

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY, FLORIDA, REPEALING AND REPLACING ORDINANCE NO. 2001-02 AND RENAMING CHAPTER 3 OF THE HARDEE COUNTY CODE OF ORDINANCES FROM "ALCOHOLIC BEVERAGES" TO "CODE ENFORCEMENT" TO PROVIDE FOR A SPECIAL MAGISTRATE, IMPOSITION OF PENALTIES AND ADMINISTRATIVE FINES, CIVIL CITATION AND HEARING PROCEDURES AND LIEN IMPOSITION AND RELEASE GUIDELINES; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, authorizes the various counties of the State of Florida to adopt regulations in the interest of the public health, safety, and the general welfare of the public; and

WHEREAS, Chapter 162, Florida Statutes, the Local Government Code Enforcement Boards Act, authorizes the Board of County Commissioners (the "Board") of Hardee County (the "County") to create special magistrates with authority to impose administrative fines and other noncriminal penalties to provide an equitable, effective and cost-efficient method of enforcement of County Code and Ordinances; and

WHEREAS, the Board finds it periodically necessary to repeal and replace parts of its Code of Ordinances (the "County Code") in order to update regulations and procedures to implement County goals and objectives; and

WHEREAS, the proposed ordinance codifies County regulations providing for a special magistrate, civil citation and hearing procedures, authority and criteria for imposition of penalties, liens and lien reduction; and

WHEREAS, this Ordinance was duly noticed and advertised pursuant to the law; and

WHEREAS, the Board finds that it would be in the best interests of the residents of the County to repeal County Ordinance 2001-02 which formerly provided for alcoholic beverage

regulations in Chapter 3 of the County Code and which regulations have been revised and adopted as part of the County's Unified Land Development Code; and

WHEREAS, Chapter 3 shall be renamed "Code Enforcement" and amended to create special magistrate code enforcement procedures as provided for herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY:¹

Section 1. Recitals. That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. Repeal. Upon Adoption, Ordinance No. 2001-02 and Chapter 3 "Alcoholic Beverages" shall be repealed and replaced in its entirety as provided for herein.

Section 3. Replace/Amendment. That Chapter 3, "Alcoholic Beverages," of the County Code of Ordinances is hereby created as follows:

Chapter 3 Code Enforcement Alcoholic Beverages.

Section 3-1. Civil offenses and penalties; special magistrate.

(a) The violation of any County ordinance may be enforced and subject to penalties as provided for in this Code, or any remedy available at law or equity, including prosecution as a misdemeanor, pursuant to Section 125.69, Florida Statutes. A violation of an ordinance or resolution of the County may be punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail not to exceed sixty (60) days, or by both a fine and imprisonment. Other authorized penalties may be provided for by resolution, ordinance or law.

(b) Except as otherwise provided for by resolution, ordinance or law, violations of this Code which shall constitute a civil offense punishable by civil penalty in the amount prescribed in this Code and in accordance with the County's Schedule of Fees adopted by Resolution.

(c) Accordingly, There is hereby created and established a code enforcement position to be filled by a special magistrate to enforce the County Code of Ordinances.

Section 3-2. Qualifications of the special magistrate and removal; organization.

(a) The special magistrate shall possess an outstanding reputation for civic pride, interest, integrity, responsibility, and business or professional ability. The special magistrate shall be a member of the state bar in good standing or a retired judge of one of the courts of the state. The appointment of the special magistrate shall be made by the Board of County Commissioners on the basis of experience or interest in code enforcement. The special magistrate shall be appointed for a term of three years. The special magistrate may be reappointed at the discretion of the Board of County Commissioners. There shall be no limit on the number of reappointments that may be given to any special magistrate. The Board of

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

County Commissioners shall have authority to remove the special magistrate with or without cause. Appointments to fill any vacancy shall be for the remainder of the unexpired term.

(b) The County Attorney's office or a Code Enforcement Officer shall represent the County in the prosecution of a violation.

Section 3-3. Enforcement procedures.

(a) For the purposes of this Chapter, a "code enforcement officer" is defined to be any agent or employee of the County or Hardee County Sheriff's Office whose duty is to enforce codes and ordinances enacted by the County, and who has received appropriate training as determined by Hardee County or by the Hardee County Sheriff's Office. This shall include, but not be limited to, Code inspectors and other Code Enforcement personnel (building, zoning, mining, public works management, and public utilities personnel), law enforcement officers, animal services officers, and fire safety inspectors.

