anything in this article prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings from which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ord. No. 88-01, § 3, 1-19-1988; Ord. No. 90-22, § 3, 12-4-1990)

#### **Sec. 42-54. Discrimination in the sale or rental of housing.**

As made applicable by section 42-53 and except as exempted by sections 42-53(a) and 42-57, it shall be unlawful to:

- (1) Refuse to sell or rent after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, handicap, age or national origin.
- (2) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such sale or rental, because of race, color, religion, sex, familial status, handicap, age or national origin.
- (3) Make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation or discrimination based on race, color, religion, ancestry, sex, place of birth, physical handicap or national origin, or an intention to make any such preference, limitation or discrimination.
- (4) Represent to any person because of race, color, religion, ancestry, sex, place of birth, physical handicap or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

- (5) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, ancestry, sex, place of birth, physical handicap or national origin.

(Ord. No. 88-01, § 4, 1-19-1988; Ord. No. 90-22, § 4, 12-4-1990)

#### **Sec. 42-55. Discrimination in the financing of housing.**

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying for a loan or other financial assistance for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, familial status, handicap, age or national origin of such persons or of any person associated with him in connection with such loan or other financial assistance, or of the dwelling in relation to which such loan or other financial assistance is to be made or given; but nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 42-53.

(Ord. No. 88-01, § 5, 1-19-1988; Ord. No. 90-22, § 5, 12-4-1990)

#### **Sec. 42-56. Discrimination in the provision of brokerage services.**

It shall be unlawful to deny any person access or to membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, familial status, handicap, age or national origin.

(Ord. No. 88-01, § 6, 1-19-1988; Ord. No. 90-22, § 6, 12-4-1990)

#### **Sec. 42-57. Administration.**

- (a) The authority and responsibility for administering this article shall be with the county commission.
- (b) The county commission may delegate its functions, duties and powers to an appointed board, including functions, duties and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this article.
- (c) The county commission or its appointed board shall:
  - (1) Implement the provisions of this article and rules and regulations promulgated under this article and all county ordinances, codes, rules and regulations pertaining to housing discrimination.
  - (2) Receive, initiate and investigate any and all complaints alleging violations of this article and take appropriate action to eliminate, conciliate, prevent and/or initiate prosecution of any such violations.

- (3) Provide assistance in all matters relating to equal housing opportunity.
- (4) Publish and disseminate public information and educational materials relating to housing discrimination.
- (5) Enter into written working agreements, as may be necessary to effectuate the purposes of this article, with federal, state and county agencies involved in reducing housing discrimination.
- (6) Administer oaths and compel the attendance of witnesses and the production of evidence before it by subpoenas issued by the county commission or its appointed board.
- (7) Take other informational, educational or persuasive actions to implement the purposes of this article.

(Ord. No. 88-01, § 7, 1-19-1988)

#### **Sec. 42-58. Procedure.**

- (a) Any person aggrieved by an unlawful practice prohibited by this article must file a written complaint with the county commission or its appointed board within 45 days after the alleged unlawful practice occurs.
- (b) Upon receipt of a complaint, the county commission or its appointed board shall serve upon the individual charged with a violation (hereinafter referred to as the respondent) the complaint and a written resume setting forth the rights of the parties, including but not limited to the right of the respondent to a hearing on the matter before adjudication by the county commission or its appointed board.
- (c) The county commission or its appointed board shall immediately investigate the complaint. Within 60 days from the date of the receipt of the complaint, the county commission or its appointed board shall establish a written report with findings of fact.
- (d) Copies of the county commission's or its appointed board's report shall be sent to the complainant and the respondent. Either may, within ten days after receipt of such report, request a hearing before the county commission.
- (e) When the complainant or the respondent requests a hearing by the county commission or its appointed board, or when the county commission or its appointed board itself determines that a hearing is desirable, the county commission or its appointed board shall call and conduct such hearing in accordance with section 42-59.
- (f) The county commission or its appointed board shall carry into execution the actions specified in its report, or, if a hearing is held, shall carry into execution the actions determined upon by the county commission or its appointed board in the hearing.
- (g) The county commission or its appointed board in its review or its hearing may determine that:
  - (1) The complaint lacks ground upon which to base action for violation of this article;
  - (2) The complaint has been adequately dealt with by conciliation of the parties; or
  - (3) The case warrants filing charges against the offending party in the appropriate

court.

In some cases, both conciliation and adjudicative orders or both adjudicative orders and initiation of court action may be indicated.

- (h) If the county commission or its appointed board issues an adjudicative order to correct, adjust, conciliate, prevent or prohibit any unlawful act prohibited by this article, and the respondent refuses or fails to comply with or obey such adjudication, the county commission or its appointed board shall forthwith request that the state attorney file a complaint in the appropriate court.
- (i) The provision of rule 1.090, Florida Rules of Civil Procedure, shall govern the computation of any period of time prescribed by this article.
- (j) All papers or pleadings required by this article to be served may be served by certified mail or in accordance with the provisions of rule 1.080(b), Florida Rules of Civil Procedure.

(Ord. No. 88-01, § 8, 1-19-1988)

#### **Sec. 42-59. Hearings before the county commission.**

- (a) When a hearing is required before the county commission or its appointed board, as specified in section 42-58(e), the county commission or its appointed board shall schedule the hearing and serve upon all interested parties a notice of time and place of the hearing. The hearing shall be held promptly, but not less than 15 days after service of such notice and of the county commission or its appointed board written report (section 42-58(d)).
- (b) The parties, or their authorized counsel, may file such statements with the county commission or its appointed board, prior to the hearing date, as they deem necessary in support of their positions. The parties may appear before the county commission or its appointed board in person or by duly constituted representative and may have the assistance of attorneys. The parties may present testimony and evidence, and the right to cross examine witnesses shall be preserved. All testimony shall be given under oath or by affirmation. The county commission or its appointed board shall not be bound by strict rules of evidence prevailing in courts of law or equity, but due process shall be observed. The county commission or its appointed board shall keep a full record of the hearing, which records shall be public and open to inspection by any person; and upon request by any principal party to the proceedings, the county commission or its appointed board shall furnish such party a copy of the hearing record at cost. The constitutional rights of the respondent not to incriminate himself shall be scrupulously observed.
- (c) The county commission or its appointed board shall make a finding of fact, and a determination of action to be taken (section 42-58(g)).
- (d) The county commission or its appointed board may issue subpoenas to compel access to or the production or appearance of premises, records, documents, individuals, and other evidence or possible sources of evidence relative to the complaint at issue.
- (e) Upon written application to the county commission or its appointed board, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the

name of the county commission or, to the same extent and subject to the same limitations as subpoenas issued by the county commission or its appointed board itself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

- (f) Witnesses summoned by subpoena of the county commission or its appointed board shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the state courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him unless he is indigent, in which case the county shall bear the cost of the fees.
- (g) Within ten days after service of a subpoena upon any person, such person may petition the county commission or its appointed board to revoke or modify the subpoena. The county commission or its appointed board shall grant the petition if it finds that the subpoena requires appearance or attendance, at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- (h) In case of refusal to obey a subpoena, the county commission or its appointed board or the person at whose request it was issued may petition for its enforcement in the appropriate court.

(Ord. No. 88-01, § 9, 1-19-1988)

#### **Sec. 42-60. Other remedies.**

Nothing in this article shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled, or from filing of any complaint with any other agency or any court having proper jurisdiction.

(Ord. No. 88-01, § 10, 1-19-1988)

#### **Sec. 42-61. Report to real estate commission.**

If a real estate broker, a real estate salesman, or an employee of either has been found to have committed an unlawful practice in violation of this article, or has failed to comply with an order issued by the county commission or its appointed board, the county commission or its appointed board shall, in addition to the other procedures set forth in this article, report the facts to the real estate commission of the state.

(Ord. No. 88-01, § 11, 1-19-1988)

Secs. 42-62--42-90. Reserved.

### **ARTICLE III. HOUSING ASSISTANCE PROGRAM\***

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\***Editor's note:** Ord. No. 08-10, § 1, adopted June 17, 2008, amended the Code by, in effect, repealing former art. III, §§ 42-91--42-99, and adding a new art. III. Former art. III pertained to similar subject matter, and derived from Ord. No. 93-02, adopted March 2, 1993; and Ord. No.

94-01, adopted May 3, 1994.

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## **DIVISION 1. GENERALLY**

### **Sec. 42-91. Definitions.**

All terms used in this article shall be defined as provided in the State Housing Initiatives Partnership Act, F.S. §§ 420.907 through 420.9079, and administrative rules promulgated there under, particularly ch. 67-37 of the Florida Administrative Code (FAC) as amended.

(Ord. No. 08-10, § 1, 6-17-2008)

### **Sec. 42-92. Creation of housing assistance trust fund.**

- (a) The county housing assistance trust fund is created and established.
- (b) The housing assistance trust fund shall be established and maintained as required by F.S. §§ 420.907 through 420.9079, and chapter 67-37, FAC.
- (c) The following monies shall be deposited into the housing assistance trust fund:
  - (1) All monies received by the county from its share of the local housing distribution that is defined in rule 67-37.002 FAC, as the proceeds of taxes collected under F.S. ch. 201, deposited into the local government-housing trust fund and distributed to counties and eligible municipalities participating in the State Housing Initiatives Partnership (SHIP) program pursuant to F.S. § 420.9073, recaptured local housing distribution funds, and program income.
  - (2) Other monies received or budgeted by the county to provide for the housing assistance program.
  - (3) Monies generated for housing assistance program activities such as interest earned on loans; provided, however, local housing distribution funds used to match federal HOME program monies may be repaid to the HOME program trust fund, if required by federal law or regulation.
- (d) Expenditures other than for the administration and implementation of the housing assistance plan shall not be made from the housing assistance trust fund.
- (e) Monies from the housing assistance trust fund shall be used to implement the housing assistance plan and shall be further limited by the restrictions in use provided by rule 67-37.007 F.A.C. and other pertinent state law or regulation.
- (f) Amounts on deposit in the housing assistance trust fund shall be invested as permitted by law for local housing distribution funds of the county. All investment earnings shall be retained in such fund and used for the purposes provided in this article.
- (g) The housing assistance trust fund shall be separately stated as a special revenue fund in the audited financial statements of the county. Copies of such audited financial statements shall be forwarded annually to the state housing finance agency as soon as such statements are available.

(Ord. No. 08-10, § 1, 6-17-2008)

**Sec. 42-93. Establishment of housing partnership.**

- (a) The county housing partnership is created and established as the local housing partnership to implement the housing assistance plan to expand production of and preserve affordable housing, to increase housing-related employment and to create initiatives to provide support services for housing program beneficiaries.
- (b) The housing partnership shall include but not necessarily be limited to the county, not-for-profit and other community-based housing and service organizations, housing developers, providers of professional services relating to affordable housing and other persons who can assist in providing housing or related support services for the targeted population.

(Ord. No. 08-10, § 1, 6-17-2008)

**Sec. 42-94. Nondiscrimination.**

Neither the county, the grants and human services department, the housing partnership, the housing advisory committee, nor its members, staff, agents or representatives shall discriminate on the basis of race, creed, religion, color, sex, familial status, national origin or disability in the selection of recipients or assistance under the state housing initiatives partnership program.

(Ord. No. 08-10, § 1, 6-17-2008)

Secs. 42-95--42-99. Reserved.

**DIVISION 2. AFFORDABLE HOUSING ADVISORY COMMITTEE**

**Sec. 42-100. Created; purpose.**

The affordable housing advisory committee is created and established to recommend monetary and non-monetary incentives for the affordable housing incentive plan.

(Ord. No. 08-10, § 1, 6-17-2008)

**Sec. 42-101. Membership, terms, quorum and voting requirements.**

- (a) The affordable housing advisory committee shall consist of 11 members. The term of service and duties of the committee shall be as required as referenced in F.S. § 420.9076.
- (b) Five members shall constitute a quorum sufficient to permit the committee to take any formal action. However, if formal action is not taken, the committee may meet to hear presentations with less than a quorum in attendance, if the meeting is duly noticed. A majority of concurring votes of the entire membership of the committee shall be necessary for a decision or recommendation by the committee.

- (c) The committee may elect a chairperson or president officer.
- (d) The county commission shall appoint, by resolution, the members to the committee from recommendations submitted to the county commission. The composition of the committee shall include the following individuals as provided in F.S. § 420.9076, to-wit:
  - (1) One citizen who is actively engaged in the residential home building industry in connection with affordable housing; and
  - (2) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing; and
  - (3) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing; and
  - (4) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing; and
  - (5) One citizen who is actively engaged as a for-profit provider of affordable housing; and
  - (6) One citizen who is actively engaged as a not-for-profit provider of affordable housing; and
  - (7) One citizen who is actively engaged as a real estate professional in connection with affordable housing; and
  - (8) One citizen who actively serves on the local planning agency pursuant to F.S. § 163.3174; and
  - (9) One citizen who resides within the jurisdiction of the local governing body making the appointments.
  - (10) One citizen who represents employers within the jurisdiction; and
  - (11) One citizen who represents essential services personnel, as defined in the local housing assistance plan.
- (e) In the event the county is unable to appoint a citizen actively engaged in the above listed activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.
- (f) The term of membership on the affordable housing advisory committee shall be three years. Provided however, that one-third of the committee members shall serve an initial term of one year; one-third of the committee members shall serve an initial term of two years.
- (g) All meetings of the affordable housing advisory committee are public meetings, and all committee records are public records. Staff, administrative and faculty support for the affordable housing advisory committee shall be provided by the Suwannee River Economic Council, Inc.

(Ord. No. 08-10, § 1, 6-17-2008)

**Sec. 42-102. Adoption of affordable housing incentive plan.**

- (a) The affordable housing advisory committee shall hold public meetings in which it reviews the established policies and procedures, ordinances, land development regulations and the county comprehensive plan. The committee shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.
- (b) Recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations or comprehensive plan provisions; the creation of exceptions applicable to affordable housing, or the adoption of new policies, procedures, regulations, ordinances or comprehensive plan provisions. At a minimum, the committee recommends affordable housing incentives in the following areas:
  - (1) Definition of affordable housing.
  - (2) Expedited processing of permits issued by the county for affordable housing projects. Provisions for priority of affordable housing projects must be identified.
  - (3) Modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment.
  - (4) Allowance of increased density levels.
  - (5) Reservation of infrastructure capacity for housing for very-low-income persons and low-income persons.
  - (6) Transfer of development rights as a financing mechanism for housing for very-low-income and low-income persons.
  - (7) Reduction of parking and setback requirements.
  - (8) Allowance of zero lot line configurations or development.
  - (9) Modification of street requirements.
  - (10) Initiation of a process to evaluate the impact of proposed county policies, procedures ordinances, regulations or comprehensive plan provisions upon the cost of housing prior to adoption by the county.
  - (11) Preparation of a printed inventory of locally owned public lands suitable for affordable housing.
  - (12) Other affordable housing incentives.
- (c) To the maximum extent feasible, the recommendations for an affordable housing incentive plan submitted to the county commission shall quantify the affordable housing cost reduction anticipated from implementing the specific recommendations.
- (d) The affordable housing advisory committee shall submit recommendations approved by an affirmative vote of a majority of its entire membership at a public hearing. Public notice of the committee meeting shall include the time, date and place and shall be published in a newspaper of general paid circulation. The notice shall provide a short and concise summary of the affordable housing incentive plan recommendations to be considered by the committee. The notice shall state the public place where a copy of the committee recommendations can be obtained by interested persons.
- (e) Within 90 days after receipt of the affordable housing incentive plan recommendations

from the committee; the county commission shall adopt an affordable housing incentive plan. The incentive plan shall adopt specific initiatives to encourage or facilitate affordable housing and a schedule for implementation. At a minimum, the incentive plan shall provide the following:

- (1) A schedule for implementation of expedited permit processing for affordable housing projects.
- (2) A process for review of local policies, ordinances, regulations, and incentive plan provisions that significantly impact the cost of housing prior to their adoption.

(Ord. No. 08-10, § 1, 6-17-2008)

Secs. 42-103--42-105. Reserved.

### **DIVISION 3. LOCAL HOUSING ASSISTANCE PLAN**

#### **Sec. 42-106. Created, intent.**

The housing assistance plan is created and established for the purpose of making affordable residential units available to persons of very low income, low income, or moderate income and to persons who have special housing needs. The plan is intended to increase the availability of affordable residential units by combining local resources and cost-saving measures into a local housing partnership and using private and public funds to reduce the cost of housing.

(Ord. No. 08-10, § 1, 6-17-2008)

#### **Sec. 42-107. Use of State Housing Initiatives Partnership program funds.**

State Housing Initiatives Partnership (SHIP) program local housing distribution funds shall be used to implement the housing assistance plan. The benefits of the assistance received through the SHIP program must accrue to eligible persons occupying eligible housing. Eligible properties must be located within the territorial limits or geographic boundaries of the county. The funds received shall be used to implement a locally designed strategy that created or preserves affordable housing for homeowners and renters. The section shall not be construed to prohibit use of the local housing distribution deposited in the housing assistance trust fund for a mixed-income rental development. Local housing distribution funds may be used in applications to:

- (1) Implement local housing assistance and incentive strategies that create or preserve affordable housing.
- (2) Supplement programs of the state housing finance agency.
- (3) Provide a local match to obtain federal housing grants or programs.
- (4) Fund emergency repairs by existing service providers under weatherization programs.
- (5) Further the housing element of the comprehensive plan, as amended, specific to affordable housing.

(Ord. No. 08-10, § 1, 6-17-2008)

**Sec. 42-108. Adoption; purpose.**

The county commission shall adopt an affordable housing plan within 12 months after establishing, by ordinance, the housing assistance plan in accordance with the provisions of rule 67-37.010 F.A.C., as amended. The purpose of the affordable housing incentive plan is to provide a coordinated strategy of special affordable housing incentives to be utilized during the time period designated in the plan. The affordable housing incentive plan may be amended or extended by the county commission from time to time.

The following criteria apply for the distribution of awards made to eligible persons or sponsors for the purpose of providing affordable housing:

- (1) *Limitations on expenditure of funds.* Limitations on the expenditure of funds shall be as follows:
  - a. At least 65 percent of the funds made available from the local housing distribution shall be reserved for home ownership activities.
  - b. At least 75 percent of the funds made available from the local housing distribution shall be reserved for construction, rehabilitation or emergency repairs of affordable eligible housing. Construction, rehabilitation or emergency repairs must be completed either within one year immediately preceding the date of closing (conveyance of title) or within 24 months of the close of the applicable state fiscal year to satisfy this requirement, unless otherwise extended as provided by rule 67-37.002 F.A.C., as amended.
  - c. No more than ten percent of the funds made available for local housing distribution and no more than five percent of the program income shall be used for administrative expenses of the housing assistance plan. If the county desires to use more than five percent of its local housing distribution and/or an additional five percent of program income on administrative expenses, prior approval by resolution of the county commission is required.
  - d. The balance of the funds made available for local housing distribution may be used for housing production and finance activities, including but not limited to financing of the purchase of existing units, providing rental housing and providing home ownership training to prospective purchasers and owners of homes assisted through the housing assistance program.
- (2) *Restrictions on occupancy use and price of homes.* Restrictions on occupancy, use and price of homes shall be as follows:
  - a. The purchase price of or value of new or existing homes which are sold or rehabilitated under the state housing initiatives partnership (SHIP) program shall not exceed 90 percent of the median area purchase price for either new or existing homes, as applicable, for the area where the housing is located, as established by the United States Department of the

Treasury. The county at its discretion may set the purchase price below the 90 percent benchmark.

- b. Loans using local housing distribution funds deposited in the housing assistance trust fund may not have terms exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.
- c. All units constructed, rehabilitated or otherwise assisted with local housing distribution funds provided from the housing assistance trust fund shall be occupied by eligible persons. At least 30 percent of the local housing distribution funds deposited into the housing assistance trust fund must be reserved for awards to very-low-income persons or eligible sponsors who will serve very-low-income persons and at least an additional 30 percent of the local housing distribution funds deposited in the housing assistance trust fund must be reserved for awards to low-income persons. The remainder may be reserved for eligible persons or eligible sponsors that will serve eligible persons.
- d. Loans or grants for eligible rental housing constructed or rehabilitated or otherwise assisted from the housing assistance trust fund must be subject to recapture requirements as provided by the housing assistance plan. Rental housing constructed or rehabilitated or otherwise assisted from the housing assistance trust fund shall provide the minimum set aside requirements of units for eligible persons for at least 15 years or the term of assistance, whichever period is longer. Rental housing offered for sale prior to the end of this period or have remaining mortgages under the program must be subject to a right of first refusal for purchase at the current market value by eligible not-for-profit organizations that would provide continued occupancy by eligible persons.
- e. The amount of monthly mortgage payments, including taxes and insurance, and the amount of monthly rental payments shall be affordable for the very-low, low and moderate-income persons and households who will benefit from the housing assistance plan.
- f. Rental units constructed or rehabilitated or otherwise assisted from the housing assistance trust fund shall be monitored at least annually for 15 years or the term of assistance, whichever is longer, for compliance with tenant income and affordability requirements.
- g. Loans or grants for houses constructed or rehabilitated or otherwise assisted from the housing assistance trust fund that are sold to homebuyers shall be subject to recapture requirements as provided by the housing assistance plan.
- h. Local housing distribution funds deposited to the housing assistance trust fund may not be used as a pledge to pay the debt service on bonds or as rent subsidies; provided, however, funds may be used for security and utility deposit assistance.
- i. Developers receiving assistance from both the state housing initiatives

partnership (SHIP) program and the low income rental housing tax credit (LIRHTC) program shall be required to comply with the income, affordability and other LIRHTC requirements. Similarly, any units receiving assistance from SHIP and other federal, state or local programs shall be required to comply with all requirements specified by the other program in addition to SHIP requirements. If both programs contain restrictions on the same subject, the more restrictive regulations shall take precedence. If one program is silent on an issue, the program with a regulation on that issue shall apply.

(Ord. No. 08-10, § 1, 6-17-2008)

### **Sec. 42-109. Responsibility for implementation and administration.**

- (a) The county shall be responsible for the development, implementation and administration of the housing assistance plan according to the state housing initiatives program, F.S. § 420.907 et seq. The county shall cooperate with the local housing partnership in order to accomplish the purposed of the housing assistance plan and to effectuate the strategies in furtherance thereof.
- (b) At a minimum, the county shall assume the following responsibilities:
  - (1) Oversight of the receipt and expenditures of local housing distribution funds in compliance with state law and regulation.
  - (2) Coordination of efforts to promote the construction and development of affordable housing with state agencies, the county, other municipalities within the county and other affected public and private entities.
  - (3) Evaluation of the effectiveness of the housing assistance plan.
  - (4) Verification that no more than ten percent of the local housing distribution plus five percent of program income will be used for administrative expenses.
  - (5) Compliance with the following criteria:
    - a. All reporting requirements of the state housing finance corporation.
    - b. Advertisement of the availability of a housing assistance program in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods within the county at least 30 days before the beginning of each application period.
    - c. No discrimination on the basis of race, creed, religion, color, age, sex, familial status, marital status, national origin or disability in the award application process for eligible housing and in the implementation of the housing assistance program.

(Ord. No. 08-10, § 1, 6-17-2008)

### **Chapters 43--45 RESERVED**

### **Chapter 46 LAW ENFORCEMENT\***

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**\*Cross references:** Administration, ch. 2; courts, ch. 26; emergency services, ch. 30; traffic and vehicles, ch. 74.

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Article I. In General

[Sec. 46-1. Reward for information regarding destruction of county property.](#)

Secs. 46-2--46-30. Reserved.

Article II. Sheriff's Service Fees and Surfees

[Sec. 46-31. Discretionary surfee schedule.](#)

[Sec. 46-32. Placement in county fund.](#)

## **ARTICLE I. IN GENERAL**

### **Sec. 46-1. Reward for information regarding destruction of county property.**

- (a) The board of county commissioners is authorized to offer and pay a reward not to exceed \$500.00 to any person furnishing information leading to the conviction of any person willfully or maliciously destroying property owned by the county.
- (b) The offer of such reward shall be made by resolution adopted by the board of county commissioners and recorded in its minutes and thereafter published in local newspapers.
- (c) The payment of the reward shall be made from the contingency appropriation in the fine and forfeiture fund of the county.
- (d) The board of county commissioners shall be the sole judges of persons qualifying to receive the reward, and the decision made by the board of county commissioners shall be final.

(Ord. No. 72-3, §§ 1--4, 5-19-1972)

Secs. 46-2--46-30. Reserved.

## **ARTICLE II. SHERIFF'S SERVICE FEES AND SURFEES\***

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**\*Cross references:** Taxation and finance, ch. 70.

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### **Sec. 46-31. Discretionary surfee schedule.**

- (a) Pursuant to the provisions of F.S. §§ 30.232 and 125.0166, the board of county commissioners levies a discretionary surfee for the services of the sheriff listed in F.S. § 30.231(a)--(d), which shall be in addition to the amounts permitted under F.S. § 30.231, according to the following schedule:
  - (1) All summons or writs except subpoenas and executions: \$4.50 for each person or respondent to be served.

- (2) All writs except executions requiring a levy or seizure of property: \$2.00 in addition to the extra \$4.50 surfee as stated in subsection (1).
- (3) Witness subpoenas: \$2.00 for each witness to be served.
- (4) For executions:
  - a. For docketing and indexing each writ of execution, regardless of the number of persons involved: \$2.00.
  - b. For each levy: \$5.00.
  - c. For advertisement of sale under process: \$1.00.
  - d. For sale under process: \$3.00.
  - e. For deed or bill of sale: \$3.00.
- (b) After levy, the sheriff shall be entitled to collect the fees, notwithstanding payment of the debt to the plaintiff. The sheriff shall be allowed actual expenses for the levying, safekeeping and sale of property under levy.

(Ord. No. 77-4, § 1, 11-15-1977)

#### **Sec. 46-32. Placement in county fund.**

All fees collected under the provisions of this article shall be paid monthly into the fine and forfeiture fund of the county.

(Ord. No. 77-4, § 2, 11-15-1977)

### **Chapters 47--49 RESERVED**

### **Chapter 50 MANUFACTURED HOMES AND TRAILERS\***

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\***Cross references:** Buildings and building regulations, ch. 18; health, ch. 38; housing, ch. 42; solid waste, ch. 62; streets and sidewalks, ch. 66; traffic and vehicles, ch. 74.

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Article I. In General  
Secs. 50-1--50-30. Reserved.  
Article II. Mobile Homes  
[Sec. 50-31. Compliance with building regulations required.](#)  
[Sec. 50-32. Inspections authorized.](#)  
[Sec. 50-33. Schedule of fees.](#)  
[Sec. 50-34. Certificate of occupancy required.](#)  
[Sec. 50-35. Effect of article on prior legislation.](#)

### **ARTICLE I. IN GENERAL**

Secs. 50-1--50-30. Reserved.

## **ARTICLE II. MOBILE HOMES**

### **Sec. 50-31. Compliance with building regulations required.**

The owner of each mobile home located in the unincorporated area of the county shall be responsible for compliance with all state and local building codes, ordinances and regulations regarding such functions as blocking and leveling, tiedowns, utility connections, conversions of appliances, and external improvements on the mobile home. Should the owner fail to comply with such state and local building codes, ordinances and regulations, a certificate of occupancy shall not be issued.

(Ord. No. 82-03, § 1, 1-19-1982)

### **Sec. 50-32. Inspections authorized.**

The building inspector shall perform all on-site inspections required by law and ensure compliance for each mobile home located in the unincorporated area of the county, and shall issue all necessary permits and certificates of occupancy required in this article provided the owner is entitled to receive such permits and certificates.

(Ord. No. 82-03, § 2, 1-19-1982)

### **Sec. 50-33. Schedule of fees.**

- (a) The board may, by resolution, adopt or amend a schedule of fees for the issuance of permits, inspections and certificates as required under this chapter.
- (b) The county building inspector shall be responsible for maintaining the list of current fees imposed under this section.
- (c) The county building inspector shall report to the board at its first regular meeting in December each year on the revenue generated by the fees imposed and the costs incurred by the building department. It being the intent of the board that the building department be self-sufficient. As part of that report the county building inspector shall recommend amendments, if any, in the schedule of fees.

(Ord. No. 88-03, § 3, 1-19-1988; Ord. No. 88-10, § 3, 4-19-1988; Ord. No. 91-02, § 3, 2-19-1991; Ord. No. 94-19, § 3, 11-15-1994; Ord. No. 02-08, § 1, 3-19-2002)

### **Sec. 50-34. Certificate of occupancy required.**

No person shall occupy a mobile home located in the unincorporated area of the county prior to receipt of a certificate of occupancy for that mobile home.

