

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	FINE¹	NOTICE TIME FRAME²
<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.

RESOLUTION NO. 2018-__**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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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
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 violation, \$2,500 for repeat violations</u>	<u>Per occurrence</u>
<u>Illegal discharge</u>	<u>318.04</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.*
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*First and only warning for any given vacation rental unit or single-family residence

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