(b) Code enforcement officers shall have the authority to initiate enforcement proceedings as provided below. The special magistrate shall not have the power to initiate such proceedings.

(c) For the purposes of this Chapter, "violators" shall be deemed to be those persons or entities legally responsible for the violation of the ordinances.

(d) A code enforcement officer who finds a violation of this Code shall determine a reasonable time period within which the violator must correct the violation. This determination shall be based on considerations of fairness; practicality; ease of correction; ability to correct; severity of violation; nature, extent and probability of danger or damage to the public; and other relevant factors relating to the reasonableness of the time period prescribed. A time for correction need not be specified if the violation is deemed to be an uncorrectable violation or a repeat violation.

(e) The civil violation notice shall include, but not be limited to, the following:

(1) Date of issuance.

(2) Name of code enforcement officer issuing the notice.

(3) Name and address of the violator.

(4) Number of the Code section that has been violated.

(5) Brief description of the nature of the violation, including location, date, and time of violation.

(6) Amount of the civil penalty for which the violator may be liable.

(7) Instructions and due date for paying the civil fine or filing for an administrative hearing before a special magistrate to appeal the civil fine.

(8) Time within which the violation must be corrected, if applicable.

(9) Notice that each day of continued violation after the time period for correction has run shall be deemed a continuing violation subject to additional penalty in the same amount, without the need for additional notices of violation.

(10) Notice that failure to request an administrative hearing within 20 days, or within the specified time period listed for a violation of a specific section of the Code, after service of the civil violation notice shall constitute a waiver of the violator's right to an administrative hearing before the special magistrate, and that such waiver shall constitute an admission of violation.

(11) Notice that the violator may be liable for the administrative costs incurred by the County in its prosecution of violations, including, but not limited to, any staff time, special magistrate's time, and attorneys' fees for the inspection, investigation, prosecution, testing, or monitoring of a code violation should the violator be found guilty of the violation.

(f) A code enforcement officer is authorized to record in the public record the civil violation notice or a notice of violation which is based upon the civil violation notice. The recording of the civil violation or a notice of violation under this Section shall not act as or be a lien on the property and shall not act as a notice of a lien on the property but shall merely act as public notice of the existence of the violation.

Section 3-4. Civil penalties and related terms construed.

(a) Penalties for violations of the ordinances to be enforced by this Chapter shall be in the amount prescribed in the schedule of civil penalties adopted by Resolution, unless otherwise provided in this Code or by other law.

(b) An "uncorrectable violation" is a violation which cannot be remedied after the violation has been committed because the violation constitutes a single prohibited act rather than an ongoing condition or circumstance. Each uncorrectable violation shall constitute a separate violation and shall subject the violator to an additional penalty, including repeat violation penalties, as applicable. Continuing violation penalties cannot be imposed for uncorrectable violations, however, the maximum fine for an uncorrectable violation shall be \$5,000.00.

(c) "Continuing violations" are those violations which remain uncorrected beyond the reasonable time period for correction contained in either the civil violation notice or the order of the special magistrate, whichever is applicable. For each day of continued violation after the time for correction has run, an additional penalty in the same amount as that prescribed for the original violation shall be added.

(d) A "repeat violation" is a recurring violation of an ordinance by a violator who has previously been found guilty or who has admitted guilt of the same violation within the last five years. In the case of correctable violations, a repeat violation can occur only after correction of the previous violation has been made. For the first repeat violation, the amount of the civil penalty shall be double the amount of penalty prescribed for the original violation. The amount of civil penalty due for each subsequent repeat violation shall be double the amount of penalty due for the first day of the immediately preceding violation, to a maximum initial civil penalty of four times the original penalty for the second and subsequent repeat violations. A repeat violation shall accrue civil penalties from the date of the civil violation notice and continuing violation penalties in the same amount until the violation is corrected.

(e) Continuing violation penalties shall accrue from the deadline for correction given in the civil violation notice until the violation is corrected. If the named violator requests an administrative hearing on a correctable violation and is found in violation, the special magistrate shall determine a reasonable time period within which correction of the violation must be made, based on the considerations set forth in section 3-3(d). If correction is not made within the period set by the special magistrate, continuing violation penalties shall accrue. The time period for correction may run retroactive to the deadline in the civil violation notice.

