

RESOLUTION NO. 2018-____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE SCHEDULE OF PENALTIES AND NOTIFICATION TIME FRAMES FOR CODE VIOLATIONS SET FORTH IN RESOLUTION NO. 92-59, AS AMENDED BY RESOLUTION NOS. 95-62, 2013-089 AND 2016-056, TO INCLUDE ENFORCEMENT OF ILLICIT STORMWATER DISCHARGE REGULATIONS.

WHEREAS, pursuant to Section 103.07 of the Code of Indian River County, the Board of County Commissioners has the authority to adopt, by resolution, a schedule of violations and penalties to be assessed by code enforcement officers, including standard notification time periods for specific types of violations, with said time periods not to exceed thirty (30) days; and

WHEREAS, the Board previously adopted Resolution No. 92-59, which designated code enforcement officers and a schedule of penalties and notification time frames; and

WHEREAS, in 1995, the Board adopted Resolution No. 95-62, amending Resolution No. 92-59 to include penalties and notification time frames for solid waste disposal violations of County Code Chapter 204; and

WHEREAS, in 2013, the Board adopted Resolution 2013-089, amending Resolution No. 92-59 to include penalties and notification time frames for fertilizer and landscape maintenance violations of County Code Chapter 316; and

WHEREAS, in 2016, the Board adopted Resolution 2016-056, amending Resolution No. 92-59 to include penalties and notification time frames for vacation rentals and commercial event at residence; violations of County Code Chapter 911; and

WHEREAS, the Board desires to further amend the schedule of penalties and notification time frames to incorporate enforcement of new illicit stormwater discharges regulations, as referred to and set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, THAT:

1. **Recitals.** The above recitals are true and correct and are incorporated herein.
2. **Amendment to Schedule of Penalties and Notification Time Frames.** The Board hereby amends the Schedule of Penalties and Notification Time Frames set forth in Attachment A to Resolution 92-59, as amended by Resolution Nos. 95-62, 2013-089 and 2016-056, as follows (added language is double underlined):

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See ATTACHMENT A, Amendment to Schedule of Penalties and Notification Time Frames

3. **Schedule of Penalties and Notification Time Frames Not Amended to Remain in Full Force and Effect.** In all other respects, the Schedule of Penalties and Notification Time Frames shall remain in full force and effect.

The foregoing resolution was moved for adoption by Commissioner _____, and the motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was, as follows:

| | |
|---------------------------------|-------|
| Chairman Peter D. O'Bryan | _____ |
| Vice Chairman Bob Solari | _____ |
| Commissioner Susan Adams | _____ |
| Commissioner Joseph E. Flescher | _____ |
| Commissioner Tim Zorc | _____ |

The Chairman thereupon declared the resolution duly passed and adopted this 19th day of June, 2018.

ATTEST: Jeffrey R. Smith, Clerk of Court
and Comptroller

**BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY, FLORIDA**

By: _____
Deputy Clerk

By: _____
Peter D. O'Bryan, Chairman

Approved as to form and legal sufficiency.

By: 
William K. DeBraal, Deputy County Attorney

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AMENDMENT TO RESOLUTION NOS. 92-59, 95-62, 2013-089 and 2016-056
Attachment A

CITATION ORDINANCE
SCHEDULE OF PENALTIES & NOTIFICATION TIME FRAMES

| VIOLATION TYPE | SECTION | FINE ¹ | NOTICE TIME FRAME ² |
|--|--------------------------------|-------------------|--------------------------------|
| <u>Contracting</u> | | | |
| Unlicensed contracting | 400.01(1) | \$500 | N/A |
| Contractor advertisement violation | 400.01(5) | \$500 | N/A |
| Licensed contractor or owner-builder hiring unlicensed contractor(s) | 400.01(6) | \$500 | N/A |
| Uninsured contractor violation | 400.05 | \$500 | N/A |
| Fraudulent license | 400.07(1) | \$500 | N/A |
| Deliberate disregard of county contracting ordinance | 400.07(6) | \$500 | N/A |
| Other contracting violations specified in F.S. Chapter 489 | 489.127(F.S.) 489.132(F.S.) | \$500 | N/A |
| <u>General</u> | | | |
| Debris burning w/o permit | 925 | \$450 | N/A |
| Violation of issued burn permit | 925 | \$300 | 24 hrs. |
| Boat/trailer storage | 911.15(7) | \$50 | 48 hrs. |
| Commercial vehicle storage | 911.15(3) | \$50 | 48 hrs. |
| Occupancy w/o C.O. | 914/401 | \$450 | 24 hrs. |

¹Each day the violation exists represents a separate violation.

²The notification time frame established herein may be waived if the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

³The fine shall be \$100 for those violations by a person who has previously been found through the Code Enforcement Board or any other quasi-judicial or judicial process to have violated, or who has admitted violating, the same section, notwithstanding that the violations occur at different locations.

