




Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney 
DATE: April 13, 2018
SUBJECT: Draft Code Enforcement Fine Ordinance

BACKGROUND.

At the February 6, 2018, Indian River County Board of County Commissioners (the "Board") meeting, the Director of Utility Services, Vincent Burke, explained that there had been various contractors tampering with utility connections and, in some cases, bypassing safety devices that were protecting the public water supply in residential communities with homes under construction. Mr. Burke stated that he believed that the fines for such actions were not sufficient to deter the offending contractors.

Pursuant to section 162.09, Florida Statutes, a county with a population equal to or greater than 50,000 may adopt, by a vote of at least a majority plus one of the entire governing body of the county, an ordinance that gives code enforcement boards or special magistrates, or both, authority to impose fines in excess of the limits otherwise set forth in statute. These fines shall not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation.

At the February 6, 2018, Board meeting, the Board voted to direct staff to provide a draft ordinance increasing the penalties for tampering with the water connections and to bring that draft ordinance back to the Board for review. The concept of the higher fines was presented to and supported by the Development Review and Permit Process Advisory Committee on February 21, 2018.

Consistent with the direction of the Board, the County Attorney's Office drafted the attached ordinance imposing the maximum fines as set forth in section 162.09, Florida Statutes. The draft ordinance incorporates into the sections of the Indian River County Code of Ordinances (the "Code") concerning the Code Enforcement Board (Section 103.03 of the Code) and the Special Master (Section 103.06 of the Code). To be consistent, the draft ordinance also includes the similar fines previously established by the Board for commercial events at residence.

FUNDING.

The cost of publication of the required public notice for the public hearing will be approximately \$150.00. This cost will be funded from the County Attorney's Office budget within the General Fund (account number 00110214-033190).

RECOMMENDATION.

The County Attorney's Office recommends that the Board review and make comments on the proposed ordinance language and authorize the County Attorney's Office to set a public hearing on such ordinance.

ATTACHMENT(S).

Draft Code Enforcement Fine Ordinance