(f) Continuing violation penalties shall automatically accrue after the deadline imposed in the original civil violation notice, or by the special magistrate. If said deadline is prospective, the code enforcement officer may file an affidavit of noncompliance and notice of right to request a hearing. The violator may request an administrative hearing before the special magistrate, which hearing shall be strictly limited to whether the violator complied with the prior order of

the special magistrate and the amount of the continuing violation penalties based upon the length of time the violation continued to exist. The code enforcement officer shall send a copy of the affidavit of noncompliance and notice of right to request a hearing to the violator by first class mail, at the last known address of the violator. Said affidavit shall include, but not be limited to, the following:

(1) Date of issuance.

(2) Name of the code enforcement officer issuing the original affidavit.

(3) Section number of Code that has been violated.

(4) Amount of continuing penalty to be assessed by the special magistrate.

(5) Notice of right to request an administrative hearing and instructions on how to file for the administrative hearing.

(6) Notice that failure to request an administrative hearing within 20 days after the receipt of the affidavit of noncompliance shall constitute a waiver of the violator's right to the administrative hearing.

(7) Notice that the administrative hearing is strictly limited to whether the violator complied with the prior order of the special magistrate and the amount of the continuing penalty based solely upon the length of time the violation continued to exist.

(8) Notice that the violator shall be liable for the costs of the administrative hearing if the violator is unsuccessful at the hearing.

(g) The term "administrative costs" shall mean the costs and expenses incurred by the County in its prosecution of violations, including, but not limited to, any staff time, special magistrate's time, and attorneys' fees for the inspection, investigation, prosecution, testing, or monitoring of a code violation.

(h) Civil penalties assessed pursuant to this Chapter are due and payable to the County on the last day of the period allowed for the filing of an appeal from the special magistrate's decision, or, if proper appeal is made, when the appeal has been finally decided adversely to the named violator.

Section 3-5. Rights of violators; payment of fine; right to appeal; failure to pay and correct, or to appeal.

(a) A violator who has been served with a civil violation notice or affidavit of noncompliance shall elect either to:

(1) Pay the civil penalty in the manner indicated on the notice, and correct the violation within the time specified on the notice (if applicable); or

(2) Request an administrative hearing before a special magistrate to appeal the decision of the code enforcement officer which resulted in the issuance of the civil violation notice or affidavit of noncompliance.

(b) Appeal by administrative hearing of the notice of violation shall be accomplished by filing a request in writing to the address indicated on the notice, within the time limit stipulated in the specified Code section which is enforced pursuant to the provisions of this Chapter, or no later than 20 calendar days after the service of the notice, whichever is earlier.

(c) If the named violator after notice fails to pay the civil penalty and correct the violation within the time specified (if applicable), or fails to timely request an administrative hearing before a special magistrate, the special magistrate shall be informed of such failure by the filing of an

affidavit of default by the code enforcement officer. If the named violator pays the civil penalty for a correctable violation but does not correct that violation within the time specified, each day that the violation continues beyond such specified time shall constitute a continuing violation. Failure of the named violator to appeal the decision of the code enforcement officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master. A waiver of the right to administrative hearing shall be treated as an admission of the violation and penalties and administrative costs may be assessed accordingly.

Section 3-6. Scheduling and conduct of hearing.

(a) Upon receipt of a named violator's timely request for an administrative hearing, the special magistrate shall set the matter down for hearing on the next regularly scheduled hearing date or as soon thereafter as possible or as mandated in the specified Code section which is enforced pursuant to this Chapter.

(b) The code enforcement recording secretary shall send a notice of hearing by first class mail to the named violator at their last known address. The notice of hearing shall include, but not be limited to, the following:

- (1) Name of the code enforcement officer who issued the civil violation notice.
- (2) Factual description of alleged violation.
- (3) Date of alleged violation.
- (4) Section of the Code allegedly violated.
- (5) Place, date and time of the hearing.
- (6) Right of violator to be represented by a lawyer.
- (7) Right of violator to present witnesses and evidence.
- (8) Notice that failure of violator to attend hearing may result in civil penalties and administrative costs being assessed against them.
- (9) Notice that requests for continuances will not be considered if not received by the special magistrate at least ten calendar days prior to the date set for hearing.