(Ord. No. 82-03, § 4, 1-19-1982)

### **Sec. 50-35. Effect of article on prior legislation.**

Nothing in this article shall be construed to affect any suit or proceeding now pending in any court, or any rights accrued or existing, under any act or ordinance repealed by this article.

(Ord. No. 82-03, § 5, 1-19-1982)

## **Chapter 51 RESERVED**

## **Chapter 52 OFFENSES AND MISCELLANEOUS PROVISIONS**

Article I. In General

Secs. 52-1--52-20. Reserved.

Article II. Public Nudity

[Sec. 52-21. Title.](#)

[Sec. 52-22. Intent.](#)

[Sec. 52-23. Definitions.](#)

[Sec. 52-24. Legislative findings.](#)

[Sec. 52-25. Nudity, sexual conduct prohibited in establishments dealing in alcoholic beverages.](#)

[Sec. 52-26. Nudity prohibited in public places.](#)

[Sec. 52-27. Exemptions.](#)

[Sec. 52-28. Enforcement and penalties.](#)

[Sec. 52-29. Injunctive relief.](#)

[Sec. 52-30. Territory embraced.](#)

### **ARTICLE I. IN GENERAL**

Secs. 52-1--52-20. Reserved.

### **ARTICLE II. PUBLIC NUDITY\***

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\***Editor's note:** Ord. No. 01-09, §§ 1--10, adopted July 3, 2001, did not specifically amend the Code. Hence, its inclusion as article II, sections 52-21--52-30, was at the discretion of the editor.

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#### **Sec. 52-21. Title.**

This article shall be known as the Suwannee County Public Nudity Ordinance.

(Ord. No. 01-09, § 1, 7-3-01)

#### **Sec. 52-22. Intent.**

It is the intent of this article to protect and preserve the health, safety, welfare, and morals of the citizens of the county by prohibiting a person from intentionally or recklessly appearing or being nude, or causing another person to appear or be nude, in a public place and in other places which may reasonably be expected to be observed by the public within the unincorporated areas of the county except:

- (1) When such person appears nude in a place provided or set apart for nudity provided:
  - a. Such person is nude for the sole purpose of performing the legal function(s) that is customarily intended to be performed within such place

provided or set apart for nudity; and

- b. Such person is not nude for the purpose of obtaining money or other financial gain for such person or for another person or entity; or
- (2) When the conduct of being nude can not legally be prohibited by this article:
- a. Because it constitutes a part of a bona fide live communication, demonstration or performance by such person wherein such nudity is expressive conduct incidental to and necessary for the conveyance or communication of a genuine message or public expression and is not a guise or pretense utilized to exploit nudity for profit or commercial gain (see for instance Board of County Commissioners vs. Dexterhouse, 348 So. 2d 916 (Fla. 2nd DCA 1977) and as such is protected by the United States or Florida Constitution; or
  - b. Because it is otherwise protected by the United States or Florida Constitution.

It is the board's further intention to accomplish those intents and purposes expressed by the board on the "whereas" provisions of the ordinance from which this article derives, each of which are incorporated by reference into this section 52-22.

(Ord. No. 01-09, § 2, 7-3-01)

### **Sec. 52-23. Definitions.**

As used in this article the following terms shall mean:

*Alcoholic beverages:* All distilled spirits and all beverages containing one-half of one percent or more alcohol by volume. The percentage of alcohol by volume shall be determined by measuring the volume of the standard ethyl alcohol in the beverage and comparing it with the volume of the remainder of the ingredients as though said remainder ingredients as though said remainder ingredients were distilled water.

*Breast:* A portion of the human female mammary gland (commonly referred to as the female breast) including the nipple and the areola (the darker colored area of the breast surrounding the nipple) and an outside area of such gland wherein such outside area is:

- (1) Reasonably compact and contiguous to the areola; and
- (2) Contains at least the nipple and the areola and one-fourth of the outside surface area of such gland.

*Buttocks:* (For a short general description see the last sentence of this subsection.) The area at the rear of the human body (sometimes referred to as the gluteus maximus) which lies between two imaginary straight lines running parallel to the ground when a person is standing, the first or top such line being one-half inch below the top of the vertical cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the second or bottom such line being one-half inch above the lowest point of the curvature of the fleshy protuberance (sometimes referred to as the gluteal fold), and between two imaginary straight lines, one on each side of the body (the "outside lines"), which outside lines are perpendicular to the ground and to the horizontal lines described above and which perpendicular outside lines pass through the outermost point(s) at which each nate meets the

outer side of each leg. Notwithstanding the above, buttocks shall not include the leg, the hamstring muscle or any of the above-described portion of the human body that is between either:

- (1) The left inside perpendicular line and the left outside perpendicular line; or
- (2) The right inside perpendicular line and the right outside perpendicular line.

For the purpose of the previous sentence the left inside perpendicular line shall be an imaginary straight line on the left side of the anus:

- (1) That is perpendicular to the ground and to the horizontal lines described above; and
- (2) That is one-third of the distance from the anus to the left outside line, and the right inside perpendicular line shall be an imaginary straight line on the right side of the anus:
  - a. That is perpendicular to the ground and to the horizontal lines described above; and
  - b. That is one-third of the distance from the anus to the right outside line.

The above description can generally be described as covering one-third of the buttocks centered over the cleavage for the length of the cleavage.

*Entity:* Any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company or other for profit and/or not for profit organization.

*Establishment dealing in alcoholic beverages:* Any business, commercial or other establishment (whether for profit or not for profit and whether open to the public at large or where entrance is limited by cover charge or membership requirement) including those licensed by the state for sale and/or service of alcoholic beverages, and any bottle club; hotel; motel; restaurant; night club, country club; cabaret; meeting facility utilized by any religious, social, fraternal or similar organization; business, commercial or other establishment where a product or article is sold, dispensed, served or provided with the knowledge, actual or implied, that the same will be, or is intended to be mixed, combined with or drunk in connection or combination with an alcoholic beverage on the premises or curtilage of said business, commercial or other establishment; or business, commercial or other establishment where the consumption of alcoholic beverages is permitted. Premises, or portions thereof such as hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be an establishment dealing in alcoholic beverages.

*Nude:* Any person insufficiently clothed in any manner so that any of the following body parts are not entirely covered with a fully opaque covering:

- (1) The male or female genitals;
- (2) The male or female pubic area;
- (3) The female breast (see the last sentence in this subsection f); or
- (4) The buttocks. Attire which is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, dental floss and thongs. Body paint, body dyes, tattoos, liquid latex whether wet or dried, and similar substances shall not be considered opaque covering. Each female person may determine which

one-fourth of her breast surface area (see definition of breast) contiguous to and containing the nipple and the areola is to be covered.

*Person:* Any live human being aged ten years of age or older.

*Places provided or set apart for nudity:* Shall mean enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

*Public place:* Any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, springs, business and commercial establishments (whether for profit or not for profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organization. Premises, or portions thereof such as hotel rooms, used solely as a private residence, whether permanent or temporary in nature shall not be deemed to be a public place.

(Ord. No. 01-09, § 3, 7-3-01)

#### **Sec. 52-24. Legislative findings.**

In addition and supplemental to the findings and determinations contained in the "Whereas" provisions of this article which are incorporated by reference into this section 52-24, it is hereby found by the board, acting in its legislative capacity for the purpose of regulating the conduct of appearing nude in public places and for the purpose of regulating nudity and other conduct in establishments dealing in alcoholic beverages, that, considering what has happened in other communities, the acts prohibited in section 52-25 hereinbelow encourage or create the potential for the conduct of prostitution, attempted rape, rape, and assault in and around establishments dealing in alcoholic beverages; that actual and simulated nudity and sexual conduct, coupled with the consumption of alcoholic beverages in public places, begets and has the potential for begetting undesirable and unlawful behavior; that sexual, lewd, lascivious, and salacious conduct among patrons and employees within establishments dealing in alcoholic beverages results in violation of law and creates dangers to the health, safety, morals, and welfare of the public and those who engage in such conduct; and, it is the intent of section 52-25 of this article to specifically prohibit nudity, gross sexuality and the simulation thereof in establishments dealing in alcoholic beverages.

(Ord. No. 01-09, § 4, 7-3-01)

#### **Sec. 52-25. Nudity, sexual conduct prohibited in establishments dealing in alcoholic beverages.**

The following prohibitions and criteria shall apply within existing and/or newly created establishments dealing in alcoholic beverages and the curtilages thereof:

- (1) No person shall knowingly, intentionally or recklessly appear, or cause another person to appear, nude or expose to public view his or her genitals, pubic area, vulva, or buttocks, or any simulation thereof;
- (2) No female person shall knowingly, intentionally or recklessly expose, or cause another female person to expose her breasts or any simulation thereof to public view;
- (3) No person or entity maintaining, owing, or operating an establishment dealing in alcoholic beverages shall encourage, allow or permit any person to appear nude or to expose to public view his or her genitals, pubic area, vulva, anus, or any portion of the buttocks or simulation thereof, this section shall be violated if any portion of the buttocks is visible from any vantage point.
- (4) No person or entity maintaining, owning, or operating an establishment dealing in alcoholic beverages shall encourage, allow or permit any female person to expose her breasts or any simulation thereof to public view;
- (5) No person shall engage in and no person or entity maintaining, owning, or operating an establishment dealing in alcoholic beverages shall encourage, allow or permit any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, lap dancing, straddle dancing, any sexual act which is prohibited by law, touching, caressing, or fondling of the breasts, buttocks, anus, or genitals, or the simulation thereof.
- (6) The prohibition of this section 52-25 shall not apply when a person appears nude in a place provided or set apart for nudity provided:
  - a. Such person is nude for the sole purpose of performing the legal function(s) that is customarily intended to be performed within such place provided or set apart for nudity; and
  - b. Such person is not nude for the purpose of obtaining money or other financial gain for such person or for another person or entity.
- (7) Each female person may determine which one-fourth of her breast surface area (see definition of breast) contiguous to and containing the areola is to be covered.
- (8) This section 52-25 shall not be deemed to address photographs, movies, video presentations, or other non-live performances.

(Ord. No. 01-09, § 5, 7-3-01)

### **Sec. 52-26. Nudity prohibited in public places.**

It shall be unlawful for any person to knowingly, intentionally, or recklessly appear, or cause another person to appear, nude in a public place or in any other place which is readily visible to the public, except as provided in section 52-27. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place establishment to encourage, suffer or allow any person to appear nude in such public place, except as provided in section 52-27.

(Ord. No. 01-09, § 6, 7-3-01)

## **Sec. 52-27. Exemptions.**

The prohibitions of section 52-26 of this article shall not apply:

- (1) When a person appears nude in a place provided or set apart for nudity provided:
  - a. Such person is nude for the sole purpose of performing the legal function(s) that is customarily intended to be performed within such place provided or set apart for nudity; and
  - b. Such person is not nude for the purpose of obtaining money or other financial gain for such person or for another person or entity; or
- (2) When the conduct of being nude can not legally be prohibited by this article:
  - a. Because it constitutes a part of a bona fide live communication, demonstration or performance by a person wherein such nudity is expressive conduct incidental to and necessary for the conveyance or communication of a genuine message or public expression and is not a mere guise or pretense utilized to exploit the conduct of being nude for profit or commercial gain (see for instance Board of County Commissioners vs. Dexterhouse, 348 So. 2d 916 (Fla. 2nd DCA 1977) and as such is protected by the United States or Florida Constitution; or
  - b. Because it is otherwise protected by the United States or Florida Constitution.

(Ord. No. 01-09, § 7, 7-3-01)

## **Sec. 52-28. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a

written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.

- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
  - (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 01-09, § 8, 7-3-01; Ord. No. 05-01, § 1.L, 11-3-2004)

### **Sec. 52-29. Injunctive relief.**

In addition to the procedures provided herein, establishments dealing in alcoholic beverages that are not in conformity with these requirements shall be subject to appropriate jurisdiction for abatement.

(Ord. No. 01-09, § 9, 7-3-01)

### **Sec. 52-30. Territory embraced.**

All territory within the legal boundaries of unincorporated Suwannee County shall be embraced by the provisions of this article.

(Ord. No. 01-09, § 10, 7-3-01)

## **Chapter 53 RESERVED**

## **Chapter 54 PARKS AND RECREATION\***

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\*Cross references: Waterways, ch. 78.

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[Sec. 54-1. Statutory authorization and statement of purpose.](#)

[Sec. 54-2. Definitions.](#)

[Sec. 54-3. Rules and regulations applicable to parks, playgrounds and recreational areas.](#)

[Sec. 54-4. Board may adopt rules and regulations to implement article.](#)

[Sec. 54-5. Race, creed, sex, color or religious persuasion no basis for denial of admission.](#)

[Sec. 54-6. Franchises for food concessions, management and operations.](#)

[Sec. 54-7. Rental of park, playground or recreational facility in its entirety prohibited.](#)

[Sec. 54-8. Enforcement of civil action.](#)

[Sec. 54-9. Enforcement and penalties.](#)

### **Sec. 54-1. Statutory authorization and statement of purpose.**

- (a) *Statutory authorization.* F.S. ch. 125, granted unto local governmental units the power and authority to provide parks, playgrounds and recreational facilities for the welfare of its citizens and to adopt ordinances and resolutions necessary to regulate the operation and prescribe fines and penalties for their violation. Therefore, the board of county commissioners ordains the provisions of this chapter.
- (b) *Statement of purpose.* It is the intent of this chapter to promote the public health, safety and general welfare of the citizens of the county in the use and enjoyment by them of the parks, playgrounds and recreational facilities owned by and leased to the county and open to the general public.

(Ord. No. 85-07, § 1, 6-4-1985)

## **Sec. 54-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boara* means the board of county commissioners.

*Parks, playgrounds and recreational facilities* means any parcel of land owned by or leased to the county having public access and used by the public generally as a park, playground or recreational facility or as a method of access to any river, stream or lake within or bordering the county.

*Public access* means any road or roadway conveyed to the county by easement, deed or grant of right-of-way or acquired through eminent domain proceedings, adverse possession, public usage, or maintenance by the state and/or county.

*River, stream or lake* means any navigable stream or river and its tributaries and/or meandered lake, the bed of which is owned by the state and which is not subject to control, use or regulation by the county.

(Ord. No. 85-07, § 2, 6-4-1985)

**Cross references:** Definitions generally, § 1-2.

## **Sec. 54-3. Rules and regulations applicable to parks, playgrounds and recreational areas.**

The following rules and regulations shall apply to and be enforced in all parks, playgrounds and recreational areas owned or leased to the county and open for public use:

- (1) Camping is prohibited except in designated areas.
- (2) Alcoholic beverages and drugs are prohibited.
- (3) Fires are prohibited except in designated areas.
- (4) Firearms and hunting are prohibited.
- (5) Plant and animal life are protected. No person shall dig, remove, deface or mutilate any plant or feed, capture, molest or annoy any animal.
- (6) Public profanity, unruly and disorderly behavior, loud noises disruptive to others, indecent exposure and/or nudity are prohibited.
- (7) The throwing, discarding, placing or depositing of any garbage, rubbish, trash, refuse, cans, bottles, containers, paper, lighted or unlighted cigarette or cigar, or flaming or glowing material in or on any portion of any park, playground or recreational area, including any portion of the public access leading to such places, except in containers lawfully provided for the purpose, is prohibited.
- (8) Dogs, cats and other pets are prohibited.
- (9) Intoxicated persons shall be denied entrance.

(Ord. No. 85-07, § 3, 6-4-1985)

**Sec. 54-4. Board may adopt rules and regulations to implement article.**

- (a) The board may establish rules and regulations to implement this article and its intent by resolutions, duly adopted by a majority of the board, to:
  - (1) Open or close parks, playgrounds and recreational facilities of the county for such hours and periods of time as may be determined by the board to be in the best interest of the citizens of the county.
  - (2) Establish and collect an entrance fee from each person entering any such park, playground or recreational facility, regardless of the method of entry, to defray cost of acquisition, operation and maintenance of any such park, playground or recreational facility.
  - (3) Prohibit, establish and/or designate the areas for parking of motor vehicles, cooking of food, picnicking and fishing.
  - (4) Establish speed limits of motor vehicles in any park, playground or recreational facility.
  - (5) Enact such other rules and regulations that will promote the safety and enjoyment of all persons in the use of such parks, playgrounds and recreational facilities.
- (b) Rules and regulations adopted by resolution of the board and posted in a prominent place at any park, playground or recreational facility shall have the same force and effect as if such rule and regulation were incorporated in and made a part of this article.

(Ord. No. 85-07, § 4, 6-4-1985)

**Sec. 54-5. Race, creed, sex, color or religious persuasion no basis for denial of admission.**

No person shall be denied admission to any park, playground or recreational facility of the county because of race, creed, sex, color or religious persuasion.

(Ord. No. 85-07, § 5, 6-4-1985)

**Sec. 54-6. Franchises for food concessions, management and operations.**

The board may solicit proposals by public notice and, after a public hearing on such proposals, grant franchises for food concessions and/or management and/or operation of any park, playground or recreational facility.

(Ord. No. 85-07, § 6, 6-4-1985)

**Sec. 54-7. Rental of park, playground or recreational facility in its entirety prohibited.**

No park, playground or recreational facility shall be rented for exclusive use by any

person or group for any purpose at any time. A designated area may be reserved for use by religious organizations, clubs, families for family reunions, and other such organized nonprofit organizations upon such terms and conditions as may be determined by resolution of the board.

(Ord. No. 85-07, § 7, 6-4-1985)

#### **Sec. 54-8. Enforcement of civil action.**

The board is authorized and empowered to enforce all provisions of this article and may institute and maintain any proper civil action, including action for damages and injunctive relief, in any court having jurisdiction.

(Ord. No. 85-07, § 8, 6-4-1985)

#### **Sec. 54-9. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.

- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this article shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
  - (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. 943.10, or any code enforcement officer of the county.

(Ord. No. 85-07, § 9, 6-4-1985; Ord. No. 05-01, § 1.M, 11-3-2004)

## **Chapters 55--57 RESERVED**

## **Chapter 58 PERSONNEL\***

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\***Cross references:** Any ordinance establishing personnel policies and procedures and compensation of personnel saved from repeal, § 1-10(a)(14); administration, ch. 2; officers and employees, § 2-31 et seq.

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Article I. In General  
Secs. 58-1--58-30. Reserved.  
Article II. Personnel Rules and Regulations  
[Sec. 58-31. Definitions.](#)  
[Sec. 58-32. Constitutional officers.](#)  
[Sec. 58-33. Adoption and amendment of personnel rules and regulations.](#)  
Secs. 58-34--58-65. Reserved.  
Article III. Drugfree Workplace  
[Sec. 58-66. Adoption of drugfree workplace policy.](#)

## **ARTICLE I. IN GENERAL**

Secs. 58-1--58-30. Reserved.

## **ARTICLE II. PERSONNEL RULES AND REGULATIONS**

### **Sec. 58-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Anniversary date* means the date an employee begins employment and the same date in following years.

*Appeal* means an application for review of a disciplinary action submitted or instituted by an employee.

*Applicant* means an individual who has completed and submitted an application for employment.

*Back pay* means the wages an employee would have earned had he been continuously employed less periods he was unavailable for work for whatever reason, periods he did not diligently seek employment elsewhere, and interim earnings.

*Boara* means the board of county commissioners.

*Casual employee* means an employee hired on a day-to-day or hour-to-hour basis to perform a specific task.

*Classification seniority* (also referred to as job or position seniority) means the length of time an employee has been continuously employed in his current position classification. This is the date from which length of service in classification is computed for determination of probationary periods, order of layoff and eligibility for merit increases. Classification seniority will be lost or changed upon permanent transfer, promotion, demotion or reassignment to or from one job classification to another.

*Compensation plan* means the official schedule of pay, assigning rates of pay to each position classification.

*Compensatory time* (also referred to as comp time) means time off from work in lieu of pay.

*County seniority* means the total time an employee has worked for the county without a

break in service.

*Demotion* means permanent assignment of an employee to a lower level job classification.

*Department head* means a person with the title of department head, who is assigned the overall responsibility for the operation of a recognized department or area of county operation, including but not limited to county coordinator, public works and library.

*Departmental seniority* means the length of time an employee has been continuously employed in a department.

*Dismissal* means involuntary separation from county employment.

*FLSA* means the Fair Labor Standards Act.

*Immediate family* means and includes an employee's spouse, child, parent, brother, sister, father-in-law, mother-in-law, grandmother, grandfather, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent of spouse, grandchild, step-parent, stepchild, stepbrother, stepsister, stepgrandchild, aunt, uncle, legal guardian, and any relative living in the same household.

*Insubordination* means the refusal to perform work when and as assigned, failure to obey a direct legal order and/or any other act of disrespect or disregard of proper managerial authority.

*Job description* means a written description of sample duties and responsibilities of a job.

*Layoff* (also referred to as reduction in force) means a reduction in the number of employees due to lack of work, lack of funds, reorganization, abolition of a position and other reasons not reflecting discredit on the service of the employee.

*Merit pay increase* means an increase in the employee's wage based on merit as may be defined by the board.

*Overtime* means time worked in excess of 40 hours in a seven-day work period for all nonexempt employees; except for those employees covered by section 7(k) schedules under the Fair Labor Standards Act, overtime shall be those hours worked in excess of whatever section 7(k) schedule is adopted for them by the board. Nonexempt employees include all those employees occupying positions that are not covered by the provisions of the Fair Labor Standards Act. These positions include those professional and administrative employees who are exempt from the Fair Labor Standards Act.

*Personnel rules and regulations* means the personnel rules and regulations for the personnel management system of the county.

*Probationary employee* means a regular full-time or a regular part-time employee who has not completed his initial probationary period.

*Promotion* means permanent assignment of an employee to a higher level job classification.

*Promotional probationary period* means the first 180 days after an employee has been permanently promoted to a higher level job classification.

*Reemployment* means the hiring of a person who formerly worked for the county. Persons rehired shall be new employees for all purposes unless the county coordinator recommends and the board approves otherwise in a particular case.

*Regular full-time employee* means an employee who has successfully completed his initial probationary period and who is assigned a regular schedule of not less than 32 hours or more per week.

*Regular part-time employee* means an employee who has successfully completed his initial probationary period and is assigned to work a regular schedule of not less than 20 nor more than 32 hours per week.

*Reinstatement* means reemployment of a former employee in his former or equivalent position without loss of seniority or other benefits of employment.

*Resignation* means voluntary separation.

*Section 7(k)* refers to section 7(k) of the Fair Labor Standards Act.

*Temporary employee* means an employee appointed for a special project or other work of a temporary or transitory nature. Such an appointment will not exceed a four-month period unless specified by the project, program or grant.

*Temporary part-time employee* means a temporary employee who is assigned to work a regular schedule of not less than 20 nor more than 32 hours per week.

*Trainee* means an employee undergoing a training period to learn the job duties or to obtain education or certification level.

*Transfer* means the permanent reassignment of an employee from one position to another.

*Workday* means the scheduled number of hours an employee is required to work per day.

*Workweek* or *work period* means the number of hours regularly scheduled to be worked during any seven consecutive days or other work period allowed by the Fair Labor Standards Act and adopted by the board for an employee or group of employees.

(Ord. No. 93-04, § 1, 9-7-1993)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 58-32. Constitutional officers.**

Nothing contained in this article shall be construed as requiring the constitutional officers of the county (clerk of circuit court, property appraiser, sheriff, supervisor of elections, and tax collector) to be covered by the provisions of this article.

(Ord. No. 93-04, § 2, 9-7-1993)

### **Sec. 58-33. Adoption and amendment of personnel rules and regulations.**

The board shall adopt by resolution the personnel rules and regulations. The personnel rules and regulations, when adopted, shall have the full force and effect of law. The board may

amend the personnel rules and regulations by resolution approved by the board at regularly scheduled commission meetings.

(Ord. No. 93-04, § 3, 9-7-1993)

Secs. 58-34--58-65. Reserved.

## **ARTICLE III. DRUGFREE WORKPLACE**

### **Sec. 58-66. Adoption of drugfree workplace policy.**

The drugfree workplace policy for the county, attached to Ordinance No. 06-05, copies of which are in the office of the clerk of the circuit court of the county and the office of the county coordinator of the board of county commissioners, is adopted and incorporated as the drugfree workplace policy for the county as fully as if set forth at length in this section.

(Ord. No. 96-04, § 1, 5-7-1996; Ord. No. 06-05, § 1, 4-18-2006)

## **Chapter 59 RESERVED**

## **Chapter 60 SEXUAL OFFENDERS AND SEXUAL PREDATORS**

[Sec. 60-1. Legislative findings.](#)

[Sec. 60-2. Definitions.](#)

[Sec. 60-3. Sexual offenders and sexual predators.](#)

[Sec. 60-4. Penalties.](#)

[Sec. 60-5. Application.](#)

[Sec. 60-6. Enforcement.](#)

### **Sec. 60-1. Legislative findings.**

The recitals in Ord. No. 07-14 represent the legislative findings of the board supporting the need for this article.

(Ord. No. 07-14, § 1, 12-19-2006)

### **Sec. 60-2. Definitions.**

*Child.* A person younger than 18 years of age.

*Day care center.* Any family or child care facility registered with or licensed by the state pursuant to F.S. ch. 402. For the purposes of this chapter, a day care center includes the parking lot, curtilage, yards, landscaped areas, playgrounds, accessory buildings and all outdoor areas of the facility. It is the intent to include all areas reasonably included in and part of the facility.

*Park.* A publicly owned or operated area used or available for the public's use as a recreational facility, including, by way of example and not limitation, linear parks and the state, county and municipal recreational trails systems.

*Permanent residence.* A place where a person abides, lodges, or resides for 14 or more consecutive days.

*Playground.* An established or dedicated outdoor area for public recreation and play, including, by way of example and not limitation, soccer fields, baseball diamonds, football fields and locations with outdoor equipment, such as, by way of example and not limitation, swing sets, climbing apparatus and slides.

*Public school bus stop.* Locations or areas established by the county school board where school children are generally picked up for transportation to school or dropped off after school.

*School.* Any public or private school as defined in F.S. 1000.04(1) and F.S. 1002.01(2004), excluding facilities dedicated exclusively to the education of adults.

*Sexual offender.* As defined in F.S. 944.606(1) and for purposes of this chapter, whose victim was, at the time of the offense, less than 16 years of age.

*Sexual predator.* As defined in F.S. 775.21, as may be amended in the future.

*Temporary residence.* Any place where a person may abide, lodge or reside for a period of 14 or more days in the aggregate during any calendar year and that is not that person's permanent residence; or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

*Temporary shelter.* Any public or private building or facility which is offered to individuals and families who are homeless or who evacuate their homes or a hotel, motel, or other place of temporary residence as a result of any storm, flood, hurricane, tornado, explosion, fire, or other incident of any nature as a place to reside, rest, sleep, or eat.

(Ord. No. 07-14, § 2, 12-19-2006)

### **Sec. 60-3. Sexual offenders and sexual predators.**

- (a) *Prohibited residences of sexual offenders and sexual predators.* It is prohibited and unlawful for any sexual offender or sexual predator to abide, lodge, or reside in a permanent or temporary residence located within the unincorporated county when such residence is located within 2,500 feet of any school, day care center, park, playground, bus stop, or public library regardless of whether the school, day care center, playground, park or public library lies within the jurisdictional limits of the county.

A sexual offender or sexual predator abiding, lodging or residing in a permanent or temporary residence within 2500 feet of any school, day care center, park, playground, school bus stop, or public library does not commit a violation of this section provided the sexual predator or sexual offender is in full compliance with probation, parole, or conditional release, and does not commit another sexual offense, and is in compliance with the residency restrictions, if any of the following apply:

- (1) The provisions of this chapter shall not be applied to persons residing at a prohibited location on the effective date of this chapter such that it is not the intent of the chapter to impair valid, existing and bona fide contract rights, provided however that the provisions of the chapter shall apply upon final termination, including lawful extensions or renewals of any leasehold relationship arising from a landlord tenant relationship upon the expiration of a lease. When a person who is the subject of this chapter changes residences, the chapter shall

fully apply to such persons.

- (2) The sexual offender or sexual predator was a minor when committing the offense causing the designation as a sexual predator or sexual offender and was not sentenced as an adult for that offense.
- (3) The sexual offender or sexual predator is under the age of eighteen (18).
- (4) The school, day care center, park, playground, school bus stop, or public library was opened or established after the sexual offender or sexual predator established the permanent residence; and the residence was reported and registered pursuant to Florida Statutes, Section 775.21, Section 943.0435, or Section 944.607.