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AMENDMENT TO RESOLUTION NOS. 92-59, 95-62, 2013-089 and 2016-056

Attachment A

CITATION ORDINANCE

SCHEDULE OF PENALTIES & NOTIFICATION TIME FRAMES

| VIOLATION TYPE | SECTION | FINE¹ | NOTICE TIME FRAME² |
|---|----------------|-------------------------|--------------------------------------|
| Building Code violation (w/o required permit) | 401.06 | \$450 | 24 hrs. |
| Industrial waste dumping | 973 | \$450 | 24 hrs. |
| Junk vehicle | 911.15(4) | \$50 | 10 days |
| Noise/vibration violation | 974 | \$50 | 24 hrs. |
| Solid waste disposal violations: | | | |
| - Deposit refuse in unlawful manner | 204.02 | \$50 | N/A |
| - Littering | 204.03 | \$50 | N/A |
| - Salvaging | 204.05 | \$50 | N/A |
| - Improper use of transfer station | 204.06 | \$50 | N/A |
| R.O.W. violations: | | | |
| - Vehicle | 312.06(2) | \$50 | 48 hrs. |
| - Sign | 312.06(1)(g) | \$100 | 24 hrs. |
| - Illegal Business | 312.06(1)(m) | \$250 | 24 hrs. |
| - Obstruction | 312.06(1)(c) | \$100 | 48 hrs. |
| - Illegal (non-waste) fluid discharge | 312.06(1)(e) | \$100 | 48 hrs. |
| - Work without proper traffic controls | 312.06(1)(k) | \$250 | N/A |
| - Parade without permit | 312.06(1)(n) | \$250 | N/A |
| - Other R.O.W. violations | 312.06 | \$100 | 48 hrs. |
| Illegal sign: | | | |
| - Banner | 956.12 | \$100 | 48 hrs. |
| - Snipe sign | | | |
| - A-frame sign | | | |
| - Other portable sign | | | |

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Attachment A**

**CITATION ORDINANCE
SCHEDULE OF PENALTIES & NOTIFICATION TIME FRAMES**

| VIOLATION TYPE | SECTION | FINE¹ | NOTICE TIME FRAME² |
|--|-------------------|---|--------------------------------------|
| Stormwater violation | 930 | \$100 | 48 hrs. |
| Vehicle parking & storage | 911.15(4) | \$50 | 48 hrs. |
| Sea turtle lighting violation | 932.09 | \$50 | 24 hrs. |
| Fertilizer and Landscape Management violations: | | | |
| Timing of fert. app. vio. | 316.3 | \$50 ³ | N/A |
| Fertilizer-free zone vio. | 316.4 | \$50 ³ | N/A |
| Fertilizer content/app. vio. | 316.6, 316.7 | \$50 ³ | N/A |
| Application practices vio. | 316.8 | \$50 ³ | 24 hrs. |
| Grass clippings/debris vio. | 316.9 | \$50 ³ | 24 hrs. |
| Comm. license/cert. vio. | 316.13 | \$500 | N/A |
| <u>Illicit Stormwater Discharge</u> | | <u>up to \$500.00 for 1st</u> | <u>Per occurrence</u> |
| <u>Illegal discharge</u> | <u>318.04</u> | <u>violation, \$2,500 for</u> | |
| | | <u>repeat violations</u> | |
| <u>Illicit connection</u> | <u>318.05</u> | <u>\$5,000</u> | <u>Per occurrence</u> |
| <u>Reinstate MS4 access w/o prior approval</u> | <u>318.06</u> | <u>\$5,000</u> | <u>Per occurrence</u> |
| Vacation Rental | | | |
| Vehicle parking violation | 911.15(4) | \$50 per vehicle per occurrence per day for first violation; \$100 per vehicle per occurrence per day for repeat violations | 24 hrs.* |
| Failure to obtain or maintain a valid county vacation rental license | 911.15(9) | \$100 per day per vacation rental unit | 30 business days* |
| Violation of license condition | 911.15(9) | \$100 per day | 24 hrs.* |
| Contact information update violation | 911.15(9) | \$100 per violation | 24 hrs.* |
| Noise Violation | 911.15(9) and 974 | \$100 per day for first violation; \$300 per day for repeat violations | 24 hrs.* |
| Commercial Event | | | |

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|---|-----------|---|----------|
| Commercial event at residence Note: due to Florida law, fines exceeding \$500 are assessed through the Indian River County Code Enforcement Board and not by means of a citation issued by a code enforcement officer. | 911.15(8) | \$1,000 per event for first violation; \$5,000 per event for repeat violations | 24 hrs.* |
|---|-----------|---|----------|

*First and only warning for any given vacation rental unit or single-family residence

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