(c) The County shall schedule hearings on a monthly basis or as requested by the code enforcement officer.

(d) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by the special magistrate at least ten calendar days prior to the date set for the hearing.

(e) All hearings of the special magistrate shall be open to the public. All testimony shall be under oath. Assuming proper notice, a hearing may proceed in the absence of the named violator.

(f) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.

(g) The County shall provide clerical and administrative personnel as may be reasonably required by the special magistrate for the proper performance of his/her duties.

(h) Each case before a special magistrate shall be presented by the County Attorney's office or a Code Enforcement Officer.

(i) The hearing shall not be conducted in accordance with the formal rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the special magistrate finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.

(j) Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her.

(k) The special magistrate shall make findings of fact based on evidence of record. The special magistrate shall make the findings of fact at the conclusion of the hearing. In order to make a finding upholding the code enforcement officer's decision, the special magistrate must find that a preponderance of the evidence indicates that the named violator was responsible for the violation of the relevant section of the Code as charged in the civil violation notice, or that the violation continued to exist beyond the deadline for compliance in a prior order of the special magistrate as set out in the affidavit of noncompliance.

(l) If the named violator is found guilty of the violation, or if the violation is found to be a continuing violation, the violator shall pay the administrative costs of the County. All administrative costs shall be paid within 30 days of the date of the order of the special magistrate awarding such costs. If the special magistrate finds that the violation constitutes a serious threat to the public health, safety, and welfare, the special magistrate may authorize the County to make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this Section. Making such repairs does not create a continuing obligation on the part of the County to make further repairs or to maintain the property and does not create any liability against the County for any damages to the property if such repairs were completed in good faith. The County may record a notice of lien for the costs of repairs. Said lien shall be equal in dignity to tax liens.

(m) The fact-finding determination of the special magistrate for purposes of a civil violation notice shall be limited to whether the violation alleged did occur and, if so, whether the person named in the civil violation notice can be held responsible for that violation. The fact-finding determination of the special magistrate for purposes of an affidavit of noncompliance shall be strictly limited to whether the violator complied with the prior order of the special magistrate and the amount of continuing violation penalties based upon length of time that the violation existed. Based upon this fact-finding determination, the special magistrate shall either affirm or reverse the decision of the code enforcement officer. If the special magistrate affirms the decision of the code enforcement officer with respect to a civil violation notice, the special magistrate, pursuant to section 3-4(f), shall determine a reasonable time period within which correction of the violation must be made; provided however, that such time period shall be no more than 30 days. If the special magistrate reverses the decision of the code enforcement officer and finds the named violator not responsible for the code violation alleged in the civil violation notice, the named violator shall not be liable for the payment of any civil penalty, absent reversal of the special magistrate's findings pursuant to section 3-8(a). If the decision of the special magistrate is to affirm, then the following elements shall be included:

(1) Amount of civil penalty.

(2) Administrative costs of hearing.

(3) Date by which the violation must be corrected to prevent imposition of continuing violation penalties (if applicable).

(n) The special magistrate shall have the power to:

(1) Adopt procedures for the conduct of hearings.

(2) Subpoena alleged violators and witnesses for hearings; subpoenas may be served by the police department or by the code enforcement officer or recording secretary.

(3) Subpoena evidence.

(4) Take testimony under oath.

(5) Assess and order the payment of civil penalties and administrative costs as provided herein.

(6) Reduce civil penalties as provided herein.

(7) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

Section 3-7. Recovery of unpaid civil penalties; unpaid penalty to constitute a lien; interest to be paid on liens; foreclosure; prohibition of the issuance of permits, licenses, certificates of use and occupancy, or zoning approvals to violators with unpaid civil penalties or liens; lien reduction.

(a) The County may institute proceedings in a court of competent jurisdiction to compel payment of civil penalties.

(b) A certified copy of an order imposing a civil penalty shall be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists or upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. The County may foreclose or otherwise execute on the lien.

(c) Liens created pursuant to this Chapter may be discharged and satisfied by paying to the County the amount specified in the order, together with interest thereon from the date of the order computed at the rate of 12 percent per annum, together with the administrative costs and recording fees. When any such lien has been discharged, the County shall issue a satisfaction of lien in recordable form.