(b) *Restriction of certain activities of sexual offenders and sexual predators.*

- (1) No sexual offender or sexual predator shall be present, loiter or prowl on the premises of any school, daycare, park, playground, or bus stop except to:
  - a. Attend as a registered student at any school;
  - b. Attend to familial responsibilities or parental obligations (where parental rights have not been terminated) regarding their legal children, stepchildren or grandchildren in accordance with rules and regulations of such facilities;
  - c. Be gainfully employed or as part of duties imposed by gainful employment; and
- (2) No sexual offender or sexual predator shall during school days be present, loiter or prowl within a 100-foot buffer zone of any public school bus stop as designated by the county school board except:
  - a. As necessary to drop off or pick up the sexual offender or sexual predator's own child, stepchild, or grandchild;
  - b. Such person's lawful residence, business or employment is lawfully located within the 100-foot buffer zone;
  - c. When lawfully traveling upon a public or private roadway within the 100-foot buffer zone; and
  - d. Coming to a child's aid in the event of a safety or medical emergency.

At no time shall a sexual offender or sexual predator have any physical contact or communicate in any manner with any child who is not their own child, stepchild or grandchild at any designated public school bus stop.

A law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to explain his or her presence in the area and the purpose thereof. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have authorized the person to be in the area pursuant to one of the exceptions listed above.

(c) *Measurement of distance.* For purposes of measuring separation of a residence from a

school, day care center, park, playground, or public school bus stop, all distances shall be measured from the outermost property line of the parcel upon which the residence is located running in a direct line to the outermost property line of the school, day care center, park, playground, or public bus stop. For example, if the residence is located in a generally southwesterly directive from a park, then the measurement would be from the northeast corner of the residential parcel to the southwest corner of the park. For all other purposes, measurements shall run from the outermost property line of the school, day care center, park, playground or public school bus stop.

(d) *Required declaration of status as a sexual offender or sexual predator.*

(1) Any person who is required by state law to register as a sexual predator or sexual offender and who utilizes or intends to utilize a temporary shelter provided by any public or private entity and established as a result of any emergency or incident or threatened emergency or incident shall, immediately upon entering the shelter, notify the individual or individuals operating the shelter that he or she is a registered sexual offender or sexual predator. The sexual predator or sexual offender may be assigned to a temporary shelter specifically designated for use by sexual predators and sexual offenders.

a. The county may designate a public building, a jail, or other correctional facility as a temporary shelter to be utilized by sexual predators and sexual offenders.

b. The sheriff shall assign law enforcement personnel to be present at the temporary shelter.

c. Nothing in this chapter shall be construed to provide or require temporary shelter to non-county residents, non-county residents will notify the county sheriff's office before registration at the shelter or within one hour of being present at the shelter.

d. Failure of a sexual offender or sexual predator to make notification as required in above sections shall constitute a violation of this chapter punishable as provided herein.

(2) The temporary shelter may post in a conspicuous place at the shelter a notice of this chapter and its requirements whereupon all persons entering the temporary shelter shall be presumed to have adequate notice of requirements of this chapter.

(3) A sexual offender or sexual predator attending any school or day care function, must declare his or her status as a sexual offender or sexual predator with the school principal or other appropriate person immediately upon entering the school property or daycare facility.

(e) *Photo identification card.* All persons required by state law to be registered as a sexual offender or sexual predator shall carry at all times a valid state driver's license or state identification card. Such card shall include offenders name, date of birth, current address and picture.

(f) *Prohibition on rentals and leaseholds.* Except as provided in subsection (a), it is unlawful for a property owner to knowingly and intentionally with actual knowledge and after being made aware the person is a sexual predator or sexual offender let or rent any

place, structure, or part thereof, to a sexual offender or sexual predator, with the knowledge that it will be used as a permanent or temporary residence, of such place, structure, or part thereof, is located within 2,500 feet of any school, day care center, park, school bus stop, or public library. In any prosecution for a violation of this section it must be shown:

- (1) That the property owner knowingly and intentionally with actual knowledge and after being made aware the person is a sexual predator or sexual offender let or rented the premises to a person who was a registered sexual offender or sexual predator; and
- (2) The property owner had actual knowledge that the place, structure or part thereof would be used by the registered sexual predator or sexual offender as a permanent or temporary residence of property located with in a residential zoning classification.

Nothing herein shall be deemed to require the property owner to make any independent determination whether the person is a sexual predator or sexual offender.

(g) *Community and public notification.* Law enforcement agencies within the county shall inform members of the community and the public of a sexual predator's presence in accordance with F.S. 775.21(7). Upon notification of the presence of a sexual predator or a sexual offender, the sheriff of the county where the sexual offender or sexual predator establishes or maintains a permanent or temporary residence shall notify members of the community and the public of the presence of the sexual predator or sexual offender in a manner deemed appropriate by the sheriff, including but not limited to reverse 9-1-1 procedures. Within 48 hours after receiving notification of the presence of a sexual predator, the sheriff of the county where the sexual predator temporarily or permanently resides shall notify each licensed daycare center, elementary school, middle school and high school within a one-mile radius of the temporary or permanent residence of the sexual predator. Information provided to members of the community and public regarding a sexual predator shall include:

- (1) The name of the sexual predator;
- (2) A description of the sexual predator, including a photograph;
- (3) The sexual predators current address, including the name of the county or municipality, if known;
- (4) The circumstances of the sexual predator's offense or offenses; and
- (5) Whether the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult.

This does not authorize the release of the name of any victim of the sexual predator.

(Ord. No. 07-14, § 3, 12-19-2006)

#### **Sec. 60-4. Penalties.**

Any person or entity who violates any provision of this chapter shall be subject to any and all remedies available at law, including but not limited to, the code enforcement provisions of F.S. ch. 162.

Alternatively, or in addition thereto, any person violating any of the provisions of section 60-3 shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment, or if the offender is supervised by the department of corrections under conditional release, the offender may be charged with a violation of his or her supervision and be returned to state custody.

(Ord. No. 07-14, § 4, 12-19-2006)

### **Sec. 60-5. Application.**

This chapter shall apply in Suwannee County, Live Oak, and the Town of Branford.

(Ord. No. 07-14, § 5, 12-19-2006)

### **Sec. 60-6. Enforcement.**

The provisions of this chapter may be enforced by the county sheriff's office or other law enforcement agencies having jurisdiction.

(Ord. No. 07-14, § 6, 12-19-2006)

## **Chapter 61 RESERVED**

## **Chapter 62 SOLID WASTE\***

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**\*Cross references:** Buildings and building regulations, ch. 18; health, ch. 38; housing, ch. 42; manufactured homes and trailers, ch. 50; municipal services benefit unit for solid waste disposal, § 70-166 et seq.

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## **ARTICLE I. IN GENERAL**

Secs. 62-1--62-30. Reserved.

## **ARTICLE II. COLLECTION AND DISPOSAL**

### **Sec. 62-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Biological waste* means solid waste that causes or has the capability of causing disease or infection and includes but is not limited to biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals.

*Biomedical waste* means any solid waste or liquid waste which may present a threat of infection to humans. The term includes but is not limited to nonliquid human tissue and body parts; laboratory and veterinary waste which contain human-disease-causing agents; discarded disposable sharps; human blood and human blood products and body fluids; animal carcasses and animal parts.

*Boara* means the board of county commissioners.

*Construction and demolition debris* means materials generally considered to be not water soluble and nonhazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum, wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste, including material from construction or demolition site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.

*Container* means any detachable container designed or intended to be mechanically or otherwise dumped into a loader/packer-type truck.

*Green box container system* means the system of green box containers or dumpsters located in strategic locations along or adjacent to road rights-of-way throughout the unincorporated area of the county and designed for the collection of household garbage and rubbish from residents of the county for the purpose of further hauling by the county to and disposal at the county landfill.

*Hazardous substance* means any substance which is defined as a hazardous substance in the United States Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 94 Stat. 2767.

*Hazardous waste* means solid waste, or a combination of solid wastes, which, because

of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed.

*Household and commercial furniture and fixtures* means discarded beds, bed springs, mattresses, tables, heaters, cabinets, consoles, chairs, sofas, desks, counters, and other similar items.

*Household garbage* means all kitchen and table food waste, and animal or vegetative waste that is attendant with or results from the storage, preparation, cooking or handling of food materials.

*Landfill* means the solid waste management facility of the county, which is the final resting place for solid waste.

*Nonresident* means any and all persons, natural or artificial, including any individual, firm or association; any municipal or private corporation organized and existing under the laws of this or any other state that has no residence, nor maintains an office or place of business in the county.

*Person* means any and all persons, natural or artificial, including any individual, firm or association; any municipal or private corporation organized and existing under the laws of this or any other state; any county of this state; and any governmental agency of this state or the federal government.

*Rubbish* means waste material other than garbage, usually attendant to domestic households or housekeeping, and attendant to the operation of stores, offices and other business places. Rubbish shall include but is not limited to paper, magazines, packaging receptacles, textile materials, excelsior, bottles, cans, and ceramic material.

*Sharps* means those biomedical wastes which as a result of their physical characteristics are capable of puncturing, lacerating or otherwise breaking the skin when handled.

*Sludge* includes the accumulated solids, residues and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies or similar waste disposal appurtenances.

*Solid waste management* means the process by which solid waste is collected, transported, stored, separated, processed or disposed of in any way, according to an orderly, purposeful and planned program, which includes closure and long-term maintenance.

*Special wastes* means solid wastes, other than biomedical wastes, that require special handling and management, including but not limited to white goods, waste tires, oil, lead-acid batteries, construction and demolition debris, ash residue, and yard trash.

*White goods* includes inoperative and discarded refrigerators, ranges, water heaters, freezers, room air conditioners and other similar domestic and commercial large appliances.

*Yard trash* means vegetative matter resulting from landscaping maintenance and land clearing operations, and includes but is not limited to materials such as tree and shrub

trimmings, grass clippings, palm fronds, trees and tree stumps.

(Ord. No. 95-03, § 1, 4-4-1995)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 62-32. Materials prohibited from deposit in green box container system.**

It shall be unlawful for any person to throw, place or deposit or cause to be thrown, placed or deposited into a container in the green box container system of the county any biological waste, biomedical waste, construction and demolition debris, hazardous substance, hazardous waste, household and commercial furniture and fixtures, sharps, sludge, special waste, white goods, or yard trash.

(Ord. No. 95-03, § 2, 4-4-1995)

### **Sec. 62-33. Household garbage and rubbish.**

Household garbage and rubbish may be deposited into containers in the green box container system of the county only by persons who are residents of the county.

(Ord. No. 95-03, § 3, 4-4-1995)

### **Sec. 62-34. Deposit into containers by nonresidents prohibited.**

It shall be unlawful for any nonresident to deposit any item into a container in the green box container system of the county.

(Ord. No. 95-03, § 4, 4-4-1995)

### **Sec. 62-35. Hazardous materials.**

All biological wastes, biomedical wastes, hazardous substances, hazardous wastes, sharps, sludge, and special wastes may be disposed of only in accordance with law.

(Ord. No. 95-03, § 5, 4-4-1995)

### **Sec. 62-36. Enforcement and penalties.**

(a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:

(1) First violation: \$100.00;

(2) Second violation: \$200.00;

(3) Third violation: \$300.00;

(4) Fourth violation: \$400.00;

(5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.

- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this Ordinance. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
  - (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 95-03, § 6, 4-4-1995; Ord. No. 05-01, § 1.N, 11-3-2004)

Secs. 62-37--62-70. Reserved.

### **ARTICLE III. ACQUISITION AND CONSTRUCTION OF SOLID WASTE DISPOSAL FACILITIES**

#### **Sec. 62-71. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The words and terms which are defined in the act shall have the respective meanings assigned by the act.

*Act* means F.S. ch. 403, pt. IV.

*Assessments* means the proceeds to be derived by the county from any non-ad-valorem assessments which may be levied by the county against certain classifications of lands and properties specially benefited by any project, including interest and any penalties on such assessments and any penalties and moneys received upon the foreclosure of the liens of any such assessments and, by reason of such assessments, upon the sale of tax certificates.

*Boara* means the board of county commissioners.

*Bonds* means the obligations issued by the county pursuant to the provisions of this article, as supplemented by the provisions of any other county ordinance or by general or special law, to pay the cost of a project and payable from any of the revenues authorized by this article to be pledged to the payment of bonds.

*Closure fund* means any landfill management escrow account established by the issuer for the purpose of complying with the act to ensure the availability of financial resources for the proper closure of one or more county landfills, including without limitation all costs and expenses of monitoring any closed landfill in such manner and for such period of time as shall be required by applicable law or, absent such law, as shall be determined by the board.

*Cost*, when used in connection with a project, means all costs and expenses of the county in establishing such project, as determined by generally accepted accounting principles, including without limitation:

- (1) The county's cost of physical construction;
- (2) Costs of acquisition by or for the county of such project;

- (3) Costs of land and interests in the land and all expenses of the county incidental to such acquisition;
- (4) Costs of machinery or equipment required by the county for the operation of such project;
- (5) The cost of any indemnity and surety bonds and premiums for insurance during construction;
- (6) All interest due to be paid on bonds and other obligations incurred and issued to finance the project during the construction period of such project and for a reasonable period thereafter;
- (7) Engineering, legal and other consultant fees and expenses related to the project;
- (8) Costs and expenses incidental to the issuance of such bonds and other obligations, including without limitation bond insurance premium, rating agency fees and the fees and expenses of any auditors, paying agent, registrar, credit bank or depository;
- (9) Payments, when due (whether at the maturity of principal or the due date of interest or upon redemption) on any indebtedness of the county (other than such bonds and other obligations) incurred for such project;
- (10) Costs and expenses of conducting hearings for the determination of rates and of proceedings for the imposition of assessments, including without limitation the preparation of assessment plats and rolls and the publication and mailing of notices; and
- (11) Reimbursement to the county for any such items of cost advanced by the county prior to the issuance of bonds.

*Gross revenues* means all moneys or other income received by the county from rates, and all earnings and income derived from their use or investment, with such limitations as may be placed by any resolution of the board.

*Net revenues* means gross revenues less operating expenses.

*Non-ad-valorem funds* means revenues which shall be derived by the county from one, several or all sources, designated and defined by the board, other than ad valorem taxation and which shall be legally available for application by the county in accordance with the provisions of this article.

*Operating expenses* means the county's expenses for operation, maintenance, repairs and replacements with respect to a project and incurred to administer, levy and collect the rates pertaining to such project and any assessments levied for the benefits derived from such project (the "collection"), and shall include without limitation administration expenses, insurance and surety bond premiums, the fees to any provider of a reserve account insurance policy or reserve account letter of credit (but excluding any expenses or reimbursement obligations for draws), the fees of any rebate compliance service or of bond counsel relating to compliance with the provisions of section 148 of the United States Internal Revenue Code of 1986, as amended, legal and engineering expenses, ordinary and current rentals of equipment or other property, refunds of moneys lawfully due to others, wages, salaries, payments to pension, retirement, health and hospitalization funds, and any other expenses required to be paid for or

with respect to proper operation or maintenance of the project or the collection, all to the extent properly attributable to the project or the collection in accordance with generally accepted accounting principles employed in respect of activities such as those involved in the collection or in the operation of public facilities similar to the project, as the case may be, and disbursements for the expenses, liabilities and compensation of any paying agent or registrar, but does not include any costs or expenses in respect of original construction or improvement other than expenditures necessary to prevent an interruption or continuance of an interruption of the gross revenues and minor capital expenditures necessary for the proper and economical operation or maintenance of the project, or any provision for interest, depreciation, amortization or similar charges.

*Project* means the closure of any existing or new solid waste disposal site and, if necessary, the monitoring of such closed site, and/or the acquisition of and/or construction necessary for any existing or new solid waste management facilities, including without limitation solid waste disposal sites, including buffer and testing sites; solid waste recycling facilities; and/or solid waste resource recovery facilities, and such equipment and appurtenant facilities necessary or useful in connection with any such solid waste management facilities.

*Rates* means the tipping fees and other charges, except assessments, which may be made and collected by the county for the use of the services or facilities of a project and the charges and prices for which any product or valuable byproduct of any project may be sold.

*Renewal and replacement fund* means any account established by the county for any project to receive moneys to be held in such account until applied to pay the costs of extensions and additions to, or renewals and replacements of the capital assets of, such project, or extraordinary repairs, which moneys may also be pledged and applied by the county, for default avoidance, to the payment of the principal of, premium, if any, and interest on any bonds payable entirely or in part from the gross revenues or the net revenues of such project.

*Reserve account* means any debt service reserve fund or account established by the county for any issue or issues of bonds.

*Solid waste* has all of the meanings ascribed to such term in the act and shall be deemed to include without limitation such wastes of liquid or other consistency, or combinations, as shall be declared by resolution of the board as being solid waste within the meaning of and subject to the provisions of this article.

(Ord. No. 91-18, § 1, 12-3-1991)

**Cross references:** Definitions generally, § 1-2.

## **Sec. 62-72. Findings.**

It is found, determined and declared that:

- (1) Pursuant to Fla. Const., art. VIII, § 1, and F.S. §§ 125.01 and 125.66, the county, acting by and through the board, has all powers of local self-government to perform county functions and to render public services in a manner not inconsistent with general or special law, which power may be exercised by the enactment of county ordinances.
- (2) It is necessary for the public health, safety, economy and general welfare of the county and its citizens and of the businesses and industries which operate within

the county that provision be made by the county for the acquisition, construction, erection, improving, equipping, installing and/or closing of projects necessary for responsible waste management in the county and for financing the cost of such projects.

- (3) Provision for financing the cost of such projects with the proceeds of bonds and for payment of the principal of, premium, if any, and interest on and reserves for the bonds and operating expenses and reserves from the revenues of such projects, assessments and non-ad-valorem funds is in the best interest of the county and its citizens and of the businesses and industries which operate within the county and is necessary for their respective finances, safety, health and general welfare.
- (4) No holder of bonds shall ever be entitled to compel the payment of the principal of or premium, if any, or interest on the bonds or any other payments provided for by the county to be made to any reserve account, renewal and replacement fund or other fund or account from any funds or revenues of the county other than the gross revenues, net revenues, assessments and/or non-ad-valorem funds expressly pledged to such bonds; nor will the holder of any bonds or any letter of credit provider, reserve account insurance provider or bond insurance provider ever have the right to compel the exercise of the ad valorem taxing power of the county to pay the principal of, premium, if any, or interest on bonds or to make any such other payments; and no bonds shall constitute a lien upon any property of the county or situated within its territorial limits, except the gross revenues, net revenues, assessments or non-ad-valorem funds expressly pledged to such bonds.

(Ord. No. 91-18, § 2, 12-3-1991)

### **Sec. 62-73. Powers of county.**

The county shall have the power to, and all powers necessary and incidental to, accomplish the purpose of this article, including without limitation the power to:

- (1) Plan, design, acquire, construct, erect, improve, equip, operate, maintain, close and monitor one or more projects for the county or for any district or municipal service taxing or benefit unit in or of the county, and issue one or more issues of bonds to finance the costs of such projects.
- (2) Fix and collect rates for the use of the services and facilities furnished by any project and determine the selling prices for, charge such prices for and sell the products and any valuable byproducts produced by any project.
- (3) Acquire, by either purchase or the exercise of the power of eminent domain, such lands and rights and interests in the lands, including lands underwater and riparian rights, as it may deem necessary for any project.
- (4) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article, and employ such consulting engineers, financial advisors, accountants, attorneys, superintendents, managers and other employees and agents as may, in the judgment of the board, be deemed necessary to such performance, and fix their

compensation.

- (5) Receive and accept from the state or the United States or any agency of either loans and grants for and in aid of the planning, designing, construction, reconstruction, financing, refinancing or closing of any project, or monitoring of any closed project, and receive and accept loans or other aid or contributions, from any source, of money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made.
- (6) Establish one or more closure funds and provide for their funding from any non-ad-valorem funds, including without limitation assessments and/or the gross revenues or the net revenues of any projects which shall be available for such purpose after making provision for the payment of the debt service and reserve account requirements for any bonds issued to finance such projects and contributions to any renewal and replacement fund established for such projects.
- (7) Enter into interlocal agreements with one or more municipalities located within the county and/or with one or more other counties of the state for the purpose of providing solid waste disposal, recycling and/or resource recovery facilities jointly with or for sharing the use of such facilities with such municipalities or counties and providing for payment of all or any part of the cost from the proceeds of bonds.
- (8) Levy and collect assessments in the manner provided in F.S. §§ 197.3632 and 197.3635, or in such other manner as may be authorized by county ordinance or be permitted by general or special law, for any one or more of the following purposes:
  - a. To pay the cost of any project;
  - b. To pay the operating expenses for any project; and
  - c. To pay the principal of, premium, if any, and interest on any bonds.
- (9) Provide by resolution, at one time or from time to time, for the issuance of bonds for the purpose of paying all or a part of the cost of any project or combination of projects or the cost of refunding any bonds or other outstanding obligations payable from any revenues authorized in this article to be pledged to the payment of the bonds. The principal of, premium, if any, and interest on bonds shall be payable solely from gross revenues, net revenues, assessments and/or non-ad-valorem funds. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not exceeding 40 years from their date or dates, and have such other terms and provisions as may be determined by resolution of the board. The board shall determine the form of the bonds, the manner of executing the bonds, the denomination of the bonds and the places of payment of the principal of and premium, if any, and interest on the bonds, all or any of which may be payable at any bank or trust company within or outside the state. If any officer whose signature or a facsimile of whose signature shall appear on any bonds shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The board may declare that any bonds

shall have all the qualities and incidents of negotiable instruments under the laws of the state. The board may sell bonds in such manner, at such interest rates, and for such price, without limitation except as provided by general law, as it may determine to be in the best interest of the county. Prior to the preparation of definitive bonds, the board may, under like restrictions, issue temporary bonds exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The board may also provide for the replacement of any bonds which shall become mutilated, or be destroyed or be lost. The board may issue bond anticipation notes in the manner provided by general law. Bonds and bond anticipation notes may be issued without any other proceedings, or the happening of any other conditions or things, than those proceedings, conditions or things which are specifically required by this article.

If the county shall have acquired or constructed a project and, to pay the cost of such acquisition or construction, shall have issued bonds, and if the county shall desire to construct additions, extensions, improvements or betterments to such project or to close such project or to acquire by purchase or to construct an additional project and to combine such additional project with the project previously purchased or constructed, and to refund such outstanding bonds, the county may provide for the issuance of a single issue of bonds under the provisions of this article for the combined purposes of refunding or acquiring such bonds then outstanding and of constructing such additions, extensions, improvements or betterments or closing such project or of acquiring by purchase or of constructing such additional project. If the county shall have acquired or constructed a project and, to pay the cost of such acquisition or construction, shall have issued bonds, and if such cost shall have exceeded or be expected to exceed the proceeds of such bonds, the county may provide for the issuance of additional bonds to finance the cost of completing such project, subject only to the vested rights of holders of the outstanding bonds.

(Ord. No. 91-18, § 3, 12-3-1991)

#### **Sec. 62-74. Bonds not general obligations.**

No bond shall be deemed to be a general obligation of the county or a pledge of its faith and credit. No holder of bonds shall ever be entitled to compel the payment of the principal of, premium, if any, or interest on such bonds or any other payments provided for by the county to be made to any reserve account, renewal and replacement fund or other fund or account from any funds or revenues of the county other than such gross revenues, net revenues, assessments and/or non-ad-valorem funds as shall be expressly pledged as security for such payment; nor will the holder of any bonds or any letter of credit provider, reserve account insurance provider or bond insurance provider ever have the right to compel the exercise of the ad valorem taxing power of the county to pay the principal of, premium, if any, or interest on bonds or to make any such other payments. No bonds shall constitute a lien upon any property of the county or property situated within its territorial limits, except such gross revenues, net revenues, assessments and/or non-ad-valorem funds as shall be expressly pledged to the payment of such bonds.

(Ord. No. 91-18, § 4, 12-3-1991)

## **Sec. 62-75. Remedies of bondholders.**

Any holder of bonds, except to the extent the rights granted in this article may be restricted by resolution of the board adopted before the issuance of such bonds, may by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted under this article or under such resolution and may enforce and compel the performance of all duties required by this article or by such resolution to be performed by the county or the board or by any of its officers.

(Ord. No. 91-18, § 5, 12-3-1991)

## **Sec. 62-76. Ad valorem tax revenues.**

Nothing contained in this article shall be construed to prevent the board from budgeting and spending ad valorem revenues in any current fiscal year for the cost of any projects or for operating expenses, or from issuing bonds or other obligations or evidence of indebtedness of the county payable from ad valorem tax revenues in any manner authorized by state law.

(Ord. No. 91-18, § 6, 12-3-1991)

Secs. 62-77--62-110. Reserved.

## **ARTICLE IV. SOLID WASTE MANAGEMENT**

### **DIVISION 1. GENERALLY**

#### **Sec. 62-111. Definitions.**

In addition to words, terms and phrases defined in other divisions of this article, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Biomedical waste* means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste which contain human-disease-causing agents; discarded disposable sharps; human blood, and human blood products and body fluids; animal carcasses and animal parts; and other materials which in the opinion of the department of health and rehabilitative services represent a significant risk of infection to persons outside the generating facility.

*Boara* means the board of county commissioners.

*Building* means any structure, whether temporary or permanent, built for the support, shelter or enclosure of persons, chattels or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a building.

*Clerk* means the clerk of the circuit court, ex officio clerk of the board.

*Collection center* means a solid waste management facility designated by the director that accepts recyclable material, yard trash and other solid waste, processes it and/or transfers

it for processing or disposal at another solid waste management facility.

*Commercial collection service* means the collection and transportation of recyclable materials, yard trash and solid waste from commercial property by the owner or any other person to a solid waste management facility.

*Commercial property* means all improved property other than residential property.

*Construction and demolition debris* means materials generally considered to be not water soluble and nonhazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum, wallboard and lumber, from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste, including material from construction or demolition site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.

*Container* means any detachable container designed or intended to be mechanically or otherwise dumped into a loader/packer-type truck used by a permit holder or contractor.

*Contractor* means a person authorized by the board to provide residential collection service in the unincorporated area of the county.

*Director* means the public works director of the county, or the designee of such person.

*Dwelling unit* means a building, or a portion of a building, which is lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used or intended to be used as living quarters for one household only.

*Garbage* means all kitchen and table food waste, and animal or vegetative waste that is attendant with or results from the storage, preparation, cooking or handling of food materials.

*Institutional property* means a dwelling unit owned by any state, county or municipal housing authority, or federal government or agency which is exempt from the payment of ad valorem taxes.

*Materials recovery facility* means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

*Permit holder* means a person authorized by the board to provide commercial collection services in the unincorporated area.

*Person* means any and all persons, natural or artificial, including any individual, firm or association; any municipal or private corporation organized or existing under the laws of the state or any other state; any county of this state; and any governmental agency of the state or the federal government.

*Recovered materials* means metal, paper, glass, plastic, textile or rubber materials that have known recycling potential; can be feasibly recycled; and have been diverted and source separated or have been removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered

materials are not solid waste.

*Recyclable material* means those materials which are capable of being reclaimed and processed for reuse and which would otherwise be processed or disposed of as solid waste.

*Recycling* means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated or processed and reused or returned to use in the form of raw materials or products.

*Refuse* means both rubbish and garbage, or a combination or mixture of rubbish and garbage, including paper, glass, metal, textile materials and other discarded matter.

*Residential collection service* means the collection and transportation of recyclable material, yard trash, and other solid waste from residential property by a contractor to a solid waste management facility.

*Residential property* means all improved property which is used as single-family dwelling units and condominiums, and multifamily dwelling units consisting of less than ten units within the same building, unless such single-family dwelling unit, condominium or multifamily dwelling unit has been reclassified as commercial property pursuant to F.S. § 75.408. Residential property does not include institutional property.

*Rubbish* means waste material other than garbage, usually attendant to domestic households or housekeeping, and attendant to the operation of stores, offices and other business places. Rubbish shall include but is not limited to paper, magazines, packaging, receptacles, textile materials, excelsior, bottles, cans and ceramic material.

*Sharps* means those biomedical wastes which as a result of their physical characteristics are capable of puncturing, lacerating or otherwise breaking the skin when handled.

*Single-family dwelling unit* means a building or a portion of a building designed for residential occupancy which is arranged, designed or used as living quarters for one household only.

*Solid waste* means garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations. Biomedical waste is not included in the term "solid waste." Recovered materials are not solid waste.

*Solid waste management facility* means any solid waste collection center, disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility the purpose of which is resource recovery or the disposal, recycling, processing or storage of solid waste. The term does not include recovered materials processing facilities which meet the requirements of F.S. § 403.7046(4), except the portion of such facilities, if any, that is used for the management of solid waste.

*Special wastes* means solid wastes, other than biomedical wastes, that require special handling and management, including but not limited to white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, and yard trash.

