

ORDINANCE NO. 2018-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 103.03 (REGULATORY COMMISSIONS AND BOARDS) AND SECTION 103.06 (CODE ENFORCEMENT SPECIAL MASTER) OF PART I (IN GENERAL) OF CHAPTER 103 (COMMISSIONS AND BOARDS) OF THE CODE OF INDIAN RIVER COUNTY, FLORIDA IN ORDER TO ESTABLISH HIGHER FINE LIMITS FOR CERTAIN CODE VIOLATIONS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS, AND AN EFFECTIVE DATE.

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

**Section 1. Enactment Authority.**

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

**Section 2. Amendment of Section 103.03 (Regulatory Commissions and Boards) and Section 103.06 (Code Enforcement Special Master) of Part I (In General) of Chapter 103 (Commissions and Boards).**

New language indicated by underline, and deleted language indicated by ~~strikethrough~~.

Section 103.03 (Regulatory commissions and boards) and Section 103.06 (Code enforcement special master) of Part I (In General) of Chapter 103 (Commissions and Boards) of the Code of Indian River County, Florida is hereby amended to read as follows:

**CHAPTER 103. COMMISSIONS AND BOARDS.**

**PART I. IN GENERAL**

\* \* \*

**Section 103.03. Regulatory commissions and boards.**

1. *Planning and zoning commission.* There is hereby created a planning and zoning commission to carry out the procedures, duties, and functions set forth for it in the zoning ordinances. The board shall consist

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of seven (7) members plus a school board representative designated and approved by the school board who shall be a non-voting member of the planning and zoning commission. Each county commissioner shall appoint one (1) member who must reside in that commissioner's district. The remaining two (2) members shall be appointed from the public at large. The board shall be the local planning agency for the county. All members shall be residents of the county.

2. *Board of zoning adjustment.* There is hereby created a board of zoning adjustment to carry out the procedures, duties, and functions set forth for it in the zoning ordinances. All members shall be residents of Indian River County.
3. *Code enforcement board.* There is hereby created the Indian River County Code Enforcement Board pursuant to authority and procedures of Chapter 162, Florida Statutes. The board shall be constituted and have powers and responsibilities as set forth in Chapter 162, Florida Statutes. Per section 162.09, Florida Statutes, the Indian River County Code Enforcement Board has the authority to impose fines up to \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, for a commercial event at residence and an illegal connection to the public water supply system.
4. *Indian River County Environmental Control Board.* There is hereby created the Indian River County Environmental Control Board pursuant to the authority and procedures of Chapter 85-427, Laws of Florida. The board shall be constituted and have powers and responsibility as set forth in said laws of Florida. It shall appoint a five-member hearing board pursuant to and with powers provided by said Laws of Florida.
5. There is hereby created a Children's Services Network (CSNetwork), an advisory board to the Indian River County Board of Commissioners, to carry out the procedures, duties and functions set forth in Part II of this chapter.

\* \* \*

### **Section 103.06. - Code enforcement special master.**

The chairman of the code enforcement board shall also be a special master as provided for under section 162.03, Florida Statutes. The special master shall have all of the authority allowed under Chapter 162, Florida Statutes. The primary duty of the

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special master will be to issue notices to appear. Proceedings initiated before a special master may be continued before the code enforcement board and proceedings initiated before the code enforcement board may be continued before the special master. Per section 162.09, Florida Statutes, the special master has the authority to impose fines up to \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, for a commercial event at residence and an illegal connection to the public water supply system.

\* \* \*

**Section 3. Codification.** It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

**Section 4. Severability.** If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

**Section 5. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the \_\_\_\_ day of May, 2018, for a public hearing to be held on the 22<sup>nd</sup> day of May, 2018, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

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

The Chairman thereupon declared the ordinance duly passed and adopted this 22<sup>nd</sup> day of May, 2018.

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

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By: \_\_\_\_\_  
Peter D. O'Bryan, Chairman

**ATTEST: Jeffrey R. Smith, Clerk  
and Comptroller**

By: \_\_\_\_\_  
Deputy Clerk

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the \_\_\_\_ day of May, 2018.