(d) With the exception of any development approvals needed to correct a code violation for which the applicant has been cited and notwithstanding any provision of this Code, no County officer, agent, employee or board shall approve, grant or issue any operating permit, license, building permit, certificate of use and occupancy, platting action, or zoning action to any named violator with:

(1) Uncorrected code violations;

(2) Unpaid civil penalties;

(3) Unpaid administrative costs; or

(4) Unpaid liens;

any or all of which are owed to the County.

(e) No lien provided under this Chapter 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 a lien is commenced in a court of competent jurisdiction. In an action to

foreclose on a lien, the prevailing party may recover interest and all costs, including attorneys' fees, incurred 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.

(f) Lien reduction. The violator, or the violator's successor or assign, who has an ownership interest in the property encumbered by a lien for civil penalties (the "applicant"), may file a request for a reduction of the continuing violation penalties before the special magistrate. The request may only be filed after a compliance inspection is completed during which a code enforcement officer finds that all violations were corrected but that the civil penalties have not yet been paid and that there are no other outstanding code violations, whether on the property to which the lien attaches or on another property belonging to the applicant, or debts owed to the County for which the applicant is responsible. Upon receipt of a written request for reduction of civil penalties, and the filing of an affidavit of partial compliance by the code enforcement officer which sets forth that all outstanding violations of the special magistrate's order have been corrected, except for payment of any outstanding civil penalties, the County shall set the matter for a penalty reduction hearing by the special magistrate. The County Manager may, in his/her sole discretion, enter into a settlement agreement with the applicant to pay a reduced fine that is reduced pursuant to the guidelines in this Section without the need for a hearing. No hearing shall be held:

(1) To reduce an initial civil penalty or an award of administrative costs;

(2) To reduce the civil penalties for an uncorrectable violation;

(3) If the County Attorney has requested authorization to bring further enforcement action or commenced an action to obtain compliance with the order of the special magistrate, including, but not limited to, an action for injunctive relief, foreclosure, or money judgment; or

(4) If, for whatever reason, the civil penalties have already been paid.

(g) At the hearing, the fact-finding determination of the special magistrate shall be limited to evidence establishing:

(1) Good cause for a reduction of the continuing violation penalties;

(2) The amount of the reduction; and

(3) Any equitable considerations raised by the applicant or the County relating to good cause or the amount of the reduction.

Said hearing shall not be an opportunity to appeal any finding of fact or conclusions of law set forth in any prior order of the special magistrate or any administrative determination of the County.

(h) The special magistrate may reduce the civil penalties once the applicant has otherwise complied with an order of the special magistrate based on a showing of good cause, but in no event shall the civil penalties be reduced below the administrative costs incurred by the County nor shall any administrative costs previously awarded by the special magistrate, costs of repair, or assessment liens be waived or reduced.

(i) In determining good cause, and the amount of the reduction, if any, the special magistrate shall consider:

(1) The gravity of the violation.

(2) Any actions taken by the violator or applicant to correct the violation.

(3) Any previous, or other outstanding violations, whether committed by the violator or applicant, or pertaining to the property to which the lien attaches, unless an order finding a violation is under appeal at the time of the determination.

(4) Whether the violation is irreparable or irreversible in nature.

(5) Whether the violator or applicant's failure to timely comply with an order of the code enforcement officer or the special magistrate is due to an inability to comply based on factors beyond the control of the violator or applicant.

(i) Upon a finding of good cause, the special magistrate has the sole discretion to grant or deny the request for a reduction of civil penalties according to the following guidelines, provided the reduction is to an amount that is not less than the administrative costs incurred by the County:

(1) If compliance occurs within three months of the deadline for compliance provided for in the order of the special magistrate, a maximum reduction of 95 percent of the total civil penalties (the original civil penalty plus the continuing violation penalties);

(2) If compliance occurs more than three months but less than 12 months from the compliance deadline, a maximum reduction of 75 percent of the total civil penalties;

(3) If compliance occurs from 12 months to 18 months of the compliance deadline, a maximum of 50 percent of the total civil penalties; and

(4) If compliance occurs more than 18 months after the compliance deadline, a maximum of 25 percent of the total civil penalties.