*White goods* includes inoperative and discarded refrigerators, ranges, water heaters, freezers, room air conditioners and other similar domestic and commercial large appliances.

*Yard trash* means vegetative matter resulting from landscaping maintenance and land

clearing operations, and includes but is not limited to materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

(Ord. No. 94-04, art. I, § 1, 8-2-1994)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 62-112. Findings.**

It is ascertained, determined and declared that:

- (1) Pursuant to Fla. Const., art. VIII, § 1, and F.S. §§ 125.01 and 125.66, the board has all powers of local self-government to perform county functions and to render services in a manner not inconsistent with general law, which power may be exercised by the enactment of county ordinances.
- (2) Pursuant to F.S. § 403.706(1), the county has the responsibility and authority to provide for the designation and operation of solid waste management facilities to meet the needs of all the incorporated and unincorporated areas within the county.
- (3) The regulation of the collection and disposal of solid waste generated within the county provides a public purpose and promotes the health, safety and welfare of the citizens of the county.

(Ord. No. 94-04, art. I, § 2, 8-2-1994)

### **Sec. 62-113. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.

- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
  - (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 94-04, art. IV, §§ 1--3, 8-2-1994; Ord. No. 05-01, § 1.O, 11-3-2004)

Secs. 62-114--62-135. Reserved.

## **DIVISION 2. DISPOSAL REGULATIONS**

### **Sec. 62-136. Disposal of solid waste.**

Solid waste generated within the county shall be disposed of at a solid waste management facility designated or approved by the county. If permitted by law, solid waste may be removed from the county and disposed of in accordance with all applicable laws and rules.

(Ord. No. 94-04, art. II, § 1, 8-2-1994)

### **Sec. 62-137. Places of disposal; prohibited acts.**

- (a) In accordance with state, federal and local law, the director shall designate the type and quantity of solid waste that may be disposed of at each solid waste management facility. No person shall dispose of solid waste in the county except at the solid waste management facility designated to accept such solid waste.
- (b) No person shall cast, place, sweep or deposit anywhere within the county any solid waste in such a manner that the solid waste may be carried or deposited by the elements upon any private land or any sidewalk, alley, street, road, or other public place; however, this subsection shall not prohibit the placement of clean fill upon private land if in compliance with all federal, state and local regulations.
- (c) No person shall throw, place or deposit, or cause to be thrown, placed or deposited, any solid waste of any kind into or on any of the public streets, roads, highways, bridges, alleys, lanes, thoroughfares, waters, canals, sinkholes, other geological formations, or vacant lots or lands, or upon the premises of any other person within the county.
- (d) Within the unincorporated area of the county, no person, other than an authorized employee of the county or contractor, or permit holder, shall remove any solid waste or other materials from any solid waste collection container located on public property or any recycling receptacle belonging to another which has been set out for collection by the county or its contractor or agent for the purpose of recycling.

(Ord. No. 94-04, art. II, § 2, 8-2-1994)

### **Sec. 62-138. Biomedical waste.**

Biomedical waste shall be disposed of in a lawful manner at a facility licensed to dispose of such materials. Biomedical wastes shall not be deposited at or delivered to a solid waste management facility of the county for disposal.

(Ord. No. 94-04, art. II, § 3, 8-2-1994)

### **Sec. 62-139. Traffic control.**

The director shall promulgate reasonable rules and regulations for traffic control at and admittance to solid waste collection and management facilities.

(Ord. No. 94-04, art. II, § 4, 8-2-1994)

**Sec. 62-140. Yard trash disposal; prohibited acts.**

No person shall place or cause to be placed yard trash in a container, bag or other receptacle intended for the collection and disposal of other solid waste or in a location intended for the collection and disposal of other solid waste.

(Ord. No. 94-04, art. II, § 5, 8-2-1994)

**Sec. 62-141. Construction and demolition debris; prohibited act.**

No person shall place or cause to be placed construction and demolition debris in a location that is not authorized by the board to accept construction and demolition debris or in a container, bag or other receptacle intended for the collection and disposal of other solid waste.

(Ord. No. 94-04, art. II, § 6, 8-2-1994)

**Sec. 62-142. Disposal of solid waste; prohibited act.**

No person shall place or cause to be placed solid waste in a container, bag or other receptacle not owned by such person or designated for such person's use by the county or a contractor.

(Ord. No. 94-04, art. II, § 7, 8-2-1994)

**Sec. 62-143. Fees.**

- (a) *Establishment.* The board may establish by resolution the fees to be charged for solid waste disposal at solid waste management facilities.
- (b) *Waiver.* Persons using a solid waste facility shall pay the proper fee as set by the board; however, the director, at his discretion, may allow persons to deposit clean fill material and good road-building materials at a solid waste management facility without payment of a fee. All materials received under this provision shall be deposited at the direction of the director. The director shall have the authority to discontinue acceptance of clean fill and good road-building material as provided in this subsection at any time that conditions at a solid waste management facility warrant discontinuance.

(Ord. No. 94-04, art. II, §§ 8, 9, 8-2-1994)

**Sec. 62-144. Payment accounts.**

Users of the county's solid waste management facilities who conduct business in the county and have a business address in the county may establish payment accounts for paying fees. To establish a payment account, the user shall make application to the director, who shall review the application and establish a payment account, with the clerk, provided the applicant meets the financial criteria set forth in this section. In establishing an account, the user shall agree to pay all fees and charges incurred within 30 days of the billing date. The user shall post and maintain a security deposit in the amount of \$250.00, or an amount equal to three months' estimated billing charges, whichever amount is greater. The three months' estimated billing

amount shall be based on the user's past hauling records or projected loads as determined by the director. The required security deposit shall be made with the clerk either by:

- (1) Cash deposit at no interest; or
- (2) An irrevocable letter of credit.

If the charges are not paid within 30 days of the billing date, the user's security deposit shall be debited for the amount of the charges. Once the user's security deposit has been debited, the user shall thereafter pay cash prior to making disposals at the solid waste management facility until the user credits his security deposit to the minimum amount required. All deposits and payments shall be delivered to the clerk, who shall account to the board for such deposits and payments.

(Ord. No. 94-04, art. II, § 10, 8-2-1994)

### **Sec. 62-145. Governmental payment accounts.**

Payment accounts may be authorized for municipal, county, state and federal agencies without posting a security deposit.

(Ord. No. 94-04, art. II, § 11, 8-2-1994)

Secs. 62-146--62-165. Reserved.

## **DIVISION 3. COLLECTION AND RECYCLING**

### **Sec. 62-166. Area included.**

This division shall apply to the unincorporated area of the county.

(Ord. No. 94-04, art. III, § 1, 8-2-1994)

### **Sec. 62-167. Residential property owners and institutional property owners.**

- (a) *Residential property.* For residential property, the county shall provide or make available solid waste management facilities for the handling, processing and disposal of solid waste.
  - (1) A residential property owner in the unincorporated area of the county shall provide adequate receptacles to contain all solid waste generated on such property until delivery to a designated solid waste management facility.
  - (2) An owner of residential property shall provide for the delivery of solid waste generated on such property to a solid waste management facility.
  - (3) An owner of residential property shall provide for the disposal of yard trash consisting of vegetative matter at a designated solid waste disposal facility.
- (b) *Institutional property.* An owner of institutional property shall provide for the disposal of solid waste generated on such property at a solid waste facility, either by entering into an agreement with the county or by other lawful means.

(Ord. No. 94-04, art. III, § 2, 8-2-1994)

**Sec. 62-168. Commercial collection service; duties of commercial property owners.**

For commercial property within the unincorporated area, the county shall provide or make available commercial collection service, the cost of which shall be billed and collected by the county or permit holder. An owner of commercial property shall provide for the disposal of solid waste generated on such property at a solid waste management facility or by entering into an agreement with a permit holder or by other lawful means.

(Ord. No. 94-04, art. III, § 3, 8-2-1994)

**Sec. 62-169. Commercial and residential collection service; requirements for contractors and permit holders.**

- (a) *Determination of need.* No person shall provide commercial, institutional or residential collection service in the unincorporated area of the county unless a determination of need for such service shall be made and authorization shall be granted by resolution of the board. If such a need shall be made by the board, any person desiring to provide such service shall comply fully with this section.
- (b) *Procedure.* The board shall by resolution adopt a procedure for the determination of need and issuance of such authorization. A fee may be established by the board by resolution.
- (c) *Qualifications; standards.* The board shall by resolution establish qualifications and standards for permit holders providing commercial, institutional and residential collection service. At a minimum, the following qualifications and standards must be met:
  - (1) The contractor and/or permit holder must provide evidence that it, at its own expense, has obtained all permits and licenses required by law or ordinance and will maintain them in full force and effect.
  - (2) The contractor and/or permit holder must provide evidence that it, during the term of the permit, will provide and maintain worker's compensation insurance, in accordance with the laws of the state, for all its employees.
  - (3) The contractor and/or permit holder must provide evidence that it, during the term of the permit, will provide and maintain public liability and property damage insurance and umbrella coverage in at least the following amounts:
    - a. Public liability, \$100,000.00 per person/\$300,000.00 per occurrence;
    - b. Property damage, \$100,000.00 per any one claim;
    - c. Umbrella liability, \$1,000,000.00 with a \$25,000.00 deductible and base insurance.
  - (4) The contractor and permit holder must provide a list of vehicles by size and type that will be used to provide the services. The name and office telephone number of the contractor or permit holder shall be prominently displayed on all solid waste collection vehicles.

- (5) The contractor and permit holder will sign a sworn affidavit that all solid waste shall be hauled to a licensed solid waste management facility and disposed of at such site at the expense of the contractor or permit holder.
- (6) The contractor and/or permit holder will sign an affidavit agreeing not to litter or cause any spillage to occur upon the premises where the collection shall occur. During hauling, all solid waste shall be contained, tied or enclosed so that leaking, spilling or blowing is prevented. In the event of any spillage, the contractor or permit holder shall promptly clean up all spillage.
- (7) The contractor and/or permit holder will agree that collection shall begin no earlier than 7:00 a.m. and shall cease at sunset with the exception of those areas where the county has agreed in writing to permit the contractor or permit holder to collect at an earlier or later time and which will not disturb any residential area. The county also reserves the right to further regulate these hours should it deem it to be in the public's interest. In the case of an emergency, the contractor and permit holder may receive prior approval from the director, to be later evidenced by a written memorandum confirming the approval, that collection may be permitted at a time not allowed by this subsection. Should the contractor or permit holder not confirm and obtain in writing the approval to operate on an emergency basis, it shall be conclusively presumed that it had not obtained such an approval. No collection shall occur on Sundays or holidays except in time of an emergency or to maintain a regular schedule due to holidays.
- (8) The contractor and permit holder will defend, indemnify, save harmless and exempt the county, its officers, agents, servants and employees, from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney's fees resulting from injury to persons or damage to property arising out of work done in performance of this article. The county reserves the right to retain counsel of its choice at its own expense or, in the alternative, approve counsel obtained by the contractor or permit holder.

(Ord. No. 94-04, art. III, § 4, 8-2-1994)

**Sec. 62-170. Recycling program, title to solid waste and recyclable material.**

- (a) At a minimum, the county shall comply with the state goal for reducing the disposal of solid waste at solid waste management facilities through the establishment of a recycling program and through the encouragement of recycling by residential property and commercial property.
- (b) The county reserves the right at all times to hold title and ownership of all solid waste and recyclable material collected by a contractor.
- (c) The county may install and operate facilities to recover, process and dispose of recyclable materials.

(Ord. No. 94-04, art. III, § 5, 8-2-1994)

Secs. 62-171--62-190. Reserved.

## **DIVISION 4. NONRESIDENTIAL COLLECTION AND DISPOSAL SERVICE**

### **Sec. 62-191. Statutory authorization.**

This division is authorized by F.S. ch. 125 and other applicable law.

(Ord. No. 89-15, § 1, 11-7-1989)

### **Sec. 62-192. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Contaminant* means any substance which is harmful to plant, animal or human life.

*County* means the board of county commissioners.

*Hazardous materials* means solid waste, or a combination of solid wastes, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

*Lessee* means any person that enters into an agreement with the county pursuant to this division.

*Person* means any political agency or subdivision, public or private corporation, individual, partnership, association or other entity and includes any officer or managing body or group of any political subdivision or public or private corporation.

*Service* means the emptying or removal of solid waste deposited in a garbage container leased under agreement with the county, and the hauling away and disposal of such solid waste by the county.

*Solid waste* means garbage, refuse, yard trash, clean debris, ashes and similar discarded material, including solid or semisolid material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations, provided such material shall not be a contaminant, hazardous material or hazardous waste.

*Hazardous waste* means sewage, industrial waste and all other liquid, gaseous, solid or radioactive or other substances which may pollute or tend to pollute the air, ground or waters of the county.

(Ord. No. 89-15, § 2, 11-7-1989)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 62-193. Established.**

The county establishes a nonresidential solid waste collection and disposal service in

the unincorporated area of the county.

(Ord. No. 89-15, § 3, 11-7-1989)

**Sec. 62-194. Designation of director.**

The director of the county road, refuse and landfill department is designated as the director of the nonresidential solid waste collection and disposal service in the county.

(Ord. No. 89-15, § 4, 11-7-1989)

**Sec. 62-195. Lease and service agreement.**

Upon application to the director of the nonresidential solid waste collection and disposal service, the county will, subject to availability of garbage containers and in compliance with requirements and conditions established by the county, enter into lease and service agreements with persons owning, conducting, managing or operating businesses and other nonresidential enterprises or activities within the unincorporated area of the county providing for the lease of a garbage container or containers by the lessee and service by the county.

(Ord. No. 89-15, § 5, 11-7-1989)

**Sec. 62-196. Use of garbage containers by lessee.**

The use of a garbage container by the lessee under any lease and service agreement with the county shall be restricted to the depositing in and storing of solid waste and qualified for disposal in the county landfill. The lessee shall not place or deposit, and the lessee shall not permit the placing or depositing, of any type of contaminant, hazardous material or hazardous waste into any leased garbage container. The lessee shall indemnify and hold harmless the county, its employees, agents, representatives or contractors, against any and all claims, damages, losses and expenses, direct and indirect, including but not limited to attorneys' fees and court costs incurred at trial and on appeal arising out of or resulting from the placing or depositing of any type of contaminant, hazardous material or hazardous waste into any leased garbage container.

(Ord. No. 89-15, § 6, 11-7-1989)

**Sec. 62-197. Delivery charge.**

A delivery charge of \$50.00 is imposed and shall be paid to the county by the lessee for each garbage container prior to delivery to the lessee by the county.

(Ord. No. 89-15, § 7, 11-7-1989)

**Sec. 62-198. Schedule of fees for use of garbage container and service.**

A fee for use of garbage container and service pursuant to this division is imposed and shall be paid to the county by the lessee within ten days following the expiration of each calendar month according to the following schedule:

TABLE INSET:

shall be paid to the county by the lessee within ten days following the expiration of each calendar month according to the following schedule:

TABLE INSET:

Garbage Container Size	Emptying, Hauling and Disposal	Monthly Service Fee
Each two-yard container	Once every two weeks	\$ 24.00
Each two-yard container	Once each week	48.00
Each four-yard container	Once each week	65.00
Each four-yard container	Twice each week	124.00
Each six-yard container	Once each week	81.00
Each six-yard container	Twice each week	156.00
Each six-yard container	Three times each week	231.00
Each eight-yard container	Once each week	98.00
Each eight-yard container	Twice each week	189.00
Each eight-yard container	Three times each week	279.00

If additional emptying, hauling and disposal shall be required by the lessee, the sum to be paid shall be negotiated with the director of the nonresidential solid waste collection and disposal service and paid in the same manner as the monthly service fee.

(Ord. No. 89-15, § 8, 11-7-1989)

**Sec. 62-199. Written agreement required.**

Each lease and service agreement shall be in writing and shall state:

- (1) The name and address of the lessee;
- (2) Size of container and service required;
- (3) Identifying number of garbage container leased;
- (4) Exact location where garbage container will be located;
- (5) That access is granted and guaranteed by the lessee to the county, its representatives and employees, across property of the lessee to the garbage container leased for purposes of maintenance, service, delivery and removal; and the lessee shall indemnify and hold harmless the county and the county's representatives and employees in the use of the easement area for the purposes granted;
- (6) That the lease is not assignable by the lessee;
- (7) That the lessee shall pay to the county a late fee of 1 1/2 percent per month on all sums not paid to the county when due;
- (8) That the lessee shall pay to the county a reasonable attorney's fee and court costs incurred by the county in enforcing the terms and agreements set out in the lease; and
- (9) That either the lessor or the lessee may cancel the lease agreement upon 30 days' written notice to the other, except that any such cancellation shall not relieve the lessee from payment of all sums then due or which shall become due and payable under the lease agreement.

(Ord. No. 89-15, § 9, 11-7-1989)

Secs. 62-200--62-230. Reserved.

**ARTICLE V. LANDFILL**

**DIVISION 1. TRANSFER FEES**

**Sec. 62-231. Short title.**

This division may be cited as the Suwannee County Transfer Fee Ordinance.

(Ord. No. 03-05, § 1, 4-29-03)

**Sec. 62-232. Purpose.**

operating a public solid waste transfer station in accordance with all rules and regulations of all applicable governmental and environmental agencies.

(Ord. No. 03-05, § 1, 4-29-03)

### **Sec. 62-233. Statutory authorization.**

This division is authorized by F.S. ch. 125 and other applicable law.

(Ord. No. 03-05, § 1, 4-29-03)

### **Sec. 62-234. Definitions.**

Unless specifically defined in this section, words or phrases used in this division shall be interpreted so as to give them the meaning they have in common usage and to give this division its most reasonable application. The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boara* means the board of county commissioners for Suwannee County, Florida.

*Mixed waste* means any solid waste other than municipal solid waste.

*Municipal solid waste* means non-hazardous solid waste disposed in the ordinary course by households, commercial establishments or institutions.

*Person* means an individual, a corporation, a partnership, a limited liability company or other legal entity.

*Public works director* means the public works director of the county, who is in charge of the operation of the county transfer station.

*Transfer fee* means the charge or fee for the disposal of materials or waste by depositing them in the county transfer station.

(Ord. No. 03-05, § 1, 4-29-03)

### **Sec. 62-235. Depositing of materials and waste in the county transfer station.**

A transfer fee for depositing materials and waste in the county transfer station is imposed according to the following schedule:

- (1) For municipal solid waste, per ton . . . \$32.00
- (2) For mixed waste, per ton . . . 125.00

(Ord. No. 03-05, § 1, 4-29-03)

### **Sec. 62-236. Procedures for delivery.**

The public works director shall develop and institute procedures for delivery and unloading of materials and waste at the county transfer station. If the procedures for delivery shall not be adhered to by any person, that person may be denied entrance to and may be prevented from depositing any materials or waste at the county transfer station.

(Ord. No. 03-05, § 1, 4-29-03)

**Sec. 62-237. Procedures for collection of transfer fees.**

The public works director shall develop and institute procedures for collection of transfer fees subject to prior approval by the board. All transfer fees shall be payable in advance. The public works director shall remit the transfer fees, with an accounting to the clerk of the circuit court on or before the tenth day following the month in which such fees shall be collected; and such fees shall be placed in such funds as directed by the board.

(Ord. No. 03-05, § 1, 4-29-03)

**Sec. 62-238. Procedure for amendment of schedule of transfer fees.**

By resolution adopted at a public hearing upon at least 15 days prior notice (excluding Sundays and legal holidays) published in a newspaper of general circulation in the county, the board may change, amend, supplement or alter the schedule of transfer fees provided in section 62-235. Upon adoption of any such resolution, the board shall publish the resolution, in full, one time in a newspaper of general circulation in the county within 30 days of adoption after which the schedule of transfer fees shall be amended and be effective as provided in the resolution.

(Ord. No. 03-05, § 1, 4-29-03)

Secs. 62-239--62-250. Reserved.

**DIVISION 2. LANDFILL TIPPING FEES**

**Sec. 62-251. Short title.**

This division may be cited as the Suwannee County Tipping Fee Ordinance.

(Ord. No. 90-17, § 1, 10-2-1990)

**Sec. 62-252. Purpose.**

This division is enacted to defray a portion of the costs of owning and operating a public landfill in accordance with all rules and regulations of all applicable governmental and environmental agencies.

(Ord. No. 90-17, § 2, 10-2-1990)

**Sec. 62-253. Statutory authorization.**

This division is authorized by F.S. ch. 125 and other applicable law.

(Ord. No. 90-17, § 3, 10-2-1990)

**Sec. 62-254. Definitions.**

Unless specifically defined in this section, words or phrases used in this division shall be interpreted so as to give them the meaning they have in common usage and to give this division its most reasonable application. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boara* means the board of county commissioners.

*Heavy-weight vehicle tires* means tires used on all vehicles other than tires used on automobiles and on trucks and vans of one-half ton in size or smaller.

*Light-weight vehicle tires* means tires ordinarily used on automobiles and on trucks and vans of one-half ton in size or smaller.

*Public works director* means the public works director of the county, who is in charge of operation of the county landfill.

*Tipping fee* means the charge or fee for disposal of materials or waste by depositing them in the county landfill.

(Ord. No. 90-17, § 4, 10-2-1990)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 62-255. Disposal of materials and waste in county landfill.**

A tipping fee for the disposal of materials and waste in the county landfill is imposed according to the following schedule:

- (1) For municipal solid waste, \$50.00 per ton.
- (2) For dead animals, \$50.00 per ton.
- (3) For yard debris:
  - a. Up to 250 pounds, \$3.00, limit one (1) load per day.
  - b. More than 250 pounds, or more than one (1) load per day, chipped or unchipped, \$35.00 per ton on entire load.
- (4) For construction debris:
  - a. Up to 500 pounds, \$3.00, limit one (1) load per day.
  - b. Over 500 pounds, or more than one (1) load per day, \$50.00 per ton on the entire load.
- (5) For miscellaneous (MSW) items:
  - a. Up to 500 pounds, \$3.00, limit one (1) load per day.
  - b. Over 500 pounds, or more than one (1) load per day, \$50.00 per ton on the entire load.
- (6) For tires:
  - a. For on-the-road vehicle tires, \$100.00 per ton.

- b. For off-the-road vehicle tires, \$250.00 per ton.
- (7) For white goods/scrap metal:
  - a. No charge if separated from other garbage or debris and delivered to a salvage location in accordance with directions of the county.
  - b. If not separated from other garbage or debris, \$50.00 per ton.
- (8) For asbestos, \$100.00 per ton, provided the county shall be notified in advance and the time and place of delivery approved. Any load of garbage or debris containing asbestos shall be deemed a load of asbestos for the purposes of this section.
- (9) For batteries:
  - a. No charge if separated from other garbage or debris and delivered to a salvage location in accordance with directions of the county, limit two per month.
  - b. Commercial disposal of batteries not accepted.
- (10) For used oil:
  - a. No charge if separated from other garbage or debris and delivered to a salvage location in accordance with directions of the county.
  - b. If not separated from other garbage or debris, not accepted.

(Ord. No. 90-17, § 4, 10-2-1990; Ord. No. 00-01, § 1, 12-7-99; Ord. No. 00-04, § 1, 2-15-00)

#### **Sec. 62-256. Procedures for delivery.**

The public works director shall develop and institute procedures for delivery and unloading of materials and waste to the county landfill. If the procedures for delivery shall not be adhered to by any person, that person may be denied entrance to and may be prevented from depositing any materials or waste at the county landfill.

(Ord. No. 90-17, § 5, 10-2-1990)

#### **Sec. 62-257. Procedures for collection of tipping fees.**

The public works director shall develop and institute procedures for collection of tipping fees subject to prior approval by the board. All tipping fees shall be payable in advance. The public works director shall remit the tipping fees, with an accounting to the clerk of the circuit court on or before the tenth day following the month in which such fees shall be collected; and such fees shall be placed in such funds as directed by the board.

(Ord. No. 90-17, § 6, 10-2-1990)

#### **Sec. 62-258. Procedure for amendment of schedule of tipping fees.**

By resolution adopted at a public hearing upon at least 15 days' prior notice (excluding Sundays and legal holidays) published in a newspaper of general circulation in the county, the

board may change, amend, supplement or alter the schedule of tipping fees provided in section 62-254. Upon adoption of any such resolution, the board shall publish the resolution, in full, one time in a newspaper of general circulation in the county within 30 days of adoption, after which the schedule of tipping fees shall be amended and be effective as provided in the resolution.

(Ord. No. 90-17, § 7, 10-2-1990)

Secs. 62-259--62-280. Reserved.

### **DIVISION 3. FEE FOR DISPOSAL OF TIRES**

#### **Sec. 62-281. Statutory authorization.**

This division is authorized by F.S. ch. 125 and other applicable law.

(Ord. No. 90-12, § 1, 9-4-1990)

#### **Sec. 62-282. Definitions.**

Unless specifically defined in this section, words or phrases used in this division shall be interpreted so as to give them the meaning they have in common usage and to give this division its most reasonable application. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Heavy-weight vehicle tires* means tires used on all vehicles other than tires used on automobiles and on trucks and vans of one-half ton in size or smaller.

*Light-weight vehicle tires* means tires ordinarily used on automobiles and on trucks and vans of one-half ton in size or smaller.

*Public works director* means the public works director of the county, who is in charge of operation of the county landfill.

(Ord. No. 90-12, § 2, 9-4-1990)

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 62-283. Disposal of tires in county landfill.**

A fee for the disposal of tires in the county landfill is imposed as follows:

- (1) For light-weight vehicle tires, \$1.00 per tire.
- (2) For heavy-weight vehicle tires, will be charged and adjusted according to weight at the rate of \$75.00 per ton.

(Ord. No. 90-12, § 2, 9-4-1990)

#### **Sec. 62-284. Procedure for delivery and collection of fees.**

The public works director shall develop a procedure for delivery of tires to the county

landfill and collection of fees for such delivery. The public works director shall collect such fees, without exemptions, and remit them with an accounting to the clerk of the circuit court on or before the tenth day following the month in which such fees shall be collected; and such fees shall be placed in the general fund of the county.

(Ord. No. 90-12, § 3, 9-4-1990)

### **Sec. 62-285. Emergency nature of division.**

It is declared that an emergency exists and that the immediate enactment of this division is necessary to stop accelerated dumping of tires in the county landfill. If this division shall be enacted under the regular enactment procedure as prescribed in F.S. § 125.66(2), many thousands of tires may be dumped in the county landfill without payment of any fee; and such dumping will greatly increase expenses and costs of the county in operations of the county landfill.

(Ord. No. 90-12, § 4, 9-4-1990)

## **Chapters 63--65 RESERVED**

## **Chapter 66 STREETS AND SIDEWALKS\***

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**\*Cross references:** Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way saved from repeal, § 1-10(a)(3); any ordinance establishing street grades or specifications saved from repeal, § 1-10(a)(12); any ordinance establishing specific street regulations or traffic or parking restrictions saved from repeal, § 1-10(a)(13); buildings and building regulations, ch. 18; manufactured homes and trailers, ch. 50; traffic and vehicles, ch. 74.

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### Article I. In General

Secs. 66-1--66-30. Reserved.

### Article II. Use of Roads and Rights-of-Way

[Sec. 66-31. Statutory authorization, findings of fact and statement of purpose.](#)

[Sec. 66-32. Definitions.](#)

[Sec. 66-33. Loading and unloading on public road rights-of-way prohibited.](#)

[Sec. 66-34. Plowing fire lanes on public road rights-of-way prohibited.](#)

[Sec. 66-35. Obstruction on public road rights-of-way prohibited.](#)

[Sec. 66-36. Disturbing soil and grass on public road rights-of-way.](#)

[Sec. 66-37. Enforcement of civil action.](#)

[Sec. 66-38. Enforcement and penalties.](#)

Secs. 66-39--66-70. Reserved.

### Article III. Street Naming and Numbering

[Sec. 66-71. Short title and authority.](#)

[Sec. 66-72. Definitions.](#)

[Sec. 66-73. Street names and name changes.](#)

[Sec. 66-74. Building numbering system established.](#)

[Sec. 66-75. Administration and number assignment.](#)

[Sec. 66-76. Standards for numbering.](#)

[Sec. 66-77. Enforcement and penalties.](#)

Secs. 66-78--66-110. Reserved.

### Article IV. Barricades

[Sec. 66-111. Removal prohibited.](#)

[Sec. 66-112. Damaging prohibited.](#)  
[Sec. 66-113. Penalty for violation of article.](#)

## **ARTICLE I. IN GENERAL**

Secs. 66-1--66-30. Reserved.