(k) The special magistrate has the authority where there is a demonstrated showing of financial hardship or other good cause to reduce the civil penalties below the civil penalty reduction guidelines. The special magistrate shall exercise this authority with great caution and only in documented and exceptional circumstances. An applicant alleging financial hardship has the burden of presenting evidence of inability to pay the civil penalty.

(l) If a civil penalty is reduced, the order of the special magistrate shall provide that, if the applicant fails to pay the reduced civil penalty by the date ordered by the special magistrate, then the original amount of the total civil penalty shall be automatically reinstated. The special magistrate may impose conditions on the granting of a request for reduction of the civil penalty and may allow additional hearings upon request if necessary to establish compliance with said conditions before an order reducing the civil penalty is entered.

(m) A certified copy of the order reducing the civil penalty shall not be recorded in the public records and the order shall so provide.

(n) Upon receipt of timely payment in full of the amount of the reduced civil penalties, and the recording costs, the County shall issue to the applicant a satisfaction of lien in recordable form.

(o) A reduction of civil penalty may only be granted once as to any violation of an order of the special magistrate.

Section 3-8. Appeals.

(a) The named violator or the County may appeal a final order of the special magistrate by filing a notice of appeal in the circuit court in and for the county, within 30 days of the execution of the order to be appealed and in accordance with the procedures provided by the Florida Rules of Appellate Procedure. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the special magistrate.

(b) Unless the findings of the special magistrate are overturned in a proceeding held pursuant to section 3-8(a), all findings of the special magistrate shall be admissible in any proceeding to collect unpaid penalties.

(c) No party, other than the County, may apply to the court for relief unless such party has first exhausted the remedies provided for in this chapter and has taken all available steps provided in this chapter. It is the intention of the County that all steps provided by this Chapter shall be taken before any application is made to the court for relief; and no application shall be made by any party other than the County to a court for relief except from an order imposing civil penalties or continuing violation penalties issued by a special magistrate pursuant to this Chapter. It is the intention of the County that the order reducing the civil penalty or denying a reduction of the civil penalty shall not be subject to appeal or other form of judicial review.

Section 3-9. Notice.

(a) All notices required by this Chapter shall be provided to the alleged violator by:

(1) Certified mail, return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. An additional notice may be provided to any other address for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in Subsection (b);

(2) Hand delivery by the sheriff, or other law enforcement officer, the code inspector, or other person designated by the Board of County Commissioners;

(3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(4) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in Subsection (a), notice may be served by either publication or posting, 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. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

(2) In lieu of publication as described in Subsection (1) above, such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property on which the violation is alleged to exist and the other of which shall be at the front door of the County courthouse or the main government center in the County. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under Subsection (a) above.

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

Section 3-10. Schedule of Civil Penalties.

There shall be a schedule of civil penalties adopted by Resolution and available on the County Website for inspection.

Section 3-11. Provisions contained herein are supplemental.

Nothing contained in this Chapter shall prohibit the County from enforcing its Code by any other means. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of this Code.

Section 4. Conflicts. All Sections or parts of Sections of the County Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

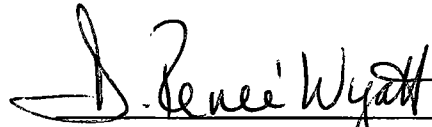
Section 6. Codification. That it is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the County Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 7. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

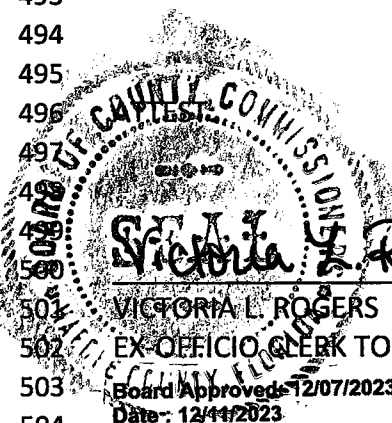
PASSED ON FIRST READING on the 2nd day of November, 2023.

PASSED AND ADOPTED ON SECOND READING this 7th day of December, 2023.