## **ARTICLE II. USE OF ROADS AND RIGHTS-OF-WAY**

### **Sec. 66-31. Statutory authorization, findings of fact and statement of purpose.**

- (a) *Statutory authorization.* In F.S. ch. 125, the state legislature delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizens. Therefore, the board of county commissioners does ordain the provisions of this article.
- (b) *Findings of fact.*
- (1) Public roads and rights-of-way for such roads should be preserved and maintained in a safe condition for the traveling public.
  - (2) The shoulder, slope and ditch areas adjacent to the driving lanes and within the public road rights-of-way are being used by heavy trucks and equipment for loading and unloading of timber, pine straw, livestock, farm products, and other goods, thereby disturbing the soil and grassed areas and creating mounds, holes, ridges and cuts in public road rights-of-way and inducing erosion.
  - (3) Persons plow fire lanes on public road rights-of-way instead of plowing fire lanes on adjacent property, thereby inducing erosion and hindering maintenance of public road rights-of-way.
  - (4) Motor vehicles, treetops, refuse and other obstructions have been parked, placed or located within public road rights-of-way for substantial periods of time, thereby obstructing or eliminating the safety zone between the travel lanes and the outer right-of-way line and hindering maintenance by the county of such rights-of-way.
- (c) *Statement of purpose.* It is the intent of this article to promote the public health, safety and general welfare of the citizens of the county and to minimize the danger to the traveling public and the costs of maintenance of public road rights-of-way by the county.

(Ord. No. 85-02, § 1, 4-2-1985)

### **Sec. 66-32. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined otherwise in this section, the words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

*Public road* means any road conveyed to the county by easement, deed or grant of

right-of-way, including roads acquired through eminent domain proceedings, adverse possession, usage by the public, and maintenance by the state and/or county.

*Public road right-of-way* means the area conveyed to the county by easement, deed or grant of right-of-way or acquired through eminent domain proceedings; public road right-of-way acquired through adverse possession, public usage or maintenance by the state and/or county is the area used and/or maintained in connection with any public road, the minimum width of which shall be at least one foot beyond the top of the backslope of any ditch in any road right-of-way.

(Ord. No. 85-02, § 2, 4-2-1985)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 66-33. Loading and unloading on public road rights-of-way prohibited.**

It is unlawful for any person to load or unload timber, pine straw, livestock, farm products and other goods on to or off of motorized vehicles, trailers and/or equipment of any type on public road rights-of-way within the county.

(Ord. No. 85-02, § 3, 4-2-1985)

### **Sec. 66-34. Plowing fire lanes on public road rights-of-way prohibited.**

It is unlawful for any person to plow fire lanes on public road rights-of-way within the county.

(Ord. No. 85-02, § 4, 4-2-1985)

### **Sec. 66-35. Obstruction on public road rights-of-way prohibited.**

It is unlawful for any person or party to park, place or locate motor vehicles, treetops, refuse and other obstructions within public road rights-of-way in the county except in the areas designated and marked for such purpose.

(Ord. No. 85-02, § 5, 4-2-1985)

### **Sec. 66-36. Disturbing soil and grass on public road rights-of-way.**

It is unlawful for any person to disturb the soil and grassed areas of any public road or drainage system for such road in the county.

(Ord. No. 85-02, § 6, 4-2-1985)

### **Sec. 66-37. Enforcement of civil action.**

The board of county commissioners is authorized and empowered to enforce all provisions of this article and may institute and maintain any proper civil action, including action for damages and injunctive relief, in any court having jurisdiction.

(Ord. No. 85-02, § 7, 4-2-1985)

## **Sec. 66-38. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain

the following information:

- (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 85-02, § 8, 4-2-1985; Ord. No. 05-01, § 1.P, 11-3-2004)

Secs. 66-39--66-70. Reserved.

### **ARTICLE III. STREET NAMING AND NUMBERING\***

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\***Cross references:** Buildings and building regulations, ch. 18.

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#### **Sec. 66-71. Short title and authority.**

This article shall be known as the Street Naming and Numbering Ordinance and is adopted under the authority of F.S. chs. 125 and 336.

(Ord. No. 92-01, § 1, 4-21-1992)

#### **Sec. 66-72. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means a building which is clearly incidental or subordinate to or used

in connection with a principal building located on the same lot or parcel of land.

*Boara* means the board of county commissioners.

*Building front* means that area of a building which faces the public or private way pursuant to which the building is numbered.

*Grid system* means a series of designated north/south parallel lines intersecting a second set of east/west parallel lines forming one square mile areas (i.e., "sections"), as indicated on the official property numbering maps.

*Numbering system* means a uniform method of assigning and coordinating the address of buildings and properties based on a designated grid system contained in the official property numbering maps.

*Occupant* means any person, firm, entity, partnership, trust, corporation, association or other organization that occupies, uses or leases a building or other property.

*Owner* means any one or all persons, firms, entities, partnerships, trusts, corporations, associations or other organizations owning the fee title to or having an undivided interest in any building or property which is subject to the provisions of this article.

*Principal building* means any structure which is designed, built or used for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind for any residential, commercial or industrial purpose.

*Private way* means:

- (1) Any officially named thoroughfare used for vehicular traffic which is not included in the definition of "public way" and which is not maintained by the state or the county.
- (2) Any private right-of-way to a lot or parcel of land which does not abut an existing numbered/named roadway.
- (3) Any private right-of-way on or across a lot or parcel of land being 20 acres or more in size.

This term shall include but is not limited to roadways or driveways in apartment, condominium, commercial or industrial complexes which have been named and in which signs have been placed as permitted by F.S. § 31.077 (state uniform traffic law). The numbering of private rights-of-way may not occur until such time as a building permit is sought for the lot or parcel of land served by such right-of-way.

*Public way* means that area of an officially named and publicly maintained road or right-of-way, either paved or unpaved, which is intended for vehicular traffic, excluding service entrances or driveways.

(Ord. No. 92-01, § 2, 4-21-1992; Ord. No. 98-17, § 1, 9-15-1998)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 66-73. Street names and name changes.**

- (a) All public and private ways within the unincorporated area of the county shall have county-assigned numbers and/or names, with numbers used predominately as the

official road identifier.

- (b) Street names shall be used when diagonal directional ways necessitate name usage, and such usage will be determined by the county.
- (c) Street and road names existing on April 21, 1992, will cease to be recognized unless approved by the board.
- (d) Under no circumstances will public and private ways have duplicate names.

(Ord. No. 92-01, § 3, 4-21-1992)

#### **Sec. 66-74. Building numbering system established.**

A uniform system of numbering buildings identified by the title "Suwannee County Addressing System" appended to Ordinance No. 92-01 is adopted, incorporated by reference, and made a part of this article.

(Ord. No. 92-01, § 4, 4-21-1992)

#### **Sec. 66-75. Administration and number assignment.**

The board will be responsible for managing, coordinating and maintaining the numbering system. Administrative procedures for assigning numbers shall include the following as a minimum:

- (1) The owner, occupant or person in charge of any building to which a number has been assigned will be notified in writing of the number assigned to that building.
- (2) Such notice shall be in writing and delivered to the owner, occupant or person in charge by U.S. Postal Service, or hand delivery, or posted on or near the entrance to the applicable structure. Such notice shall contain the new numbers assigned, and direct the owner or the occupant to post the newly assigned number in accordance with section 66-76. There shall be no charge for this service.
- (3) In the case of new construction, two legible copies of approved final subdivision plats, or alternatively, where no subdivision is involved, two legible copies of an approved final site plan shall be furnished for county review. The plans will be on a scale of not less than one inch equals 100 feet. Upon completion of number assignments, one copy of the plat or plan showing building numbers and streets shall be returned.
- (4) For new construction, the county may levy a fee or charge for review, number assignments, recording, keeping affected agencies or organizations advised, and other actual costs incurred in the number assignment process. The fee shall be established by resolution of the board.

(Ord. No. 92-01, § 5, 4-21-1992)

#### **Sec. 66-76. Standards for numbering.**

All principal buildings in the unincorporated areas of the county shall have assigned

building numbers properly displayed, whether or not mail is delivered to such building. Numbers need not be displayed on accessory buildings. Physical numbering shall conform to the following standards:

- (1) Numbers must be clearly visible and legible from the public or private way on which the building fronts. Arabic numbers shall be used, and each number shall be not less than three inches in height and 1.5 inches in width.
- (2) Numbers must be in a color contrasting to the building background.
- (3) Where applicable, easily legible numbers shall also be affixed to the mailbox serving the building or house.
- (4) Assigned numbers shall be displayed on the front entrance of each principal building and, in the case of a principal building which is occupied by more than one business or family dwelling unit, on each separate front entrance.
- (5) Other numbers which might be mistaken for or confused with the number assignment in accordance with the numbering system shall be removed upon proper display of the assigned number.

(Ord. No. 92-01, § 6, 4-21-1992)

#### **Sec. 66-77. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.

- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
  - (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 92-01, § 7, 4-21-1992; Ord. No. 05-01, § 1.Q, 11-3-2004)

Secs. 66-78--66-110. Reserved.

## **ARTICLE IV. BARRICADES**

### **Sec. 66-111. Removal prohibited.**

It is unlawful for any unauthorized person to move or remove barricades placed on county roads for the purpose of alerting motorists of flooded areas, washed-out areas, or other traffic hazards.

(Ord. No. 98-04, § 1, 2-23-1998)

### **Sec. 66-112. Damaging prohibited.**

It is unlawful for any person to damage, mar or deface any barricade placed on a county road for the purpose of alerting motorists of flooded areas, washed-out areas, or other traffic hazards.

(Ord. No. 98-04, § 2, 2-23-1998)

### **Sec. 66-113. Penalty for violation of article.**

- (a) Persons convicted of violation of this article shall be fined \$200.00 for each barricade moved, removed, marred, defaced or damaged.
- (b) Any unauthorized vehicle containing such barricades shall be impounded at the owner's expense for 30 days for each barricade.

(Ord. No. 98-04, §§ 3, 4, 2-23-1998)

## **Chapters 67--69 RESERVED**

## **Chapter 70 TAXATION AND FINANCE\***

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**\*Cross references:** Any ordinance promising or guaranteeing the payment of money for the county, or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness, or any contract or obligation assumed by the county saved from repeal, § 1-10(a)(1); any ordinance making any appropriation saved from repeal, § 1-10(a)(4); any ordinance granting ad valorem tax exemptions for specific property saved from repeal, § 1-10(a)(5); any ordinance levying or imposing taxes not codified in this Code saved from repeal, § 1-10(a)(7); any ordinance providing for local services, special districts or improvements and assessing taxes or other charges therefor saved from repeal, § 1-10(a)(9); any ordinance establishing any fee, charge, deposit or other payment saved from repeal, § 1-10(a)(15); administration, ch. 2; purchasing policies and procedures, § 2-131 et seq.; businesses, ch. 22; sheriff service fees, § 46-31 et seq.

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## ARTICLE I. IN GENERAL

### Sec. 70-1. Additional homestead exemption for persons over the age of 65.

- (a) *Definitions.* As used in this section the term:
- (1) *Household* means a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling.
  - (2) *Household income* means the adjusted gross income, as defined in section 62 of the United States Internal Revenue Code, of all members of the household.
- (b) *Additional homestead exemption.*
- (1) In accordance with Section 6(f), Article VII of the Constitution of the State of Florida and F.S. § 196.075, the board of county commissioners of the county adopts an additional homestead exemption of \$25,000.00 to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner who has reached the age of 65; whose household income for the year 2007, does not exceed \$24,214.00.
  - (2) Beginning January 1, 2008, income limitation shall be adjusted annually, on January 1, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared to the same period for the year prior to that. The index is the average of the monthly consumer-price-index figures issued by the United States Department of Labor.
  - (3) This additional homestead exemption shall only apply to taxes levied by the board of county commissioners of the county, except dependent special districts and municipal service taxing units.
  - (4) An owner claiming the additional exemption must annually submit to the property appraiser, not later than March 1, a sworn statement of household income on a form prescribed by the state department of revenue.

- (5) If title is held jointly with the right of survivorship, the person residing on the property and otherwise qualifying shall receive the entire amount of the additional homestead exemption.
- (6) If the property appraiser determines that for any year within the immediately previous 10 years a person who was not entitled to the additional homestead exemption under this section was granted such an exemption, the property appraiser shall serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property that is owned by the taxpayer and is situated in this state is subject to the taxes exempted by the improper homestead exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. However, if such an exemption is improperly granted as a result of a clerical mistake or omission by the property appraiser, the person who improperly received the exemption may not be assessed a penalty and interest. Before any such lien may be filed, the owner must be given 30 days within which to pay the taxes, penalties, and interest. Such a lien is subject to the procedures and provisions set forth in F.S. § 196.161.

(Ord. No. 08-02, §§ 1, 2, 11-20-2007)

Secs. 70-2--70-30. Reserved.

## **ARTICLE II. TOURIST DEVELOPMENT TAX\***

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**\*Editor's note:** The tourist development tax was adopted by referendum on November 6, 1990.

**State law references:** Tourist development tax, F.S. § 125.0104.

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### **DIVISION 1. GENERALLY**

#### **Sec. 70-31. Levied.**

- (a) There is levied and imposed a tourist development tax throughout the county at the rate of two percent of each whole and major fraction of each dollar of the total rental and consideration charged every person who rents, leases or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, roominghouse, mobile home park, recreational vehicle park, or condominium for a term of six months or less. When receipt of consideration is by way of property other than money, the tax shall be levied and imposed on the fair market value of such nonmonetary considerations.
- (b) The tourist development tax shall be in addition to any other tax imposed pursuant to F.S. ch. 212, and in addition to all other taxes, fees and the considerations for the rental

or lease.

- (c) The tourist development tax shall be charged by the person receiving the consideration for the rental or lease; and it shall be collected by such person from the lessee, tenant or customer at the time of payment of the consideration for such rental or lease.
- (d) The person receiving the consideration for such rental or lease shall receive, account for and remit the tax to the county tax collector at the time and in the manner provided for persons who collect and remit taxes under F.S. § 212.03. The same duties and privileges imposed by F.S. ch. 212 upon dealers in tangible property, respecting the collection and remission of tax; the making of returns; the keeping of books, records and accounts; and compliance with the rules of the county tax collector in the administration of that chapter shall apply to and be binding upon all persons who are subject to the provisions of this article; however, the county tax collector may authorize a quarterly return and payment when the tax remitted by the person receiving the consideration for such rental or lease for the preceding quarter did not exceed \$25.00 or such other amount as set by law.
- (e) Collections received by the county tax collector from the tax, less costs of administration as allowed by law, shall be paid and returned on a monthly basis to the county for use by the county in accordance with the provisions of this division and shall be placed in the tourist development trust fund established by the county.
- (f) Three percent of the tax collected pursuant to this chapter shall be retained by the county tax collector for the costs of administration of this tax. The tax collector's books and records relating to the collection taxes pursuant to this chapter shall be available for inspection by the board of county commissioners or its designated representative.

(Ord. No. 90-13, § 1, 9-4-1990; Ord. No. 01-01, §§ 1--3, 11-7-00)

### **Sec. 70-32. Use.**

The tax revenues received pursuant to this division shall be used to fund the county tourist development plan, which is attached to Ordinance No. 90-13 as exhibit A and which is hereby adopted and incorporated into this division.

(Ord. No. 90-13, § 2, 9-4-1990)

### **Sec. 70-33. Tourist development council established.**

The establishment of the county tourist development council by Ordinance No. 90-11 and Resolution No. 90-37 is ratified and confirmed. In addition to the powers and duties described in F.S. § 125.0104, and in that ordinance and resolution, the council shall continuously review all expenditures of revenue raised by the tax levied in this division and shall receive, at least quarterly, expenditure reports from the board of county commissioners or its designee. The council shall report to the board of county commissioners and to the department of revenue all expenditures of the revenue believed to be unauthorized by the provisions of this division. The board of county commissioners upon receiving notification of expenditures believed to be unauthorized by the council shall review the council's findings and take such administrative or judicial action as it sees fit to ensure compliance with this division and the provision of F.S. § 125.0104.

(Ord. No. 90-13, § 3, 9-4-1990)

**Sec. 70-34. Compliance with state law.**

Notwithstanding anything to the contrary that may be contained in the plan described in section 70-32, revenues received pursuant to this division shall be used by the county only for the purposes authorized by F.S. § 125.0104.

(Ord. No. 90-13, § 4, 9-4-1990)

**Sec. 70-35. Trust fund established.**

The county shall establish a county tourist development trust fund for receipt by the county of the tourist development tax proceeds transmitted from the department of revenue to the county as required by F.S. § 125.0104.

(Ord. No. 90-13, § 6, 9-4-1990)

**Sec. 70-36. Penalty for failure to collect tax.**

Any person who is taxable under this division and who fails or refuses to charge and collect from the person paying any rental or lease the taxes provided in this division, either by himself or through his agents or employees, shall be, in addition to being personally liable for the payment of the tax, guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082, 775.083 or 775.084.

(Ord. No. 90-13, § 7, 9-4-1990)

**Sec. 70-37. Advertisement of absorption of tax prohibited.**

No person shall advertise or hold out to the public in any manner, directly or indirectly, that he will absorb all or any part of the tax, or that he will relieve the person paying the rental of the payment of all or any part of the tax, or that the tax will not be added to the rental or lease consideration, or when added, that it or any part will be refunded or refused, either directly or indirectly, by any method whatsoever. Any person who willfully violates any provision of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082, 775.083 or 775.084.

(Ord. No. 90-13, § 8, 9-4-1990)

**Sec. 70-38. Constitutes lien.**

The tax levied by this division shall constitute a lien on the property of the lessee, customer or tenant in the same manner as and shall be collectible as are liens authorized and imposed in F.S. §§ 713.67, 713.68 and 713.69.

(Ord. No. 90-13, § 9, 9-4-1990)

**Sec. 70-39. Severability.**

It is declared to be the intent of the board of county commissioners that if any section,

subsection, sentence, clause, phrase, or portion of this division 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 of this division.

(Ord. No. 90-13, § 10, 9-4-1990)

**Sec. 70-40. Effective date.**

This division shall become effective on the first day of the month following its approval in a referendum election, held for the purpose of approving or rejecting the ordinance from which this division derives by a majority of the electors voting in such referendum election, and upon receipt of official acknowledgement by the office of the secretary of state to the clerk of the board of county commissioners that the election has been filed. A certified copy of the ordinance from which this division was derived shall also be furnished by the clerk to the state department of revenue.

(Ord. No. 90-13, § 11, 9-4-1990)

Secs. 70-41--70-60. Reserved.

**DIVISION 2. TOURIST DEVELOPMENT ADVISORY COUNCIL**

**Sec. 70-61. Established.**

- (a) There is established pursuant to the provisions of F.S. § 125.0104, an advisory council to be known as the Suwannee County Tourist Development Council. The council shall be composed of nine members. One member of the council shall be the current chairman of the board of county commissioners. Two members of the council shall be elected municipal officials. Three members of the council shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax. Three members of the council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, but who are not owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax. The council shall elect one of its members as chairman annually.
- (b) All members of the council shall be electors of the county.
- (c) The members of the council shall serve for staggered terms of four years.
- (d) Members of the council may be appointed by resolution of the board of county commissioners.

(Ord. No. 90-11, § 2, 8-23-1990; Ord. No. 92-02, § 1, 6-2-1992)

**Sec. 70-62. Powers and duties.**

The tourist development council shall prepare and submit to the board of county commissioners for its approval a plan for tourist development. The plan shall set forth the anticipated net tourist development tax revenue to be derived by the county for the 24 months

following the levy of the tax and a list, in the order of priority, of the proposed uses of the tax revenues by specific project or special use as authorized under F.S. § 125.0104(5). The plan shall include the approximate cost or expense allocation for each specific project or special use. In addition, if a tourist development tax is levied by the county, the council shall make recommendations to the board of county commissioners for the effective operation of the special projects or for uses of the tourist development tax revenue and perform such other duties as may be prescribed by county ordinance or resolution. The council shall continuously review expenditures of revenues from the tourist development trust fund and shall receive, at least quarterly, expenditure reports from the board of county commissioners or its designee. Expenditures which the council believes to be unauthorized shall be reported to the board of county commissioners and the department of revenue.

(Ord. No. 90-11, § 3, 8-23-1990)

### **Sec. 70-63. Local administration of the tax.**

- (a) Notwithstanding any provisions herein to the contrary, the county intends to be exempted for those requirements of F.S. § 125.0104(3)(g), that the tax collected be remitted to the department of revenue before being returned to the county. The county intends to provide for the collection and administration of the tax on a local level in accordance with F.S. § 125.0104(10).
- (b) Initial collection of the tax shall be made in the same manner as the tax imposed under F.S. ch. 212, pt. I.
- (c) The county tax collector hereby assumes all responsibility for auditing the records and accounts of dealers, and assessing, collecting, and enforcing payments of delinquent taxes, as contemplated by F.S. § 125.0104(10)(c).
- (d) The county tax collector shall be responsible for the collection and administration of the tax. The person receiving the consideration for any rental or lease pursuant to F.S. § 125.0104(3)(a), shall receive, account for, and remit the tax to the tax collector at the time and in the manner provided for persons who collect and remit taxes under F.S. § 212.03. The tax collector shall keep records showing the amount of taxes collected as well as appropriate books and accounts associated therewith. The same duties and privileges imposed by F.S. ch. 212, upon dealers in tangible property, respecting the collection and remission of tax, the making of returns, the keeping of books, records and accounts, the payment of dealer's credit in compliance with the rules of the tax collector, shall apply to and be binding upon all persons who are subject to the provisions of the ordinance; provided, however, the tax collector may authorize a quarterly return and payment in accordance with F.S. ch. 212.
  - (1) Three percent of the tax collected herein shall be retained by the tax collector for costs of administration. The remainder shall be remitted to the county monthly and shall be placed in the county tourist development trust fund.
  - (2) Tax revenues may be used only in accordance with the provisions of F.S. § 125.0104.
  - (3) The tax collector's books and records relating to collecting under this section shall be available for inspection by the county and the clerk to the board of county commissioners at reasonable times.

(Ord. No. 01-13, § 1, 8-7-2001)

Secs. 70-64--70-95. Reserved.

### **ARTICLE III. INFRASTRUCTURE SURTAX\***

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**\*Editor's note:** The infrastructure surtax was adopted by referendum on November 3, 1987.

**State law references:** Infrastructure surtax, F.S. § 212.055(2).

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#### **Sec. 70-96. Authorization.**

This article is authorized by F.S. § 212.055(2)(h)1 and other applicable law.

(Ord. No. 87-07, § 1, 9-21-1987; Ord. No. 95-11, § 1, 9-19-1995)

#### **Sec. 70-97. Imposition.**

There is imposed a 20 percent government infrastructure surtax upon any tax paid to the state pursuant to F.S. ch. 212, pt. I resulting from a taxable transaction occurring within the county; however, any taxes paid under the authority of F.S. § 212.054, relating to discretionary sales surtaxes, or F.S. § 212.0305, relating to convention development taxes, shall not be subject to the surtax; further, the surtax shall not apply on the sales amount above \$5,000.00 on any item of tangible personal property unless the statutory exemption amount set forth at F.S. § 212.055(3)(d), (as added by Laws of Fla. ch. 87-239, § 2), is amended, in which case, the amended exemption amount, if any, shall be utilized in lieu of the exemption amount stated in this section.

(Ord. No. 87-07, § 2, 9-21-1987)

#### **Sec. 70-98. Duration of levy.**

The sales surtax levy, if approved by the voters, shall take effect as of January 1, 1988, and shall continue for a period of 15 years from that date.

(Ord. No. 87-07, § 5, 9-21-1987)

#### **Sec. 70-99. Use of proceeds and interest.**

The surtax proceeds and the interest on such proceeds may be used for any public purpose as determined by the board of county commissioners, provided the debt service obligations for any year shall first be met.

(Ord. No. 95-11, § 3, 9-19-1995)

Secs. 70-100--70-130. Reserved.

## **ARTICLE IV. LOCAL OPTION GAS TAX\***

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**\*Cross references:** Traffic and vehicles, ch. 74.

**State law references:** Local option fuel tax, F.S. § 336.025.

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### **DIVISION 1. LOCAL OPTION FUEL TAX PURSUANT TO F.S. 336.025(1)(a)**

#### **Subdivision A. Tax Effective from September 1, 1989 to August 31, 2014**

##### **Sec. 70-131. Authorization.**

This article is authorized by F.S. § 336.025 and other applicable law.

(Ord. No. 89-03, § 1, 5-2-1989; Ord. No. 02-15, § A, 6-18-2002)

##### **Sec. 70-132. Imposed.**

There is imposed a local option gas tax of \$0.03 upon every gallon of motor fuel and special fuel sold in the county and taxed under the provisions of F.S. ch. 206, pt. 1 or 2.

(Ord. No. 89-03, § 2, 5-2-1989; Ord. No. 02-15, § A, 6-18-2002)

##### **Sec. 70-133. Duration of tax.**

The tax imposed by this article shall be effective from September 1, 1989, to August 31, 2014, both inclusive.

(Ord. No. 89-03, § 3, 5-2-1989; Ord. No. 02-15, § A, 6-18-2002)

##### **Sec. 70-134. Use of tax.**

All proceeds of the gas tax levied hereby shall be distributed among the county, the City of Live Oak, and the Town of Branford, based on the transportation expenditures of each for the five fiscal years preceding the fiscal year of 1989 as a proportion of the total of such expenditures for the county and such municipalities.

(Ord. No. 89-03, § 4, 5-2-1989; Ord. No. 02-15, § A, 6-18-2002)

#### **Subdivision B. Tax Effective from September 1, 1995 to August 31, 2025**

##### **Sec. 70-135. Authorization.**

This article is authorized by F.S. § 336.025 and other applicable law.

(Ord. No. 95-06, § 1, 6-22-1995; Ord. No. 02-15, § A, 6-18-02)

**Sec. 70-136. Imposed.**

There is imposed a local option gas tax of \$0.03 upon every gallon of motor fuel and special fuel sold in the county and taxed under the provisions of F.S. ch. 206, pt. 1 or 2.

(Ord. No. 95-06, § 2, 6-22-1995; Ord. No. 02-15, § A, 6-18-02)

**Sec. 70-137. Duration of tax.**

The tax imposed by this article shall be effective from September 1, 1995, to August 31, 2025, both inclusive.

(Ord. No. 95-06, § 3, 6-22-1995; Ord. No. 02-15, § A, 6-18-02)

**Sec. 70-138. Use of tax.**

The local option gas tax shall be used only for transportation expenditures as defined in F.S. § 336.025.

(Ord. No. 95-06, § 4, 6-22-1995; Ord. No. 02-15, § A, 6-18-02)

Secs. 70-139--70-142. Reserved.

**DIVISION 2. NINTH-CENT FUEL TAX**

**Sec. 70-143. Authorization.**

This article is authorized by F.S. § 336.021 and other applicable law.

(Ord. No. 02-13, § A, 5-21-2002)

**Sec. 70-144. Imposed.**

There is imposed an additional tax of \$0.01 to be designated a ninth-cent fuel tax upon every gallon of motor fuel and special fuel sold in the county and taxed under the provisions of F.S. ch. 206, pt. 1.

(Ord. No. 02-13, § A, 5-21-2002)

**Sec. 70-145. Duration of tax.**

The tax imposed by this division shall be effective from January 1, 2003 until December 31, 2033.

(Ord. No. 02-13, § A, 5-21-2002)

**Sec. 70-146. Use of tax.**

The ninth-cent fuel tax shall be used only for paving.

(Ord. No. 02-13, § A, 5-21-2002)

Secs. 70-147--70-153. Reserved.

### **DIVISION 3. LOCAL OPTION FUEL TAX PURSUANT TO F.S. 336.025(1)(b)**

#### **Sec. 70-154. Authorization.**

This part is authorized by F.S. § 336.025(1)(b) and other applicable law.

(Ord. No. 02-14, § A, 6-18-2002)

#### **Sec. 70-155. Imposed.**

There is imposed a local option gas tax of \$0.05 upon every gallon of motor fuel and special fuel sold in the county and taxed under the provisions of F.S. 206, pt. 1.

(Ord. No. 02-14, § A, 6-18-2002)

#### **Sec. 70-156. Duration of tax.**

The tax imposed by this part shall be effective from January 1, 2003, to December 31, 2032, both inclusive.

(Ord. No. 02-14, § A, 6-18-2002)

#### **Sec. 70-157. Use of tax.**

The local option gas tax shall be used only for transportation expenditures as defined in F.S. § 336.025.

(Ord. No. 02-14, § A, 6-18-2002)

Secs. 70-158--70-185. Reserved.

### **ARTICLE V. SERVICE ASSESSMENTS\***

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\***Editor's note:** Ord. No. 05-04, §§ 1.01--4.03, adopted July 19, 2005, amended the Code by repealing former art. V, §§ 70-186--70-201, and 70-221--70-242; and adding a new art. V. Former art. V pertained to municipal services benefit unit for solid waste disposal, and derived from Ord. No. 89-13, adopted September 5, 1989; Ord. No. 89-20, adopted December 19, 1989; Ord. No. 89-23, adopted December 19, 1989; Ord. No. 90-02, adopted February 6, 1990; and Ord. No. 99-07, adopted February 2, 1999.

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### **DIVISION 1. GENERALLY**

## **Sec. 70-186. Definitions.**

As used in this article, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

*Annual rate resolution* means the resolution described in section 70-208 hereof, establishing the rate at which a service assessment for a specific fiscal year will be computed.

*Assessed property* means all parcels of land included on the assessment roll that receive a special benefit from the delivery of the service or provision of the facility or program identified in the initial assessment resolution.

*Assessment roll* means the special assessment roll relating to a service assessment approved by a final assessment resolution pursuant to section 70-206 hereof or an annual rate resolution pursuant to section 70-208 hereof.

*Boara* means the board of county commissioners of the county.

*Building permit* means an official document or certificate issued by the county or a city within the county, under the authority of ordinance or law, authorizing the construction or siting of any building within the county. The term "building permit" shall also include set up or tie down permits for those structures or buildings, such as a mobile home, that do not require a building permit in order to be constructed.

*Certificate of occupancy* means the written certification issued by the county or a city within the county that a building is ready for occupancy for its intended use. For the purposes of this article, a set-up or tie-down permit or its equivalent issued for a mobile home shall be considered a certificate of occupancy.

*Clerk* means the clerk of the circuit court for the county, or the ex-officio clerk of the board.

*County* means Suwannee County, Florida.

*County coordinator* means the chief administrative officer of the county, or such person's designee.

*Final assessment resolution* means the resolution described in section 70-206 hereof which shall confirm, modify, or repeal the initial assessment resolution and which shall be the final proceeding for the imposition of a service assessment.

*Fiscal year* means that period commencing October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the county.

*Government property* means property owned by the United States of America or any agency thereof, the state or any agency thereof, a county, a special district or a municipal corporation.

*Initial assessment resolution* means the resolution described in section 70-202 hereof which shall be the initial proceeding for the identification of the service, facility, or program for which an assessment is to be made and for the imposition of a service assessment.

*Maximum assessment rate* means the maximum rate of assessment established by the

final assessment resolution for the service, facility, or program identified in the initial assessment resolution.

*Ordinance* means this master service assessment ordinance, as amended from time-to-time.

*Owner* shall mean the person reflected as the owner of assessed property on the tax roll.

*Person* means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

*Preliminary rate resolution* means the resolution described in section 70-208 hereof initiating the annual process for updating the annual roll and directing the reimposition of service assessments pursuant to an annual rate resolution.

*Property appraiser* means the property appraiser of the county.

*Service assessment* means a special assessment lawfully imposed by the county against assessed property to fund all or any portion of the service cost for a service, facility, or program providing a special benefit to property as a consequence of a logical relationship to the value, use, or characteristics of property identified in the initial assessment resolution.

*Service cost* means the amount necessary in any fiscal year to fund the provision of a defined service, facility, or program which provides a special benefit to assessed property, and can include, but not be limited to:

- (1) The cost of physical construction, reconstruction or completion of any required facility or improvement;
- (2) The costs incurred in any required acquisition or purchase;
- (3) The cost of all labor, materials, machinery, and equipment;
- (4) The cost of fuel, parts, supplies, maintenance, repairs, and utilities;
- (5) The cost of computer services, data processing, and communications;
- (6) The cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever;
- (7) The cost of any indemnity or surety bonds and premiums for insurance;
- (8) The cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits;
- (9) The cost of uniforms, training, travel, and per diem;
- (10) The cost of construction plans and specifications, surveys and estimates of costs;
- (11) The cost of engineering, financial, legal, and other professional services;
- (12) The costs of compliance with any contracts or agreements entered into by the county relating to the provision of said services;
- (13) All costs associated with the structure, implementation, collection, and

enforcement of the service assessments, including any service charges of the clerk, tax collector, or property appraiser, and delinquent amounts from prior impositions, and amounts necessary to off-set discounts received for early payment of service assessments pursuant to the Uniform Assessment Collection Act or for early payment of service assessments collected pursuant to section 70-222 herein;

- (14) All other costs and expenses necessary or incidental to the acquisition, provision, or construction of the service, facility, or program to be funded by the service assessment, and such other expenses as may be necessary or incidental to any related financing authorized by the board by subsequent resolution;
- (15) An amount for contingencies and anticipated delinquencies and uncollectible service assessments; and
- (16) Reimbursement to the county or any other person for any moneys advanced for any costs incurred by the county or such person in connection with any of the foregoing items of service cost.

*Tax collector* means the tax collector of the county.

*Tax roll* means the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

*Uniform Assessment Collection Act* means F.S. §§ 197.3632 and 197.3635, as amended from time-to-time, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

(Ord. No. 05-04, § 1.01, 7-19-2005)

### **Sec. 70-187. Interpretation.**

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this article; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this article. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

(Ord. No. 05-04, § 1.02, 7-19-2005)

### **Sec. 70-188. Findings.**

It is hereby ascertained, determined, and declared that:

- (1) Pursuant to Article VIII, Section 1, Florida Constitution, and F.S. §§ 125.01 and 125.66, Florida Statutes, the board has all powers of local self-government to perform county functions and to render county services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of county ordinances.
- (2) In addition to its powers of self-government, the board is authorized by F.S. §

125.01(1)(q), to impose service assessments in all or a portion of the unincorporated area and within municipal areas through the creation of a municipal service benefit unit. The creation of a municipal service benefit unit which consists of any property situated within an incorporated area requires the consent of the affected municipality pursuant to F.S. § 125.01(1)(q). Additionally, the board derives authority to impose service assessments within a municipal service benefit unit from the home rule power of counties in Article VIII, Section 1(f), Florida Constitution, F.S. § 125.01, and specifically F.S. § 125.01(1)(r).

- (3) The service assessments to be imposed pursuant to this article shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.
- (4) The service assessments to be imposed pursuant to this article are imposed by the board, not the property appraiser or tax collector. The duties of the property appraiser and tax collector under the Uniform Assessment Collection Act are ministerial.
- (5) The purpose of this article is to:
  - a. Provide procedures and standards for the imposition of service assessments within the county or within any municipal service benefit unit subsequently established by resolution under the general home rule powers of a county to impose special assessments; and
  - b. Authorize a procedure for the funding of public services, facilities, or programs providing special benefit to subsequently identified property within the county.

(Ord. No. 05-04, § 1.03, 7-19-2005)

### **Sec. 70-189. Applicability.**

This article and the board's authority to impose assessments pursuant hereto shall be applicable throughout the unincorporated area of the county and throughout the incorporated area of any municipality whose governing body has heretofore or hereafter requested and consented to the provision of the relevant services, facilities and programs by the county.

(Ord. No. 05-04, § 4.01, 7-19-2005)

### **Sec. 70-190. Alternative method.**

- (a) This article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This article, being necessary for the welfare of the inhabitants of the county, shall be liberally construed to effect the purposes hereof.
- (b) Nothing herein shall preclude the board from directing and authorizing, by resolution, the combination with each other of:
  - (1) Any supplemental or additional notice deemed proper, necessary, or convenient

by the county;

- (2) Any notice required by this article; or
- (3) Any notice required by law, including the Uniform Assessment Collection Act.

(Ord. No. 05-04, § 4.02, 7-19-2005)

Secs. 70-191--70-200. Reserved.

## **DIVISION 2. ANNUAL SERVICE ASSESSMENTS**

### **Sec. 70-201. General authority.**

- (a) The board is hereby authorized to impose an annual service assessment to fund all or any portion of the service cost on benefited property at a rate of assessment based on the special benefit accruing to such property from the county's provision of the subsequently identified service, facility, or program. All service assessments shall be imposed in conformity with the procedures set forth in this division.
- (b) The amount of the service assessment that is imposed each fiscal year against each parcel of assessed property shall be determined pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the service cost among properties on a basis reasonably related to the special benefit provided by the service, facility, or program funded with assessment proceeds. Nothing contained in this article shall be construed to require the imposition of service assessments against government property.

(Ord. No. 05-04, § 2.01, 7-19-2005)

### **Sec. 70-202. Initial proceedings.**

The initial proceeding for the imposition of a service assessment shall be the board's adoption of an initial assessment resolution:

- (1) Containing a brief and general description of the services, facilities or programs to be provided;
- (2) Determining the service cost to be assessed;
- (3) Describing the method of apportioning the service cost and the computation of the service assessment for specific properties;
- (4) Describing the boundaries of and creating a municipal service benefit unit in the event the board elects to use the assessment vehicle of a created municipal service benefit unit;
- (5) In the event the board does not elect to create a municipal service benefit unit, identifying property that may be subject to a service assessment by designating a geographic area within the county where the board provides the relevant services, facilities, and programs;
- (6) Establishing an estimated assessment rate for the upcoming fiscal year;

- (7) Establishing a maximum assessment rate, if desired by the board;
- (8) Authorizing the date, time, and place of a public hearing to consider the adoption of the final assessment resolution for the upcoming fiscal year; and
- (9) Directing the county coordinator to:
  - a. Prepare the initial assessment roll, as required by section 70-203 hereof;
  - b. Publish the notice required by section 70-204 hereof; and
  - c. Mail the notice required by section 70-205 hereof.

(Ord. No. 05-04, § 2.02, 7-19-2005)

### **Sec. 70-203. Initial service assessment roll.**

- (a) The county coordinator shall prepare, or direct the preparation of, the initial assessment roll, which shall contain the following:
  - (1) A summary description of all assessed property conforming to the description contained on the tax roll;
  - (2) The name of the owner of the assessed property;
  - (3) The amount of the service assessment to be imposed against each assessed property.
- (b) The initial assessment roll shall be retained by the county coordinator and shall be open to public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the service assessment for each parcel of property can be determined by use of a computer terminal available to the public.

(Ord. No. 05-04, § 2.03, 7-19-2005)

### **Sec. 70-204. Notice by publication.**

Upon completion of the initial assessment roll and each year thereafter, the county coordinator shall publish notice of a public hearing to adopt the final assessment resolution and approve the aforementioned initial assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include:

- (1) A geographic depiction of the property subject to the service assessment;
- (2) A brief and general description of the services, facilities, or programs to be provided;
- (3) The rate of assessment including a maximum assessment rate in the event one was adopted in the initial assessment resolution;
- (4) The procedure for objecting provided in section 70-206 hereof;
- (5) The method by which the service assessment will be collected; and
- (6) A statement that the initial assessment roll is available for inspection at the office of the county coordinator and all interested persons may ascertain the amount to

be assessed against a parcel of assessed property at the office of the county coordinator.

(Ord. No. 05-04, § 2.04, 7-19-2005)

### **Sec. 70-205. Notice by mail.**

In addition to the published notice required by section 70-205, the county coordinator shall provide notice, or direct the provision of notice, of the proposed service assessment by first class mail to the owner of each parcel of property (except government property) subject to the service assessment. Such notice shall include:

- (1) The purpose of the service assessment;
- (2) The rate of assessment to be levied against each parcel of property including a maximum assessment rate in the event one was adopted by the initial assessment resolution;
- (3) The unit of measurement applied to determine the service assessment;
- (4) The number of such units contained in each parcel of property;
- (5) The total revenue to be collected by the county from the service assessment;
- (6) A statement that failure to pay the service assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property;
- (7) A statement that all affected owners have a right to appear at the hearing and to file written objections with the board within 20 days of the notice; and
- (8) The date, time, and place of the hearing.

The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each owner at such address as is shown on the tax roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. Failure of the owner to receive such notice due to mistake or inadvertence, shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a service assessment imposed by the board pursuant to this article. Notice by mail for fiscal years after the initial fiscal year shall be controlled by section 70-208(f) hereof.

(Ord. No. 05-04, § 2.05, 7-19-2005)

### **Sec. 70-206. Adoption of final assessment resolution.**

At the public hearing as noticed pursuant to sections 70-204 and 70-205 hereof, or to which an adjournment or continuance may be taken by the board, the board shall receive any written objections of interested persons and may then, or at any subsequent meeting of the board, adopt the final assessment resolution which shall:

- (1) Confirm, modify, or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the board;
- (2) Establish the maximum assessment rate, if desired by the board, and set the

rate of assessment to be imposed in the upcoming fiscal year;

- (3) Approve the initial assessment roll, with such amendments as it deems just and right; and
- (4) Determine the method of collection.

The adoption of a final assessment resolution shall constitute a legislative determination that all parcels assessed derive a special benefit from the service, facility, or program to be provided or constructed and the service assessment is fairly and reasonably apportioned among the properties that receive the special benefit. All objections to the final assessment resolution shall be made in writing, and filed with the county coordinator at or before the time or adjourned time of such hearing. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which service assessments are imposed or reimposed hereunder.

(Ord. No. 05-04, § 2.06, 7-19-2005)

### **Sec. 70-207. Effect of final assessment resolution.**

The service assessments for the initial fiscal year shall be established upon adoption of the final assessment resolution. The adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the method of apportionment and assessment, the maximum assessment rate, the initial rate of assessment, the initial assessment roll, and the levy and lien of the service assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of board action on the final assessment resolution. The initial assessment roll, as approved by the final assessment resolution, shall be delivered to the tax collector, or the property appraiser if so directed by the tax collector, or if an alternative method is used to collect the service assessments, such other official as the board by resolution shall designate.

(Ord. No. 05-04, § 2.07, 7-19-2005)

### **Sec. 70-208. Adoption of annual rate resolution.**

- (a) The board shall adopt an annual rate resolution during its budget adoption process for each fiscal year following the initial fiscal year for which a service assessment is imposed hereunder.
- (b) The initial proceedings for the adoption of an annual rate resolution shall be the adoption of a preliminary rate resolution by the board:
  - (1) Containing a brief and general description of the services, facilities, or programs to be provided;
  - (2) Determining the service cost to be assessed for the upcoming fiscal year;
  - (3) Establishing the estimated assessment rate for the upcoming fiscal year;
  - (4) Establishing or increasing a maximum assessment rate, if desired by the board;
  - (5) Authorizing the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the annual rate resolution for the upcoming fiscal year; and

- (6) Directing the county coordinator to:
  - a. Update the assessment roll;
  - b. Provide notice by publication and first class mail to affected owners in the event circumstances described in subsection (f) of this section so require; and
  - c. Directing and authorizing any supplemental or additional notice deemed proper, necessary or convenient by the county.
- (c) The annual rate resolution shall:
  - (1) Establish the rate of assessment to be imposed in the upcoming fiscal year; and
  - (2) Approve the assessment roll for the upcoming fiscal year with such adjustments as the board deems just and right.

The assessment roll shall be prepared in accordance with the method of apportionment set forth in the initial assessment resolution, or any subsequent preliminary rate resolution, together with modifications, if any, that are provided and confirmed in the final assessment resolution or any subsequent annual rate resolution.

- (d) Nothing herein shall preclude the board from providing annual notification to all owners of assessed property in the manner provided in either or both sections 70-204 or 70-205 hereof.
- (e) The board may establish or increase a maximum assessment rate in an initial assessment resolution or preliminary rate resolution and confirm such maximum assessment rate in the event notice of such maximum rate assessment has been included in the notice required by section 70-204 and 70-205 hereof.
- (f) In the event:
  - (1) The proposed service assessment for any fiscal year exceeds the maximum assessment rate included in notice previously provided to the owners of assessed property pursuant to sections 70-204 and 70-205 hereof;
  - (2) The method of apportionment is changed or the purpose for which the service assessment is imposed is substantially changed from that represented by notice previously provided to the owners of assessed property pursuant to sections 70-204 and 70-205 hereof;
  - (3) Assessed property is reclassified in a manner which results in an increased service assessment from that represented by notice previously provided to the owners of assessed property pursuant to sections 70-204 and 70-205 hereof; or
  - (4) An assessment roll contains assessed property that was not included on the assessment roll approved for the prior fiscal year, notice shall be provided by first class mail to the owner of such assessed property as provided by law. Such notice shall substantially conform with the notice requirements set forth in section 70-205 hereof and inform the owner of the date and place for the adoption of the annual rate resolution. The failure of the owner to receive such supplemental notice due to mistake or inadvertence, shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a

service assessment imposed by the board pursuant to this article.

- (g) As to any assessed property not included on an assessment roll approved by the adoption of the final assessment resolution or a prior year's annual rate resolution, the adoption of the succeeding annual rate resolution shall be the final adjudication of the issues presented as to such assessed property (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the rate of assessment, the establishment or increase of a maximum assessment rate, the assessment roll, and the levy and lien of the service assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the board action on the annual rate resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any service assessment not challenged within the required 20-day period for those service assessments previously imposed against assessed property by the inclusion of the assessed property on an assessment roll approved in the final assessment resolution or any subsequent annual rate resolution.
- (h) The assessment roll, as approved by the annual rate resolution, shall be delivered to the tax collector, as required by the Uniform Assessment Collection Act, or if an alternative method is used to collect the service assessments, such other official as the board by resolution shall designate. If the service assessment against any property shall be sustained, reduced, or abated by the board, an adjustment shall be made on the assessment roll.

(Ord. No. 05-04, § 2.08, 7-19-2005)

### **Sec. 70-209. Lien of service assessments.**

Upon the adoption of the assessment roll, all service assessments shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for a service assessment shall be deemed perfected upon adoption by the board of the final assessment resolution or the annual rate resolution, whichever is applicable. The lien for a service assessment collected under the Uniform Assessment Collection Act shall attach to the property as provided by law. The lien for a service assessment collected under the alternative method of collection provided in section 70-222 shall be deemed perfected upon adoption by the board of the final assessment resolution or the annual rate resolution, whichever is applicable, and shall attach to the property on such date of adoption.

(Ord. No. 05-04, § 2.09, 7-19-2005)

### **Sec. 70-210. Revisions to service assessments.**

If any service assessment made under the provisions of this article is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the board is satisfied that any such service assessment is so irregular or defective that the same cannot be enforced or collected, or if the board has omitted to include any property on the assessment roll which property should have been so included, the board may take all necessary steps to impose a new service assessment against any property benefited by the service costs, following as nearly as may be practicable, the provisions of this article and in case such second service

assessment is annulled, vacated, or set aside, the board may obtain and impose other service assessments until a valid service assessment is imposed.

(Ord. No. 05-04, § 2.10, 7-19-2005)

### **Sec. 70-211. Procedural irregularities.**

Any informality or irregularity in the proceedings in connection with the levy of any service assessment under the provisions of this article shall not affect the validity of the same after the approval thereof, and any service assessment as finally approved shall be competent and sufficient evidence that such service assessment was duly levied, that the service assessment was duly made and adopted, and that all other proceedings adequate to such service assessment were duly had, taken, and performed as required by this article; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this section, any party objecting to a service assessment imposed pursuant to this article must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

(Ord. No. 05-04, § 2.11, 7-19-2005)

### **Sec. 70-212. Correction of errors and omissions.**

- (a) No act of error or omission on the part of the property appraiser, tax collector, county coordinator, board, their deputies, employees, or designees, shall operate to release or discharge any obligation for payment of a service assessment imposed by the board under the provision of this article.
- (b) When it shall appear that any service assessment should have been imposed under this article against a lot or parcel of property specially benefited by the provision of a service, facility, or program, but such property was omitted from the assessment roll, the board may, upon provision of appropriate notice as set forth in this article, impose the applicable service assessment for the fiscal year in which such error is discovered, in addition to the applicable service assessment due for the prior two fiscal years. Such total service assessment shall become delinquent if not fully paid upon the expiration of 90 days from the date of the adoption of said resolution. The service assessment so imposed shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles and claims in and to or against the real property involved and may be collected as provided in division 3 hereof.
- (c) Prior to the delivery of the assessment roll to the tax collector in accordance with the Uniform Assessment Collection Act, the county coordinator shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the owner of any assessed property, to correct any error in applying the service assessment apportionment method to any particular property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the service assessment imposed under the provisions of this article. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the county coordinator and not, the property appraiser or tax

collector.

- (d) After the assessment roll has been delivered to the tax collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the tax roll upon timely written request and direction of the county coordinator.

(Ord. No. 05-04, § 2.12, 7-19-2005)

### **Sec. 70-213. Interim assessments.**

- (a) An interim service assessment may be imposed against all property, for which a certificate of occupancy (or building permit, as determined by the board) is issued, after adoption of the annual rate resolution. The amount of the interim service assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the annual rate resolution for the fiscal year for which the interim service assessment is being imposed. Such monthly rate shall be imposed for each full calendar month remaining in the fiscal year. In addition to the monthly rate, the interim service assessment may also include an estimate of the subsequent fiscal year's service assessment. No certificate of occupancy (or building permit, as determined by the board) shall be issued until full payment of the interim service assessment is received by the county. Issuance of the certificate of occupancy (or building permit, as determined by the board) without the payment in full of the interim service assessment shall not relieve the owner of such property of the obligation of full payment. Any interim service assessment not collected prior to the issuance of the certificate of occupancy (or building permit, as determined by the board) may be collected pursuant to the Uniform Assessment Collection Act as provided in section 70-221 of this article or by any other method authorized by law. Any interim service assessment shall be deemed due and payable on the date the certificate of occupancy (or building permit, as determined by the board) was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the certificate of occupancy (or building permit, as determined by the board).
- (b) In the event the board chooses to collect the interim service assessments at the time a building permit is issued, the following procedures shall apply:
  - (1) In the event a building permit expires prior to completion of the building for which it was issued, and the applicant paid the interim service assessment at the time the building permit was issued, the applicant may within 90 days of the expiration of the building permit apply for a refund of the interim service assessment. Failure to timely apply for a refund of the interim service assessment shall waive any right to a refund.
  - (2) The application for refund shall be filed with the county and contain the following:
    - a. The name and address of the applicant;
    - b. The location of the property and the tax parcel identification number for

- the property which was the subject of the building permit;
  - c. The date the service assessment was paid;
  - d. A copy of the receipt of payment for the service assessment; and
  - e. The date the building permit was issued and the date of expiration.
- (3) After verifying that the building permit has expired and that the building has not been completed, the county shall refund the interim service assessment paid for such building.
- (4) A building permit which is subsequently issued for a building on the same property which was subject of a refund shall pay the interim service assessment as required by this section 70-213.

(Ord. No. 05-04, § 2.13, 7-19-2005)

### **Sec. 70-214. Inclusion of municipal areas.**

- (a) The areas provided services, facilities, and programs by the county and subject to the imposition of service assessments may include incorporated areas. However, any municipality not heretofore providing evidence of consent to such assessments by ordinance, shall evidence a request for inclusion and consent to such inclusion by ordinance in substantially the form attached hereto as Appendix A.
- (b) Any municipal request or consent for inclusion given to the county shall thereafter be deemed given in advance and automatically renewed for each fiscal year thereafter unless such request and consent is timely withdrawn by the adoption of an ordinance abandoning the municipality's request and consent and providing a certified copy of such ordinance to the board prior to May 1 preceding the fiscal year for which such request and consent is being withdrawn. Inclusion of any municipality shall be irrevocable for any fiscal year in which service assessments are levied by the county within an incorporated area.

(Ord. No. 05-04, § 2.14, 7-19-2005)

Secs. 70-215--70-220. Reserved.

## **DIVISION 3. COLLECTION AND USE OF SERVICE ASSESSMENTS**

### **Sec. 70-221. Method of collection.**

- (a) Unless otherwise directed by the board, the service assessments shall be collected pursuant to the Uniform Assessment Collection Act, and the county shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this article may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.
- (b) The amount of a service assessment to be collected using the Uniform Assessment Collection Act for any specific parcel of benefited property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior

year's assessment for a comparable service, facility, or program provided:

- (1) The collection method used in connection with the prior year's assessment did not employ the use of the Uniform Assessment Collection Act;
- (2) Notice is provided to the owner; and
- (3) Any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such service assessment upon certification of a non-ad valorem roll to the tax collector by the county.

(Ord. No. 05-04, § 3.01, 7-19-2005)

### **Sec. 70-222. Alternative method of collection.**

In lieu of utilizing the Uniform Assessment Collection Act, the county may elect to collect the service assessments by any other method which is authorized by law or under the alternative collection method provided in this section:

- (1) The board shall provide service assessment bills by first class mail to the owner of each affected parcel of property, other than government property. The bill or accompanying explanatory material shall include:
  - a. A brief explanation of the service assessment;
  - b. A description of the unit of measurement used to determine the amount of the service assessment;
  - c. The number of units contained within the parcel;
  - d. The total amount of the service assessment imposed against the parcel for the appropriate period;
  - e. The location at which payment will be accepted;
  - f. The date on which the service assessment is due; and
  - g. A statement that the service assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.
- (2) A general notice of the lien resulting from imposition of the service assessments shall be recorded in the official records of the county. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.
- (3) The board shall have the right to foreclose and collect all delinquent service assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings. A service assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The board or its agent shall notify any property owner who is delinquent in payment of his or her service assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the board or its agent will either:

- a. Initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent service assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property; or
  - b. Cause an amount equivalent to the delinquent service assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.
- (4) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the county may be the purchaser to the same extent as any person. The board or its agent may join in one foreclosure action the collection of service assessments against any or all property assessed in accordance with the provisions hereof. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the board and its agents, including reasonable attorney fees, in collection of such delinquent service assessments and any other costs incurred by the board as a result of such delinquent service assessments and the same shall be collectible as a part of or in addition to, the costs of the action.
- (5) In lieu of foreclosure, any delinquent service assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that:
  - a. Notice is provided to the owner in the manner required by the Uniform Assessment Collection Act and this article; and
  - b. Any existing lien of record on the affected parcel for the delinquent service assessment is supplanted by the lien resulting from certification of the assessment roll, as applicable, to the tax collector.
- (6) Notwithstanding the board's use of an alternative method of collection, the county coordinator shall have the same power and authority to correct errors and omissions as provided to him or other county officials in section 70-212 hereof.
- (7) Any board action required in the collection of service assessments may be by resolution.

(Ord. No. 05-04, § 3.02, 7-19-2005)

### **Sec. 70-223. Government property.**

In lieu of using the Uniform Assessment Collection Act to collect service assessments from government property, the county may elect to use any other method authorized by law or provided by this section as follows:

- (1) The county shall provide service assessment bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include:

- a. A brief explanation of the service assessment;
  - b. A description of the unit of measurement used to determine the amount of the service assessment;
  - c. The number of units contained within the parcel;
  - d. The total amount of the parcel's service assessment for the appropriate period;
  - e. The location at which payment will be accepted; and
  - f. The date on which the service assessment is due.
- (2) Service assessments imposed against government property shall be due on the same date as all other service assessments and, if applicable, shall be subject to the same discounts for early payment.
  - (3) A service assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The county shall notify the owner of any government property that is delinquent in payment of its service assessment within 60 days from the date such assessment was due. Such notice shall state that the county will initiate a mandamus or other appropriate judicial action to compel payment.
  - (4) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the county, including reasonable attorney fees, in collection of such delinquent service assessments and any other costs incurred by the county as a result of such delinquent service assessments and the same shall be collectible as a part of or in addition to, the costs of the action.
  - (5) As an alternative to the foregoing, a service assessment imposed against government property may be collected on the bill for any utility service provided to such government property. The board may contract for such billing services with any utility not owned by the county.

(Ord. No. 05-04, § 3.03, 7-19-2005)

Secs. 70-224--70-275. Reserved.

## **ARTICLE VI. RESERVED\***

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\***Editor's note:** Ord. No. 05-04, § 4.03, adopted July 19, 2005, amended the Code by repealing former art. VI, 70-276--70-291, in its entirety. Former art. VI pertained to municipal services benefit unit for fire protection, and derived from Ord. No. 89-21, adopted December 19, 1989.

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Secs. 70-276--70-325. Reserved.

## **ARTICLE VII. MUNICIPAL SERVICES SPECIAL DISTRICT FOR EMERGENCY MEDICAL SERVICES\***

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**\*Cross references:** Emergency services, ch. 30.

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### **DIVISION 1. GENERALLY**

#### **Sec. 70-326. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boara* means the board of directors or governing body of the county municipal services special district (SCMSSD) created in this article.

*Clerk* means the clerk of the circuit court of the county.

*County coordinator* means the chief administrative officer for the board.

*District* means the Suwannee County municipal services special district (SCMSSD) created in this article.

*Dwelling unit* means any structure suitable or commonly used for residential purposes by a single family or familial group, and includes all single-family residences, including modular homes and mobile homes, and includes each apartment, townhouse, condominium or cooperative unit of a multifamily structure. All mobile homes shall be included in this definition whether or not a mobile home has an "RP" tag, except mobile homes of less than 400 square feet of actual floor space, which are not occupied as a dwelling on a continuing and regular basis. Further, all residences are included whether or not occupied, except mobile homes held as inventory on a sale lot by a mobile home dealer.