[SIGNATURE PAGE TO FOLLOW]

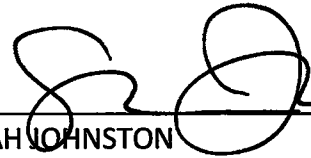

D. RENEE WYATT, CHAIR

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VICTORIA L. ROGERS
EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS
Board Approved: 12/07/2023
Date: 12/11/2023

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


SARAH JOHNSTON
COUNTY ATTORNEY

AFFIDAVIT OF PUBLICATION

The Herald-Advocate

Published Weekly at Wauchula, Florida

STATE OF FLORIDA,
COUNTY OF HARDEE

Before the undersigned authority personally appeared Xia Chen
who on oath says he is the Secretary of The Herald-Advocate, a
newspaper published at Wauchula, in Hardee County, Florida; that the attached copy of advertise-
ment, being a Public Notice - BOCC
in the matter of Public Hearing - Ordinance No. 2022-02
in the 11th Court, was published in said newspaper in the issues
of Nov. 23, 2023

Affiant further says that the said Herald-Advocate is a newspaper published at Wauchula, in
said Hardee County, Florida, and that the said newspaper has heretofore been continuously published
in said Hardee County, Florida, each week and has been entered as periodicals matter at the
post office in Wauchula, in said Hardee County, Florida, for a period of one year next preceding the
publication of the attached copy of advertisement; and affiant further says that he has neither paid nor
promised any person, firm or corporation any discount, rebate, commission or refund for the purpose
of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 23 day of November
A.D. 20 23
My Commission Expires Nov. 9, 2025
Notary Public



HARDEE CLERK TO BOARD
NOV 30 23 4:35

PUBLIC NOTICE

The HARDEE COUNTY
BOARD OF COUNTY COMMISSIONERS

will hold a

PUBLIC HEARING on
THURSDAY, DECEMBER 07, 2023

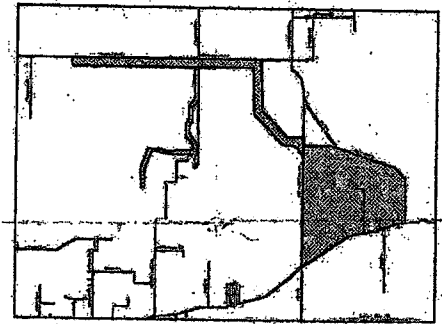
8:35 A.M., or as soon thereafter

in the County Commissioners' Board Room
Room 102, 1st floor Courthouse Annex
412 West Orange St., Wauchula, FL

TO HEAR THE APPLICATION AND TO RECEIVE PUBLIC INPUT
FOR:

Agenda No. 22-04 as Ordinance No. 2022-02
Mosale Fertilizer LLC requests a Large-Scale
Comprehensive Plan Amendment to the Generalized
Mining Overlay Map to incorporate approximately 4,232
acres of land in unincorporated Hardee County.

Specifically, Parcels included in the cross-hatched area on
the below map.



Code Enforcement Regulations as Ordinance 2024-01 (Second Reading)

An Ordinance of the Board of County Commissioners of
Hardee County, Florida, repealing and replacing Ordinance
2001-02 and renaming Chapter 3 of the Hardee County Code
of Ordinances from "Alcoholic Beverages" to "Code
Enforcement" to provide for a Special Magistrate, imposition of
penalties and administrative fines, civil citation and hearing
procedures and lien position and release guidelines; providing
for repeal, conflicts, severability, codification and for an
effective date.

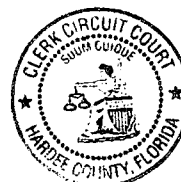
Noey Flores, Chairman

This is a Disabled-Accessible facility. Any disabled person
needing to make special arrangements should contact the
Planning and Development Department at least two (2)
working days prior to the Public Hearing.

Prior to the Public Hearing, documents relating to the
Requests are available for public inspection during
weekdays between the hours of 8:00 A.M. and 4:00 P.M.
at the Community Development Department, 110 S. 9th
Ave., Wauchula, Florida.

All interested persons shall have the right to be heard.
Although minutes of the Public Hearing will be recorded,
Anyone wishing to appeal any decision made at the public
hearing will need to ensure a verbatim record of the
proceedings are made by a court reporter.

11:23a



CERTIFIED
TO BE A TRUE COPY
THIS COPY HAS NO REDACTIONS
THIS COPY HAS BEEN REDACTED PURSUANT TO LAW
VICTORIA L. ROGERS, CLERK
BY Laura V. Seiber D.C.
December 8, 2023