*Houses of public worship* means churches, synagogues and other public places for worship owned by any religious association or organization at which nonprofit religious services are regularly conducted at least monthly and is exempt from the payment of ad valorem taxes under F.S. § 196.011, and is exempt from payment of state sales taxes as provided in F.S. § 212.08.

*Levy* means the imposition by the board of a non-ad-valorem assessment against all appropriately located property.

*Project* means the acquisition, construction, reconstruction, rehabilitation, improvements, operation, maintenance, enlargement or equipment of any facility deemed necessary by the board for the provision of services described in this article, including all related property rights, easements, rights-of-way and franchises.

*Property appraiser* means the county property appraiser.

*Property class code* means the use code designating property type as set forth in F.A.C. 12D-8.008 and as used by the property appraiser in identifying property type in the county ad valorem tax assessment roll.

*Social halls and fellowship halls* have the same meaning and may be used interchangeably; either such term shall refer to buildings used only for nonprofit religious or social activities in conjunction with a specific house of public worship.

*Special assessment* means the non-ad-valorem assessment imposed upon a parcel of real property located within the boundaries of the county municipal services special district (SCMSSD) to provide the specific services and facilities described in this article and which can become a lien against a homestead as permitted in Fla. Const., art. X, § 4.

*Sunday school buildings* means buildings used for the conduct of Sunday school classes or religious study in conjunction with the activities of a specific house of public worship.

*Tax collector* means the county tax collector.

(Ord. No. 89-12, § 1, 9-5-1989; Ord. No. 90-03, § 1, 2-6-1990)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 70-327. Created.**

There is created the Suwannee County Municipal Services Special District (SCMSSD) under authority of F.S. § 125.01(5). The boundaries of the special district shall be the entire area of the county.

(Ord. No. 89-12, § 2, 9-5-1989)

### **Sec. 70-328. District services.**

The district is created for the purpose of providing ambulance, rescue and advanced life support services and facilities within the boundaries of the district.

(Ord. No. 89-12, § 3, 9-5-1989)

### **Sec. 70-329. Governing body of district.**

- (a) The governing body of the district shall consist of a board of directors, which shall be the five members of the board of county commissioners.
- (b) The board of directors of the district shall conduct its business in all matters as provided by law for the board of county commissioners.

(Ord. No. 89-12, § 4, 9-5-1989)

### **Sec. 70-330. Powers.**

For the purpose of providing the services and facilities described in this article within the district, the board shall have the following authority and powers:

- (1) To own, acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, operate and maintain any property or project within the district.
- (2) To levy and collect special assessments against properties deemed specially benefited by local improvements constituting a project or any portion of a project in substantially the same manner and to the same extent as provided in F.S. ch. 170, for the levying and collection of special assessments by municipal corporations.
- (3) To acquire in the name of the district, or in the name of the county, either by purchase or the exercise of eminent domain by the district or by the county, such lands and rights and interests in the lands and to acquire such personal property as may be deemed necessary for the conduct of its activities or in connection with the acquisition, construction, reconstruction, improvement, extension, equipment, repair, operation or maintenance of any project.
- (4) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article, and to employ such consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers and other employees as may, in the judgment of the board, be deemed necessary or convenient, and to fix their compensation.
- (5) To request, receive and accept from any federal or state agency grants for or in aid of operation or the planning, construction, reconstruction or financing of any project, and to receive and accept aid or contributions from any source, either money, property, labor or other things of value, to be held, used and applied for the purposes of which such grants and contributions may be made.
- (6) To provide, within the discretion of the board, for the implementation and construction of any project, or any portion of a project, with personnel, equipment and supplies of the district. Nothing contained in F.S. ch. 170 shall be interpreted or construed to require or to govern the letting of a contract or the implementation and construction of a project.
- (7) To enter into agreements with the property appraiser and the tax collector pursuant to F.S. § 197.363, and to otherwise perform such acts as are necessary to comply with applicable laws in order to collect the special assessments levied by this article.
- (8) To enter into interlocal agreements with municipalities and with the county concerning the funding, construction or operation of any project or the performance or provision of any service described in this article within the district and the pledging and collecting of special assessments within the district levied to pay the costs of such projects.
- (9) To exercise any and all of the powers of the board of county commissioners not specifically enumerated in this section for the purposes of providing services and benefits of the type prescribed in this article.

No exercise of a power or authority enumerated in this section shall be a limitation on the subsequent exercise of that power or authority or in the exercise of the other powers and authorities enumerated in this section.

(Ord. No. 89-12, § 5, 9-5-1989; Ord. No. 89-22, § 5, 12-19-1989)

Secs. 70-331--70-350. Reserved.

## DIVISION 2. SPECIAL ASSESSMENTS

### Sec. 70-351. Imposed.

- (a) There is imposed a special assessment upon every lot and parcel of real property located within the county, in both the incorporated and unincorporated areas, which constitute the boundaries of the district, to provide the ambulance, rescue and advanced life support services and facilities described in this article, as follows:

#### SPECIAL ASSESSMENT SCHEDULE FOR SCMSSD

##### TABLE INSET:

Property Class		Ambulance, Rescue and Advanced Life Support Services and Facilities
<i>District Wide:</i>		
1.	<i>Residential lot; property class code #00</i>	\$ 0.00
2.	<i>Commercial lot; property class code #10</i>	0.00
3.	<i>Industrial lot; property class code #40</i>	0.00
4.	<i>Agricultural, other than dwelling units; property class code #51 through #69 inclusive</i>	0.00
5.	<i>Nonagricultural, other than dwelling units; property class codes #98 and #99</i>	0.00
<i>Improved Agricultural:</i>		
6.	<i>Agricultural structures, other than dwelling units; property class code #50</i>	0.00
<i>Residential Dwelling Units:*</i>		
7.	<i>Assessment for each dwelling unit in each and every class of property in the property class code, including residential property that may be exempt or eligible for exemption from ad valorem taxation under F.S. § 196.192.</i>	35.00
<i>Commercial, Industrial and Institutional:</i>		
8.	<i>Assessment for each commercial, industrial or institutional building located on each parcel of real property, excluding dwelling units, and excluding service or storage buildings that are ancillary to and used to supplement the major business or activity of a company, industry or institution on the same parcel of real property; property class codes #11 through #39, inclusive, #41 through #49, inclusive, #71 through #79, inclusive, and #91</i>	35.00

\*The assessment for residential dwelling units is on each dwelling unit, both exempt and nonexempt from ad valorem taxation, and whether or not assessed as residential, commercial, industrial or institutional property, or otherwise.

- (b) Property owned by federal, state or municipal governments, their agencies or subdivisions, is exempt from the imposition of any special assessment lien under this division. The district may require a contractual agreement with any such public entity requiring payment to the district of an equitable sum for the services described in this article. If any public entity should refuse to enter into such an agreement with the district, the district may refuse to provide such services to the public entity.
- (c) The number of dwelling units in any mobile home park to be used in determining the total special assessment for such mobile home park shall be the average number of spaces occupied by a dwelling unit in such mobile home park determined as of August 1 for the year of 1989 or by other competent evidence.
- (d) The special assessment imposed by this division is not for the purpose of and does not replace or substitute for any fee or charge for the actual use of any of the services or facilities now established, or to be established, by the district pursuant to this article.
- (e) Houses of public worship, social halls or fellowship halls and Sunday school buildings located within the unincorporated area of the county shall be exempt from the levy and payment of special assessments imposed by this division.

(Ord. No. 89-12, § 6, 9-5-1989; Ord. No. 89-17, § 1, 10-24-1989; Ord. No. 89-22, § 6, 12-19-1989)

### **Sec. 70-352. School buildings canceled by tax collector.**

Special assessments on the county special assessment roll against houses of public worship, social halls or fellowship halls and Sunday school buildings shall be noted as canceled under this article by the tax collector.

(Ord. No. 90-03, § 4, 2-6-1990)

### **Sec. 70-353. Special assessments roll established.**

- (a) The county municipal services special assessments roll is a non-ad-valorem assessment roll and shall be constructed and administered by the governing body of the district pursuant to the terms of this article.
- (b) The special assessment roll shall be constructed in standard tax roll order to include the following:
  - (1) Real estate parcel property identification numbers, as established in the office of the property appraiser, for lots, parcels or properties for which assessments are due.
  - (2) Abbreviated legal description (short legal) for lots, parcels or properties as it appears of record in the office of the property appraiser, for which assessments are due.

- (3) Name and address of the current record owner of the lots, parcels or properties for which assessments are due as they appear of record in the office of the property appraiser.
- (4) Amount of each assessment due.
- (5) Description of the benefit for the special assessment due.

(Ord. No. 89-12, § 7, 9-5-1989)

#### **Sec. 70-354. Special assessment roll certification.**

The special assessment roll shall be certified at or before the time provided by general law for certification of the ad valorem tax assessment roll by the governing body of the district to the board of county commissioners, which shall promptly deliver such roll to the tax collector for collection in accordance with this division.

(Ord. No. 89-12, § 8, 9-5-1989; Ord. No. 89-22, § 8, 12-19-1989)

#### **Sec. 70-355. Special assessment charge to constitute lien on real property.**

All special assessments assessed against each lot or parcel of real property within the district shall constitute and are imposed as liens against such real property as of January 1, 1989. Until fully paid and discharged or barred by law, such special assessments shall remain liens second only in rank and dignity to the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in or against the parcel of real property involved.

(Ord. No. 89-12, § 9, 9-5-1989; Ord. No. 89-22, § 9, 12-19-1989)

#### **Sec. 70-356. Special assessment collection and enforcement procedure.**

- (a) The tax collector shall prepare and mail special assessment bills for each special assessment included on the special assessment roll following the same format and schedule as are followed for ad valorem taxes. The special assessment bill shall be mailed in the same envelope as the ad valorem tax bill. The schedule for payment of such billings, discounts and interest rates shall be the same as for ad valorem taxes. Bills not paid by April 1 following the year of assessment shall be delinquent and shall accrue interest thereafter, until paid, at the rate of 1.50 percent monthly, with a minimum interest charge of three percent.
- (b) The tax collector shall not accept partial payment of special assessment bills or permit their payment by installments or by any other deferred payment method. Prepayment of annual billings shall be accepted only in the amount of the annual payment, less the four percent discount allowed for bills paid by December 1.
- (c) The tax collector shall receive a fee for his services. The amount of the fee shall be designed to offset the administrative costs associated with collection of special assessment billings. The amount of the fee shall be agreed to by the tax collector and the governing body of the district before delivery of the special assessment roll to the tax collector for collection.

(Ord. No. 89-12, § 10, 9-5-1989)

**Sec. 70-357. Delinquent special assessment payments.**

- (a) For the calendar year 1989, special assessment bills shall be delinquent if not paid by the following April 1. After April 1, but before June 1, the tax collector shall certify to the governing body of the district all delinquent assessments.
- (b) The board shall cause to be recorded, within 15 days of receipt of the certification of delinquency from the tax collector, in the public records of the county, a notice of delinquency for all delinquent special assessments.
- (c) The board shall cause to be recorded in the public records of the county a satisfaction of each delinquent special assessment lien upon receipt of payment of the amount of such lien, together with all accrued interest and costs incurred to date of such payment by reason of the delinquency.

(Ord. No. 89-12, § 11, 9-5-1989; Ord. No. 89-22, § 11, 12-19-1989)

**Sec. 70-358. Enforcement of delinquent assessment liens.**

All delinquent special assessment liens may be enforced at any time from the date of delinquency by the governing body of the district for the amount due under such lien, including all costs and a reasonable attorney's fee which shall be awarded, by proceedings in a court of equity to foreclose such liens in a manner in which a mortgage is foreclosed under state law or the collection and enforcement of payment may be accomplished by any other method authorized by law. It shall be lawful, but not mandatory, to join in one complaint for foreclosure or in any such legal proceeding one or more or all the then outstanding delinquent special assessment liens imposed by reason of this article on all lots or parcels of property in the district.

(Ord. No. 89-12, § 12, 9-5-1989)

**Sec. 70-359. Error correction procedure.**

No act of omission or commission on the part of the board, the tax collector, the property appraiser, their deputies or employees, shall operate to defeat the payment of the special assessments imposed under the provisions of this division. Any acts of omission or commission may be corrected at any time by the officer responsible for them in like manner as provided under this division for performing such acts in the first place, and when so corrected they shall be construed as valid ab initio and shall in no way affect any process by law for the enforcement of the special assessment assessed under the provisions of this division.

(Ord. No. 89-12, § 13, 9-5-1989)

**Sec. 70-360. Clerk to be financial officer of the district.**

The clerk of the circuit court is designated financial officer for the district to receive, preserve and disperse all funds of the district as directed by the governing body of the district, as provided by law for the handling of county funds.

(Ord. No. 89-12, § 14, 9-5-1989)

**Sec. 70-361. Establishment of separate account.**

The governing body of the district shall place all revenues collected by the special assessment into such account required by, and to be accounted for in accordance with, rules and requirements of the auditor general of the state. The board shall budget the moneys in such account for only the purposes for which such moneys were assessed and collected, and for collection and administrative costs.

(Ord. No. 89-12, § 15, 9-5-1989; Ord. No. 89-22, § 7, 12-19-1989)

**Sec. 70-362. Special assessment adjustment board.**

- (a) Any person aggrieved by any special assessment incorrectly or improperly levied pursuant to this division may petition the board for modification or correction of such assessment by filing a written petition with the county coordinator on or before expiration of 45 days after the mailing of the special assessment bills. The board shall sit as an adjustment board and shall make such modifications or corrections in the special assessments as it deems just and lawful. Any grievance for which a petition is not timely filed as provided in this section is deemed waived, and the special assessment shall be deemed valid as made.
- (b) All petitions shall be heard and disposed of after due notice to the petitioners and within 75 days after the mailing of the special assessment bills.

(Ord. No. 89-12, § 16, 9-5-1989)

**Sec. 70-363. Procedure for indigency relief.**

- (a) It shall be the policy of the governing body of the district that the liens for nonpayment of special assessments shall not result in the loss of the homestead property, as defined by the state constitution, of an indigent property owner solely by reason of lien foreclosure.
- (b) An application made under oath by the property owner demonstrating his indigency must be presented to the governing body of the district prior to the end of 60 days after recordation of the notice of delinquency. All determinations of indigency shall be made by the administrative staff of the board pursuant to reasonable and nondiscriminatory standards adopted and published by the board. Any adverse ruling by the administrative staff may be appealed to the board by an aggrieved party by filing a notice of appeal with the board within 30 days after receipt of notice of such adverse ruling. No action to enforce the lien shall occur during the pendency or appeal of an application of indigency.
- (c) Upon a determination of indigency, the lien shall not be abated, but shall be enforced as follows:
  - (1) Upon the death of the indigent property owner, unless survived by an indigent spouse or indigent minor children who receive title to such property and occupy the homestead as a residence, then, in such event, upon the death of such

surviving spouse or upon the youngest of such minor children reaching his 18th birthday, whichever last occurs.

- (2) Upon a determination that a condition of indigency of the property owner, or his surviving spouse or surviving minor children no longer exists.
- (3) Upon transfer of title of the property liened, except the transfer resulting from the death of an indigent property owner to his indigent surviving spouse or indigent surviving minor child or children as referred to in subsection (c)(1) of this section.

(Ord. No. 89-12, § 17, 9-5-1989)

#### **Sec. 70-364. Expenditure of funds restricted.**

No funds received by collection of the special assessments shall be used for any purposes other than administrative expenses and the purposes stated as the reason for each special assessment.

(Ord. No. 89-12, § 18, 9-5-1989)

#### **Sec. 70-365. Permissive language.**

This article shall not operate to, nor be construed as regulating or limiting the jurisdiction or duties of any state or county officer. If the language or implied effect of this article should indicate regulation or limitation of jurisdiction or duties of such persons contrary to the state constitution, it shall be construed as the legislative intent to be permissive in such regard.

(Ord. No. 89-12, § 19, 9-5-1989)

#### **Sec. 70-366. Assessment imposed on January 1.**

Each special assessment is imposed on the effective date of this article for the above-described lots, parcels and properties as of January 1 for the year of 1989 only.

(Ord. No. 89-12, § 20, 9-5-1989; Ord. No. 89-22, § 20, 12-19-1989)

Secs. 70-367--70-400. Reserved.

### **ARTICLE VIII. AMBULANCE, RESCUE AND ADVANCED LIFE SUPPORT SERVICES DISTRICT\***

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\***Cross references:** Emergency services, ch. 30.

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#### **Sec. 70-401. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ad valorem tax roll* means the roll prepared by the property appraiser and certified to the tax collector for ad valorem tax collection.

*Boara* means the board of county commissioners, the governing body of the county rescue district.

*Clerk* means the clerk of the circuit court of the county.

*County coordinator* means the chief administrative officer for each the board of county commissioners and the county rescue district.

*Compatible electronic medium* means machine-readable electronic repositories of data and information, including but not limited to magnetic disk, magnetic tape, and magnetic diskette technologies, which provide, without modification, that the data and information are in harmony with and can be used in concert with the data and information on the ad valorem tax roll keyed to the property identification number used by the property appraiser.

*District* includes the entire area of the county and refers to the county rescue district.

*Dwelling unit* means any structure suitable or commonly used for residential purposes by a single family or familial group, and includes all single-family residences, including modular homes and mobile homes, and includes each apartment, townhouse, condominium or cooperative unit of a multifamily structure. All mobile homes shall be included in this definition whether or not a mobile home has an "RP" tag. Further, all residences are included whether or not occupied, except mobile homes held as inventory on a sale lot by a mobile home dealer.

*Levy* means the imposition by the board of a non-ad-valorem assessment, stated in terms of rates, against all appropriately located property.

*Non-ad-valorem assessment* means assessments, which are not based upon millage and which can become a lien against a homestead as permitted in Fla. Const., art. X, § 4, which are imposed upon a parcel of real property located within the boundaries of the county rescue district to provide the specific services and facilities described in this article.

*Non-ad-valorem assessment roll* means a roll prepared by or under the direction of the board and certified to the tax collector for collection.

*Project* means the acquisition, construction, reconstruction, rehabilitation, improvement, extension, enlargement or equipping of any facility deemed necessary by the board for the provision of services described in this article, including all related property rights, easements, rights-of-way and franchises.

*Property appraiser* means the county property appraiser.

*Property class code* means the use code designating property types as set forth in F.A.C. 12D-8.008, and as used by the property appraiser in identifying property type in the county ad valorem tax assessment roll.

*Tax certificate* means the document issued when the combined total of any real property ad valorem taxes and non-ad-valorem assessments collectible under F.S. ch. 197 becomes delinquent and the combined total of such taxes and non-ad-valorem assessments are paid by a person who is not the property owner or when the combined total of such taxes and non-ad-valorem assessments are paid by a person who is not the property owner or when the combined total of such taxes and non-ad-valorem assessments are not paid and the certificate

is issued to the county in which the real property lies.

*Tax collector* means the county tax collector.

*Tax notice* means the tax bill sent to taxpayers for payment of any taxes or non-ad-valorem assessments collected pursuant to F.S. ch. 197, or the bill sent to taxpayers for payment of the total of ad valorem taxes and non-ad-valorem assessments collected pursuant to F.S. § 197.3632.

(Ord. No. 89-19, § 1, 12-19-1989)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 70-402. Created.**

Pursuant to F.S. § 125.01(5), there is created a county municipal services special district to be known as the Suwannee County Rescue District. The district shall include the entire area of the county.

(Ord. No. 89-19, § 2, 12-19-1989)

### **Sec. 70-403. Continuing existence.**

The district shall become effective on January 1, 1990, and shall continue to exist until dissolved in accordance with law. Should any part of the lands included in the district established pursuant to this article be excluded due to municipal annexation, or otherwise, the provisions of this article shall continue in effect as to the remaining lands in the district.

(Ord. No. 89-19, § 3, 12-19-1989)

### **Sec. 70-404. Purposes of district.**

The district is created for the purpose of providing ambulance, rescue and advanced life support services and related facilities within the district and thereby promote the health, safety and welfare of the citizens of the county.

(Ord. No. 89-19, § 4, 12-19-1989)

### **Sec. 70-405. Governing body of district.**

The governing body of the district shall consist of a board of directors, which shall be the five members of the board of county commissioners. The board of directors of the district shall conduct its business in all matters as provided by law for the board of county commissioners.

(Ord. No. 89-19, § 5, 12-19-1989)

### **Sec. 70-406. Powers and duties of the board.**

- (a) The board shall provide or contract for the provision of services and facilities within the district.
- (b) The board, in order to provide such services within the district, shall have all the powers granted by state laws as may be necessary, proper or implied to carry out the intent and

purpose of the district. The board shall, in addition, have the following specific powers and authority:

- (1) To pay all costs of the district, including but not limited to costs incurred for the construction, acquisition, improvement and operation of such services, facilities and equipment, or to contract for the provision of such services. No funds of the district shall be used for any purpose other than the administration of the affairs and business of the district, including without limitation the construction, care, maintenance, operation, lease and purchase of necessary facilities and equipment, salaries, and expenses as the board may determine to be for the best interests of the district.
- (2) To purchase with or without bids all equipment necessary to carry out the purposes of the district.
- (3) To sell surplus real and personal property in the same manner and subject to the same restrictions as provided for such sales by counties.
- (4) To acquire by gift, purchase, grant, dedication or condemnation any lands or rights in lands as may be necessary for the purposes of the district, including any property, whether real or personal, as may be necessary, desirable or convenient.
- (5) To employ and train such personnel as may be necessary to provide required services within the district, and to enter into agreements with consultants, advisors, engineers, attorneys, or fiscal, financial or other experts.
- (6) To maintain financial records and books in accordance with applicable law. The fiscal year for the district shall be October 1 to September 30; except the first fiscal year shall commence January 1, 1990, and end September 30, 1990.
- (7) To enter into contracts with other districts, units, municipalities, state and federal agencies, and other public or private entities qualified to provide ambulance, rescue and advanced life support services, for the purpose of obtaining financial aid, assistance or benefits, expanding services, providing effective mutual aid, and for otherwise carrying out the purposes of the district.
- (8) To levy and collect fees, charges and non-ad-valorem assessments.
- (9) To receive grants, gifts or other contributions, and to enter into contracts for the purpose of receiving such contributions.
- (10) To adopt and amend rules and regulations for the administration and supervision of the property and personnel of the district.
- (11) To borrow money for the purposes of the district, provided that any borrowing shall comply with the limitations and requirements of the constitution and laws of the state.
- (12) To enter into leases or lease/purchase arrangements relating to properties needed for district purposes at a stipulated rental to be paid from current or other legally available funds, and make all other contracts or agreements necessary or convenient to carry out such objectives. The board shall have the right to enter into such leases or lease/purchase arrangements with private individuals, other

governmental agencies, or corporations.

- (13) To enter into agreements with the property appraiser and the tax collector pursuant to F.S. §§ 197.3632(2) and 192.091(2)(b)2, and to otherwise perform such acts as are necessary to comply with applicable laws in order to collect the non-ad-valorem assessments levied by this article, providing for reimbursement of necessary administrative costs incurred, notwithstanding anything in this article to the contrary.
- (14) To exercise any other powers provided by ordinances supplemental to or amendatory of this article.

(Ord. No. 89-19, § 6, 12-19-1989)

#### **Sec. 70-407. Clerk to be financial officer of the district.**

The clerk of the circuit court is designated financial officer for the district to receive, preserve and disperse all funds of the district as directed by the board and as provided by law for the handling of county funds. The clerk shall receive a fee for his services. The amount of the fee shall be designed to offset the administrative costs associated with the handling of county funds.

(Ord. No. 89-19, § 7, 12-19-1989)

#### **Sec. 70-408. Assessments for benefits.**

The board shall have the duty, right, power and authority to levy and collect fees, charges and non-ad-valorem assessments for benefits against real property, and improvements on such property, within its territorial boundaries in order to provide funds for the purposes of the district. The furnishing of services in accordance with the purposes of the district is declared to be a benefit to property within the territorial boundaries of the district. The rates, rate classification, property types as defined in the property class code against which non-ad-valorem assessments shall be levied, and the method of such assessments in the district shall be set and determined by resolution of the board.

(Ord. No. 89-19, § 8, 12-19-1989)

#### **Sec. 70-409. Adoption of budget.**

The board shall prepare or cause to be prepared a budget for the district based on the fiscal year. The budget shall be completed in conjunction with the normal budgetary process of the board of county commissioners pursuant to state law. Based on the budget, the board shall determine the amount to be assessed against each parcel of real property in each property type as defined in the property class code against which non-ad-valorem assessments shall be made that is located in the territorial boundaries of the district. The annual assessments shall be levied by resolution. All hearings and meetings pertaining to the budget of the district may be held in conjunction with other budgetary meetings and hearings of the board of county commissioners.

(Ord. No. 89-19, § 9, 12-19-1989)

### **Sec. 70-410. Assessment.**

As provided in F.S. § 197.3631, in order to provide for ambulance, rescue and advanced life support services and facilities within the district, there shall be a non-ad-valorem assessment annually imposed by resolution on each parcel in each property type as defined in the property class code as set and determined by the board. As provided in F.S. §§ 197.3632 and 197.3635, the amount of the assessment shall be billed as a separate item on the tax bill mailed in accordance with state law and shall be collected as ad valorem taxes are collected. The non-ad-valorem assessment shall be subject to all collection provisions of F.S. ch. 197, including provisions related to discount early payment, prepayment by installment method, penalty for delinquent payment, and issuance of tax certificates and tax deeds for nonpayment, and the provisions of F.S. § 192.091(2)(b)2.

(Ord. No. 89-19, § 10, 12-19-1989)

### **Sec. 70-411. Establishment and certification of the non-ad-valorem assessment roll.**

- (a) The district non-ad-valorem assessment roll shall be created and administered by the board pursuant to the terms of this article.
- (b) The non-ad-valorem assessment roll shall be prepared in standard tax roll order, to include the following:
  - (1) Real estate parcel numbers for lots, parcels or properties for which assessments are due.
  - (2) Abbreviated legal description (short legal) for lots, parcels or properties for which assessments are due.
  - (3) Name and address of the current record owner of the lots, parcels or properties for which assessments are due.
- (c) The non-ad-valorem assessment roll shall be certified annually by the board at or before the time provided by general law for certification of the ad valorem tax assessment roll by the governing body of the board of county commissioners, and the board shall promptly deliver such roll to the tax collector for collection in accordance with F.S. § 197.322.

(Ord. No. 89-19, § 11, 12-19-1989)

### **Sec. 70-412. Uniform method for levy, collection and enforcement of non-ad-valorem assessments.**

- (a) The board shall adopt a resolution at a public hearing prior to January 1 of intent to use the uniform method for the levy, collection and enforcement of non-ad-valorem assessments. Notice of intent to use the uniform method shall be published for four consecutive weeks prior to the hearing. The resolution shall state the need for the assessment and describe the legal boundaries of real property subject to the levy. Upon adoption, a copy of the resolution shall be mailed to the property appraiser, the tax collector and the state department of revenue by January 10.

- (b) Annually by June 1, the property appraiser is required to provide information by compatible electronic medium or list or by the legal description of the affected property and the names and addresses of the property owners.
- (c) If the assessment is levied for the first time, the local government shall adopt the non-ad-valorem assessment roll at a public hearing held between June 1 and September 15. At least 20 days prior to the public hearing, a notice of the public hearing shall be published and additionally sent by first class mail to each person owning property subject to the assessment.
- (d) The notice by mail shall contain the following information:
  - (1) Purpose of assessment.
  - (2) The total amount to be levied against each parcel and unit of measurement to be applied against each parcel to determine the assessment.
  - (3) Number of units within each parcel.
  - (4) Total revenue the local government will collect by the assessment.
  - (5) A statement that failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title.
  - (6) A statement that all affected property owners have a right to appear at a public hearing and to file objections within 20 days of the notice.
  - (7) The date, time and place of the hearing. Notice by mail shall not be required if notice by mail is otherwise required by general or special law and such notice is served at least 30 days prior to the board's public hearing on adoption of a new or amended non-ad-valorem assessment roll.
- (e) The published notice shall contain:
  - (1) The name of the local governing board.
  - (2) A geographic depiction of the property subject to the assessment.
  - (3) The proposed schedule of assessments.
  - (4) The fact that the assessment will be collected by the tax collector.
  - (5) The right to appear at the public hearing and file objections within 20 days of the publication of the notice.
- (f) Within 30 days following the public hearing to adopt the roll, any person having an interest in the property may elect to prepay in whole the assessment.
- (g) By September 15, the chairman of the board or his designee shall certify the non-ad-valorem assessment roll on compatible electronic medium to the tax collector. It is the responsibility of the board that such roll be free of errors and omissions. Alterations to such roll may be made by the chairman or his designee up to ten days before certification. The tax collector can reject any roll not on compatible electronic medium.
- (h) The non-ad-valorem assessment shall relate back and be imposed on January 1 of the fiscal year and shall be due and payable on the following November 1 each year.

- (i) For all parcels within the service area which are owned by the federal government, all public educational and ancillary plants constructed pursuant to the Educational Facilities Act, F.S. § 235.26(1), or an agency otherwise exempt from non-ad-valorem assessments of the county, it shall be the responsibility of such property owner to enter into an agreement with the county to ensure that services of the district are provided.
- (j) For parcels within the service area which are substantially improved after January 1 and for which a certificate of occupancy is issued on or before September 30 of such year, the board may impose a service charge which shall be collected by the county coordinator or his designee prior to the issuance of the certificate of occupancy. The amount of the service charge for the fiscal year shall be set by the board by resolution.
- (k) The property appraiser and tax collector shall receive a fee for their services in accordance with the provisions of F.S. § 192.091(2)(b). The amount of the fee shall be designed to offset the administrative costs associated with collection of non-ad-valorem assessment billings. Administrative costs shall include but are not limited to those costs associated with personnel, forms, supplies, data processing, computer equipment, postage and programming. The amount of the fee shall be agreed to by the tax collector and the board before delivery of the non-ad-valorem assessment roll to the tax collector for collection. The amount of the fee shall be agreed to by the property appraiser and the board prior to the request for information each year.

(Ord. No. 89-19, § 12, 12-19-1989)

#### **Sec. 70-413. Establishment of separate accounts.**

- (a) The board shall establish a separate account entitled the Suwannee County Rescue District. The revenues collected through special assessments in the district shall be placed into such separate account and shall be accounted for in accordance with rules and requirements of the auditor general of the state. The board shall budget annually the moneys in each account for only the purpose or purposes for which such moneys were assessed and collected, and for collection and administrative costs.
- (b) The moneys required to be accounted for in the account may be deposited in a single bank account, and funds allocated to the various funds and accounts established in this article and other ordinances may be invested in a common investment pool, provided that adequate accounting records are maintained to reflect and control the restricted allocation of the moneys on deposit in the account and such investments for the purposes of such funds and accounts.
- (c) The designation and establishment of the funds and accounts created in this article and other ordinances shall not be construed to require the establishment of any completely independent, self-balancing account as such term is commonly defined and used in governmental accounting, but rather is intended solely to constitute an earmarking of certain revenues for certain purposes and to establish certain priorities for application of such revenues as provided in this article.

(Ord. No. 89-19, § 13, 12-19-1989)

#### **Sec. 70-414. Reserve for indigent relief.**

- (a) It shall be the policy of the governing body of the district that the liens for nonpayment of non-ad-valorem assessments shall not result in the loss of the homestead property, as defined by the state constitution, of an indigent property owner solely by reason of lien foreclosure.
- (b) The board may budget and provide funds from another source of revenue to provide for non-ad-valorem assessments upon the homestead of property owners who are indigent.
- (c) When a county homeowner who has been granted homestead exemption receives a non-ad-valorem assessment notice on the homestead property, he may apply to the county coordinator or his designee for assistance in paying such assessment. Persons who are eligible for supplemental security income or aid to families with dependent children, or otherwise qualify as an indigent person according to procedures that may be established by resolution of the board, may have their non-ad-valorem assessment on their homes paid from funds appropriated by the board of county commissioners for such purpose. The county coordinator shall be responsible for determining low-income homeowners who qualify for assistance and shall render such decisions in writing, with copies to the homeowner, the board of county commissioners or its designee, and the tax collector.

(Ord. No. 89-19, § 14, 12-19-1989)

#### **Sec. 70-415. Corrections of errors and omissions.**

No act of omission or commission on the part of the board, the tax collector, the clerk, their deputies or employees, shall operate to defeat the payment of the non-ad-valorem assessments imposed under the provisions of this article. Any acts of omission or commission may be corrected at any time by the officer or board responsible for them in like manner as provided under this article for performing such acts in the first place and, when so corrected, shall be construed as valid ab initio and shall in no way affect any process by law for the enforcement of the non-ad-valorem assessments assessed under the provisions of this article.

(Ord. No. 89-19, § 15, 12-19-1989)

#### **Sec. 70-416. Non-ad-valorem assessment adjustment board.**

- (a) Any person aggrieved by any non-ad-valorem assessment levied pursuant to this article may petition the board to correct errors or omissions in such assessment by written petition to the clerk of the board on or before 45 days after the mailing of the non-ad-valorem assessment bills. The board shall sit as an adjustment board and shall make corrections relating to errors or omissions found to exist, but shall not consider requests to modify or reduce the assessment. Any grievance for which a petition is not timely filed as provided in this section is deemed waived, and the non-ad-valorem assessment shall be deemed correct as made.
- (b) All petitions shall be heard and disposed of after due notice to the petitioners and within 75 days after the mailing of the non-ad-valorem assessment bills.

(Ord. No. 89-19, § 16, 12-19-1989)

Secs. 70-417--70-450. Reserved.

## ARTICLE IX. FINANCE GENERALLY

### DIVISION 1. GENERALLY

Secs. 70-451--70-470. Reserved.

### DIVISION 2. INVESTMENT OF SURPLUS FUNDS\*

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\***State law references:** Investment of county funds, F.S. §§ 125.31, 218.415.

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#### Sec. 70-471. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boara* means the board of county commissioners.

*Clerk* means the clerk of the circuit court for the county, ex officio clerk of the board, or such other person as may be duly authorized to act on his behalf.

*FCIT* means the Florida Counties Investment Trust.

*Government fund* means the initial investment fund established pursuant to the trust agreement.

*Investment fund* means a trust fund established pursuant to the trust agreement to enable public entities to pool their surplus funds for joint investment.

*Trust agreement* means the agreement and declaration of trust, dated as of January 5, 1993, creating and establishing the FCIT.

(Ord. No. 93-01, § 1, 1-5-1993)

**Cross references:** Definitions generally, § 1-2.

#### Sec. 70-472. Findings.

It is ascertained, determined and declared that:

- (1) It furthers the public interest for the county to invest any moneys not immediately required to be disbursed and to maximize the net earnings on such funds.
- (2) F.S. § 125.31 provides certain limitations and regulations applicable to the investment of surplus public funds where not otherwise authorized by law or ordinance.
- (3) It is the intent and desire of the board to authorize additional investments for

surplus public funds in order to seek a higher rate of return without compromising the safety of such funds and to provide by this division authorization for investment opportunities in addition to those set forth in F.S. § 125.31(1)(a)--(f).

- (4) The FCIT, the trustees of which are appointed by the Florida Association of Counties, Inc., and the Florida Association of Court Clerks and County Comptrollers, has been created for the purpose of establishing investment funds for pooling the surplus funds of participating public entities for joint investment in order to seek a higher rate of return without compromising the safety of such funds.

(Ord. No. 93-01, § 2, 1-5-1993)

### **Sec. 70-473. Authorization of investment.**

Surplus public funds managed or held by the clerk on behalf of any officer, board, authority or agency of the county may be invested in shares of the government fund or any other investment fund, the assets of which are restricted to investment instruments authorized by F.S. § 125.31 or by ordinance of the county.

(Ord. No. 93-01, § 3, 1-5-1993)

Secs. 70-474--70-500. Reserved

## **ARTICLE X. SMALL COUNTY SURTAX**

### **Sec. 70-501. Authorization.**

This ordinance is authorized by F.S. § 212.055(3)(a).

(Ord. No. 02-06, § 1, 2-5-2002)

### **Sec. 70-502. Imposition.**

There is imposed a 1.00 percent sales surtax on a transaction, subject to the state tax imposed on the sales, use, services, rentals, admissions and other transactions covered by F.S. ch. 212, occurring within the county; however, any transaction relating to convention development under the authority of F.S. § 212.0305, shall not be subject to the surtax; further the surtax shall not apply on the sales amount above \$5,000.00 on any item of tangible personal property unless the statutory exemption amount is amended, in which case, the amended exemption amount, if any, shall be utilized in lieu of the exemption amount stated in this section.

(Ord. No. 02-06, § 1, 2-5-2002)

### **Sec. 70-503. Duration.**

The discretionary surtax authorized by this article shall take effect as of January 1, 2003 and shall continue until repealed by the board of county commissioners or the authority to levy

such surtax is repealed by state statutes, whichever shall first occur.

(Ord. No. 02-06, § 1, 2-5-2002)

#### **Sec. 70-504. Use of proceeds and interest.**

The surtax proceeds and interest on such proceeds may be used for any public purpose as determined by the board of county commissioners, provided the debt service obligations for any year shall first be met.

(Ord. No. 02-06, § 1, 2-5-2002)

Secs. 70-505--70-600. Reserved.

### **ARTICLE XI. COMMUNICATIONS SERVICES TAX**

#### **Sec. 70-601. Authorization.**

This article is authorized by F.S. §§ 202.19 and 337.401.

(Ord. No. 06-06, § 1, 8-22-2006)

#### **Sec. 70-602. Imposition.**

- (a) Pursuant to F.S. § 202.19(1), the board of county commissioners for the county hereby elects to adopt a rate of 1.6 percent as the county's local communication services tax. The rate set forth above does not include the 0.24 percent permit fee add-on allowed by F.S. § 337.401.
- (b) Pursuant to F.S. § 337.401, hereby elects to increase the total rate for the local communication services tax by 0.24 percent in lieu of imposing permit fees on communication service providers desiring to occupy county rights-of-way.
- (c) In the aggregate, the annualized communication services tax for the county is 1.84 percent.
- (d) The aggregate tax rate imposed by this chapter shall be effective beginning January 1, 2007, and thereafter.

(Ord. No. 06-06, § 1, 8-22-2006)

#### **Sec. 70-603. Amendment to tax rate.**

The board may, by resolution, amend the communication services tax rate and/or the permit fee add-on imposed by this article.

(Ord. No. 06-06, § 1, 8-22-2006)

#### **Sec. 70-604. Use of proceeds.**

The proceeds generated by the communications services tax and the permit fee add-on may be used for any public purpose, including but not limited to, pledging such revenues for the

repayment of current or future bonded indebtedness.

(Ord. No. 06-06, § 1, 8-22-2006)

## **Chapters 71--73 RESERVED**

## **Chapter 74 TRAFFIC AND VEHICLES\***

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**\*Cross references:** Any ordinance establishing specific street regulations or traffic or parking restrictions saved from repeal, § 1-10(a)(13); law enforcement, ch. 46; manufactured homes and trailers, ch. 50; streets and sidewalks, ch. 66; local option gas tax, § 70-131 et seq.

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### Article I. In General

[Sec. 74-1. Surcharge.](#)

[Sec. 74-2. Driver education safety trust fund.](#)

Secs. 74-3--74-30. Reserved.

### Article II. Parking, Stopping, Standing

[Sec. 74-31. Definitions.](#)

[Sec. 74-32. Public parking areas.](#)

[Sec. 74-33. Purpose of parking areas.](#)

[Sec. 74-34. Weight restrictions.](#)

[Sec. 74-35. Parking duration limited.](#)

[Sec. 74-36. Prosecution authorized.](#)

[Sec. 74-37. Enforcement and penalties.](#)

## **ARTICLE I. IN GENERAL**

### **Sec. 74-1. Surcharge.**

- (a) *Assessed.* There is assessed an additional surcharge of \$12.50 for each moving traffic violation, which shall be in addition to any other penalty provided for violation of the state uniform traffic control law pursuant to F.S. ch. 316 or ch. 318.
- (b) *Distribution to board of county commissioners.* The net amount of the additional surcharge remaining after payment of the clerk's fee shall be distributed by the clerk of circuit court to the board of county commissioners on a monthly basis.
- (c) *Use limited to intergovernmental radio communications program.* The additional surcharge levied by this section shall be used only to fund the county's participation in the intergovernmental radio communications program approved by the division of communications of the department of management services. The surcharge funds shall be divided equally on an annual basis between the office of the sheriff and the county emergency management office.

(Ord. No. 96-12, §§ 1, 3, 4, 7-2-1996; Ord. No. 98-16, § 1, 9-15-1998)

### **Sec. 74-2. Driver education safety trust fund.**

- (a) *Authority.* This section is enacted pursuant to the authority vested in the board of county commissioners by F.S. § 318.1215.

- (b) *Definitions.* All terms, phrases and expressions contained in this section shall be consistent with and liberally construed in order that the intent of the "Dori Slosberg Driver Education Safety Act" be fully carried out.
- (c) *Creation of fund and accounting.*
- (1) On or after April 1, 2007, the county clerk of courts shall collect an additional five dollars with each civil traffic penalty issued within the county.
  - (2) The clerk of courts shall keep a record of all monies collected pursuant to this section and shall deposit all monies into a board of county commissioners' special and separate account entitled "driver's education safety trust fund."
  - (3) The clerk of courts shall provide the board of county commissioners with a monthly report as to the revenue collected and deposited into the driver's education safety trust fund, and the amount of expenditures from the driver's education safety trust fund to identified parties within each monthly period.
- (d) *Expenditures.*
- (1) Monies deposited into the driver's education safety trust fund shall be used solely to assist driver education safety programs in public and nonpublic schools in the county. The funds shall be used for direct educational expenses and shall not be used for administration expenses. It is further provided that such funds collected be used solely to enhance school driver education programs and not to replace or otherwise supplement other funding sources for driver education.
  - (2) It is further provided that private not-for-profit organizations or other related entities providing driver education safety training/programs to the general public are not eligible to receive funds under this program.
  - (3) In order to receive funds from the driver's education safety trust fund, programs shall be selected on the basis of procedures which shall be developed by the county coordinator. Final approval shall be made by the board of county commissioners upon recommendation of the county coordinator.
  - (4) The terms and conditions of such grants shall be contained in an agreement between the board of county commissioners and each grantee.

(Ord. No. 03-04, §§ 1--4, 3-18-03; Ord. No. 07-15, § 1, 3-6-07)

**Editor's note:** Ord. No. 03-04, §§ 1--4, adopted March 18, 2003, did not specifically amend the Code. Hence, its inclusion herein as section 74-2 was at the discretion of the editor.

Secs. 74-3--74-30. Reserved.

## **ARTICLE II. PARKING, STOPPING, STANDING**

### **Sec. 74-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Motor vehicle* means any device supplying its own power from an integral part upon which any person or property is or may be transported upon a street or highway, except those operated upon rails or tracks.

*Park* or *parking* means the standing of a motor vehicle, whether occupied or not, otherwise than temporarily, to avoid conflict with other traffic.

*Public parking area* means any off-street area under the control of the board of county commissioners, marked as such, as an area upon which motor vehicles may be parked by the general public.

(Ord. No. 70-1, § 1, 9-18-1970)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 74-32. Public parking areas.**

The following property is designated as public parking areas:

- (1) Lots 4 through 9, inclusive, and 13 through 16, inclusive, block I, City of Live Oak, Florida, except a portion occupied by the building;
- (2) Lots 9, 10, 22, 11 and 23A, block G, City of Live Oak, Florida;

Both descriptions according to the assessor's block map prepared by George G. Ehrenborg Company, a copy of which is on file in the office of the tax assessor of the county.

(Ord. No. 70-1, § 2, 9-18-1970)

### **Sec. 74-33. Purpose of parking areas.**

Public parking areas are provided for the use of the general public for parking motor vehicles under the regulations and restrictions provided in this article.

(Ord. No. 70-1, § 3, 9-18-1970)

### **Sec. 74-34. Weight restrictions.**

It shall be unlawful to park any motor vehicle weighing over 7,500 pounds in any public parking area.

(Ord. No. 70-1, § 4, 9-18-1970)

### **Sec. 74-35. Parking duration limited.**

- (a) It shall be unlawful to park any motor vehicle for more than 24 hours in any parking area.
- (b) It shall be unlawful for any person to cause, allow, permit or suffer any motor vehicle registered in his name, operated or controlled by him to be parked within any such parking area for a period in excess of 24 consecutive hours or a total of 74 hours in any seven-day period, or to use such parking area in a manner for the semipermanent or

permanent parking place of vehicles used in business while such vehicles are not actually being used on the streets or highways for business purposes. It is the intent of this section that in furnishing a place for parking motor vehicles that such parking areas shall not be used by any person for a permanent type of storage or parking place for any motor vehicle owned by any such person.

(Ord. No. 70-1, § 5, 9-18-1970)

#### **Sec. 74-36. Prosecution authorized.**

The owner and the operator, if other than the owner, shall be subject to prosecution under this article for a violation of this article.

(Ord. No. 70-1, § 6, 9-18-1970)

#### **Sec. 74-37. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested

citation hearing or the hearing on the order to show cause.

- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
  - (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 70-1, § 8, 9-18-1970; Ord. No. 05-01, § 1.R, 11-3-2004)

## **Chapters 75--77 RESERVED**

## **Chapter 78 WATERWAYS\***

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\***Cross references:** Buildings and building regulations, ch. 18; health, ch. 38; parks and recreation, ch. 54.

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## **ARTICLE I. IN GENERAL**

Secs. 78-1--78-30. Reserved.

## **ARTICLE II. BOAT AND WATER SAFETY**

### **Sec. 78-31. Short title.**

This article may be cited as the Suwannee County Vessel Control and Water Safety Ordinance.

(Ord. No. 87-06, § 1, 5-19-1987)

### **Sec. 78-32. Purpose and authority.**

- (a) The purpose of this article shall promote safety in and between boating, swimming and other water-related activities in the county.
- (b) The county declares that the public health, safety and welfare of the citizens of the county and others requires designation of specific areas within which the operation of vessels may be regulated or prohibited, and in which swimming, waterskiing, skindiving and other water activity, or any of them, may be prohibited or regulated.
- (c) The county is authorized to designate specific areas prescribing the water activities that may be conducted and the operation of vessels in those areas, and the regulations for the conduct of such activities. The county may, in the interest of safety, prohibit vessels from operating within such designated areas and may prohibit swimming, waterskiing, skindiving and other water activities, or any of them, from being conducted in such areas.

(Ord. No. 87-06, § 2, 5-19-1987)

### **Sec. 78-33. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bather* means any person who is in the same water as a vessel, whether such person is swimming, wading or engaged in other activity in the water.

*Enforcement officer* means any duly authorized law enforcement officer, to include but not be limited to the sheriff and his duly appointed representatives, the U.S. Coast Guard, Florida Marine Patrol, and the Florida Game and Fresh Water Fish Commission.

*Idle speed/minimum wake* means slow speed sufficient to maintain steering.

*Operate* means to navigate or otherwise use any vessel in, on or under the water.

*Vessel* means a motor-propelled or artificially propelled vehicle and every other description of boat, watercraft, barge and airboat other than a seaplane on the water, used or capable of being used as a means of transportation on water, to include jet skis, nondisplacement craft and seaplanes.

(Ord. No. 87-06, § 3, 5-19-1987; Ord. No. 92-03, § 1, 7-21-1992)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 78-34. Area of enforcement and application.**

The area of enforcement of the provisions of this article shall be the Suwannee River and all of its tributaries, waters, creeks and bayous.

(Ord. No. 87-06, § 4, 5-19-1987)

### **Sec. 78-35. Means of enforcement.**

The provisions of this article shall be enforced by members of all duly authorized law enforcement agencies within the county.

(Ord. No. 87-06, § 5, 5-19-1987)

### **Sec. 78-36. Careful and prudent operation required.**

- (a) Every person operating any vessel in, on or under any waters within the area of enforcement shall do so in a careful and prudent manner, taking into consideration the weather conditions and range of visibility, water turbulence, proximities to fishermen, bathers, waterskiers, and other boats and watercraft, and all other attendant circumstances so as not to endanger the life, limb or property of any person. Failure to operate a vessel in such a careful and prudent manner shall constitute careless boating in violation of this article.
- (b) In such cases where a juvenile is the operator of a vessel, the owner of the vessel or any adult present on the vessel shall be responsible to ensure that juvenile operators

operate the vessel in a careful and prudent manner. Failure to ensure that juvenile operators operate a vessel in a careful and prudent manner shall constitute a violation of this article.

(Ord. No. 87-06, § 6, 5-19-1987)

**Sec. 78-37. Speed not to be greater than what is reasonable under the conditions.**

Nothing contained in this article shall be construed to authorize or approve any speed greater than is reasonable and proper in consideration of local conditions, other water traffic, fishermen, waterskiers or bathers in the area, or other hazards.

(Ord. No. 87-06, § 7, 5-19-1987)

**Sec. 78-38. Designation of areas of regulated water activities.**

- (a) Operation and use of vessels in all waters offshore from all beaches and shorefront bathing areas may be restricted or regulated as designated with an appropriate sign. Such areas shall be determined by the board of county commissioners on a case-by-case basis and so posted with an appropriate sign.
- (b) All waters offshore from any commercial and/or public marina, dock, pier, mooring or similar landing facility used primarily for watercraft or water-oriented activity such as fishing may be regulated as designated with an appropriate sign. Such areas shall be determined by the board of county commissioners on a case-by-case basis and posted with an appropriate sign.
- (c) Any area may be designated as an official "idle speed/minimum wake" area, which is so posted in such a manner and place that it may be reasonably expected to be seen and read by a person in operation of a vessel within the area.
- (d) Any area may be designated as an area of regulated water activity by the board of county commissioners according to the procedure set forth in section 78-40.
- (e) All areas designated as areas of regulated water activities shall be so posted with signs that are in accordance with the provisions of the state uniform waterway marking system. The board of county commissioners adopts the provisions of F.A.C. ch. 16N-23, relating to uniform waterway markers in state waters; and the provisions of F.A.C. ch. 16N-23 are incorporated into and made a part of this article by reference.

(Ord. No. 87-06, § 8, 5-19-1987; Ord. No. 92-03, § 2, 7-21-1992)

**Sec. 78-39. Regulations in areas of regulated water activity.**

No owner, operator or person in command of any vessel shall permit or operate the vessel at a speed greater than or in excess of idle speed/minimum wake speeds whenever the vessel is in an area of regulated water activity as described in section 78-38.

(Ord. No. 87-06, § 9, 5-19-1987; Ord. No. 92-03, § 3, 7-21-1992)

**Sec. 78-40. Procedure for designating additional areas of regulated water**

## **activities.**

By resolution adopted at a public hearing upon at least 15 days' notice (excluding Sundays and legal holidays) published in a newspaper of general circulation in the county, the board of county commissioners may designate additional specific areas as areas of regulated water activities as described in section 78-38. In designating such areas, the board of county commissioners shall hear all testimony presented and make a finding that the designation is necessary for the safety and/or welfare of the citizens of the county. Upon adoption of such a resolution, the board of county commissioners shall publish the resolution one time in a newspaper of general circulation in the county, after which the designation of the area shall be complete and binding; however, no person shall be convicted of a violation of this article relating to such additional designated areas of regulated water activities until signs designating the boundaries of the area so designated have been posted in such a manner and place that they may reasonably be expected to be seen and read by a person operating a vessel in that area.

(Ord. No. 87-06, § 10, 5-19-1987)

## **Sec. 78-41. Filing with the department of environmental regulation.**

In order to comply with F.S. § 373.023, the county attorney shall send a certified copy of this article to the Bureau of Water Management, Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, FL 32302.

(Ord. No. 87-06, § 11, 5-19-1987)

## **Sec. 78-42. Exemptions.**

Florida Marine Patrol rescue craft, other official craft and craft operating under emergency conditions shall be exempt from the provisions of this article while performing their official duties or operating in an emergency.

(Ord. No. 87-06, § 12, 5-19-1987)

## **Sec. 78-43. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
- (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person

has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.

- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.
- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this article shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
  - (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 87-06, § 13, 5-19-1987; Ord. No. 05-01, § 1.S, 11-3-2004)

#### **Sec. 78-44. Severability.**

The provisions of this article are severable. It is declared to be the legislative intent that if any section, subsection, clause or provision of this article is held invalid, the remainder of the article shall not be affected by such invalidity.

(Ord. No. 87-06, § 14, 5-19-1987)

Secs. 78-45--78-75. Reserved.

### **ARTICLE III. PRESERVATION OF SCENIC CORRIDOR**

#### **Sec. 78-76. Purpose.**

The purpose and intent of this article is to preserve a scenic corridor along the Suwannee River and its tributaries and surrounding areas and to assist the Suwannee River Authority in its pollution control program, all of which is declared to be a proper county purpose.

(Ord. No. 71-1, § 1, 9-7-1971)

#### **Sec. 78-77. Requirements.**

The board of county commissioners under this article shall require:

- (1) The preservation of timber and natural growth intact within 50 feet of the high bank or 100 feet of the low water mark in areas subject to annual flooding, except for limited removal of underbrush and trees necessary for a view of the river and construction.
- (2) Written approval of the board of county commissioners for any new construction within the areas specified in subsection (1) of this section, such construction to be in keeping with scenic beauty and directly related to the normal use of the river.
- (3) Removal within a reasonable time of any unsightly structure abandoned by the owner, with any expense to be borne by the owner.
- (4) Prohibition of any future industrial development unless compatible with preservation of the scenic beauty and cleanliness of the river, and approved by the board of county commissioners.
- (5) Prohibition of any dredge and fill or straightening and riprapping operations,

except that individual erosion control plans in harmony with scenic beauty may be approved by the board of county commissioners.

- (6) Adherence to state sanitation specifications on all new construction sites within one-half mile of the river and improvement of existing sanitation facilities within this boundary to meet the specifications.
- (7) Reporting of pollution violations to the board of county commissioners, and the board of county commissioners may request the Suwannee River Authority to take the necessary action under pollution control powers granted by the legislature in 1968.

(Ord. No. 71-1, §§ 2, 3, 9-7-1971)

### **Sec. 78-78. Enforcement and penalties.**

- (a) Violation of any section of this article shall be a civil infraction. The maximum penalty for said civil infraction shall not exceed \$500.00. If the person who committed the violation does not contest the citation, civil penalties of less than the maximum shall be assessed as follows:
  - (1) First violation: \$100.00;
  - (2) Second violation: \$200.00;
  - (3) Third violation: \$300.00;
  - (4) Fourth violation: \$400.00;
  - (5) Any person electing to appear or who is required to appear waives the right to pay the minimum penalty.
- (b) A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this article. The citation shall be issued in triplicate; the original shall be filed with the clerk of the courts for the county. One copy shall be provided to the alleged violator and the officer shall retain one copy.
- (c) A citation may be contested by the alleged violator by filing with the clerk of the courts a written demand for a hearing within 30 days of receiving the citation. Upon receipt of a written demand for a hearing the clerk shall schedule a hearing with the county court, send a notice of such hearing to the alleged violator and the officer.
- (d) If an alleged violator elects not to contest the citation, he shall pay the penalty set forth in subsection (a) within 30 days of the receipt of the citation. Contest of the citation is deemed to be a waiver of the penalties set forth in subsection (a) and the court may assess any penalty up to the maximum allowed.
- (e) If an alleged violator fails to pay the penalty within 30 days or fails to appear to contest the citation, the court may issue an order to show cause upon a motion filed by the clerk. In such case the violator shall be deemed to have waived his right to contest the violation and a judgment shall be entered against the violator for an amount up to the maximum allowed. The officer issuing the citation shall attend the hearing. The county shall be entitled to its costs and reasonable attorney's fees incurred in either a contested citation hearing or the hearing on the order to show cause.

- (f) In addition to the enforcement procedure provided herein, the board may enforce this article by any means provided by law, and may further enforce this article by actions in law or equity, including actions for injunctive relief, and, if the board prevails in any such action, the board shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- (g) Penalties collected pursuant to this section shall be deposited into the county fine and forfeiture fund.
- (h) "Citation" shall mean a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain the following information:
- (1) The date, time and place of issuance;
  - (2) The name, address, and date of birth, of the person receiving the citation;
  - (3) The date, time and place the civil infraction was committed;
  - (4) The facts constituting the probable cause;
  - (5) The ordinance violated;
  - (6) The name and authority of the officer;
  - (7) The procedure for the alleged violator to follow to either 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 citation, he shall be deemed to have waived his right to contest the citation and the, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (i) "Officer" shall mean any law enforcement officer as defined in F.S. § 943.10, or any code enforcement officer of the county.

(Ord. No. 71-1, § 4, 9-7-1971; Ord. No. 05-01, § 1.T, 11-3-2004)

## CODE COMPARATIVE TABLE ORDINANCES

This is a chronological listing of the ordinances of the county used in this Code. Repealed or superseded laws at the time of the codification and any omitted materials are not reflected in this table.

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