

**ORDINANCE  
NUMBER 2019- 27**

**AN ORDINANCE OF THE COMMISSION OF THE  
CITY OF LABELLE, FLORIDA, ADOPTING  
CHAPTER 162, FLORIDA STATUTES, PROVIDING  
FOR MUNICIPAL CODE ENFORCEMENT;  
ESTABLISHING ENFORCEMENT PROCEDURES  
AND AUTHORITIES; AMENDING CONFLICTING  
PROVISIONS OF CODE; PROVIDING FOR  
CODIFICATION; PROVIDING FOR CONFLICT  
WITH OTHER ORDINANCES; PROVIDING FOR  
SEVERABILITY; AND PROVIDING FOR AN  
EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, pursuant to Part I of Chapter 162, Florida Statutes, “The Local Government Code Enforcement Boards Act,” the City Commission is authorized, at its option, to create and appoint a City of LaBelle Code Enforcement Board, to provide for the enforcement of municipal codes; and

**WHEREAS**, Part I of Chapter 162, Florida Statutes, also authorizes the appointment of a Special Magistrate to act in conjunction or in lieu of a code enforcement board; and

**WHEREAS**, Chapter 162, Part II, Florida Statutes, provides for a “Supplemental Code Enforcement Procedure” whereby duly designated Code Enforcement Officers are authorized to issue citations or notices to appear to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance; and

**WHEREAS**, Chapter 162, Florida Statutes, does not preclude the City from combining any of the features of Part I and Part II of Chapter 162, nor does it prohibit the

32 City from enforcing its codes or ordinances by such other means of enforcement as  
33 provided by general law or as may lie within the home rule powers of the City; and

34 **WHEREAS,** the LaBelle Code already provides certain code enforcement  
35 procedures that draw upon the authority of Chapter 162 but also create parallel and  
36 potentially conflicting procedures with said authority; and

37 **WHEREAS,** the Commission has determined that maintaining the legacy  
38 provisions of the LaBelle Code relating to code enforcement no longer serves the public  
39 interest and should be revised to best serve the needs to the City; and

40 **WHEREAS,** pursuant to Chapter 166, Florida Statutes, the Commission has all  
41 powers of self-government not inconsistent with general or special law, including the  
42 power and authority to adopt ordinances providing for the public health, safety and  
43 welfare of the residents of the City of LaBelle.

44 **NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City  
45 of LaBelle, Florida:

46 **Section 1. Recitals.**

47 The above stated recitals are hereby adopted and confirmed as being true, and the  
48 same are hereby incorporated as a part of this Ordinance.

49 **Section 2. Code Enforcement.**

50 **Section 2-1. State Law Implemented**

51 The City of LaBelle hereby implements the municipal code enforcement authority  
52 provided by Chapter 162, Parts I and II, Florida Statutes, as may be amended from time  
53 to time by act of the Legislature. The remainder of this Article is intended to supplement  
54 the provisions of Chapter 162 locally.

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56 Section 2-2. Applicability

57 The provisions of this Article shall apply to and be enforced in all incorporated  
58 areas of the City of LaBelle as the primary method enforcing the LaBelle Code or  
59 ordinances of the City of LaBelle, Florida including its land development regulations and  
60 development orders. Nothing contained in this Article shall prohibit the City from  
61 enforcing its codes or ordinances by any other means.

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63 Section 2-3. Code Enforcement Officials

64 The City hereby establishes the following positions and offices for the provision  
65 of code enforcement within the City of LaBelle:

66 “Code Enforcement Officer” means any designated employee or agent of the City  
67 whose duty it is to enforce the codes and ordinances of the City and whose authority is  
68 synonymous with designated code enforcement officers or code inspectors as provided in  
69 Chapter 162, Florida Statutes.

70 “Special Magistrate” means any person authorized by the City Commission to  
71 hold hearings as provided by Section 162.03, Florida Statutes. Any such magistrate must  
72 be at a minimum an attorney in good standing with the Florida Bar.

73

74 Section 2-4. Enforcement Procedure

75 1. Finding of Violation. Upon the finding of a code violation by Code Enforcement  
76 Officer, the Officer shall have the authority to issue and prosecute notices of

77 violation, citations, summons or notices to appear as necessary and authorized as  
78 provided by code and general law.

79 2. Venue. Except in civil actions to enforce City codes and ordinances, or where a  
80 citation or notice appear requires a violator's appearance in county court, violators  
81 shall appear before the City's duly appointed code enforcement board or special  
82 magistrate. The rules of procedure for any hearing before either a code  
83 enforcement board or special magistrate shall be established by resolution of the  
84 City Commission.

85 3. Penalties. The issuance and determination of fines, costs, and liens amounts shall  
86 be in the discretion of the code enforcement board or special magistrate as  
87 provided by general law. The City Commission may, however, establish a  
88 standard fine schedule for the issuance of citations.

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90 **Section 4. Amending Conflicting Provisions of Code.** The following existing  
91 provisions of the LaBelle Code are deleted in their entirety, replaced as provided in  
92 Section 3, or reserved for future use as follows:

93 1. Chapter 2 – Administration, Article I – In General

94 **Section 5. Codification.** The City Commission intends that this Ordinance be  
95 made part of the LaBelle Code of the City of LaBelle, Florida; and that sections of this  
96 Ordinance can be renumbered or re-lettered to the appropriate word or phrase to  
97 accomplish codification, and regardless of whether this Ordinance is ever codified, the  
98 Ordinance can be renumbered or re-lettered and typographical errors and clarification of

99 ambiguous wording that do not affect the intent can be corrected with the authorization of  
100 the Mayor without the need for a public hearing.

101 **Section 6. Conflict with other Ordinances.** The provisions of this Article shall  
102 supersede any provisions of existing ordinances in conflict herewith to the extent of said  
103 conflict.

104 **Section 7. Severability.** In the event that any portion of this ordinance is for any  
105 reason held invalid or unconstitutional by any court of competent jurisdiction, such  
106 portion shall be deemed a separate, distinct and independent provision, and such holding  
107 shall not affect the validity of the remaining portions of this ordinance.

108 **Section 8. Effective Date.** This Ordinance shall take effect immediately upon its  
109 adoption by the City Commission.

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**PASSED AND DULY ADOPTED** this 9<sup>th</sup> day of January, 2020.

CITY COMMISSION OF THE CITY OF  
LABELLE, FLORIDA

**\*\*\*SEE CLERK FOR SIGNED VERSION\*\*\***

By: \_\_\_\_\_  
David A. Lyons, Mayor

ATTEST:

**\*\*\*SEE CLERK FOR SIGNED VERSION\*\*\***

By: \_\_\_\_\_  
Thomas A. Smith, Clerk-Commissioner

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

**\*\*\*SEE CLERK FOR SIGNED VERSION\*\*\***

By: \_\_\_\_\_  
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Lyons	<u>  X  </u>	_____
Commissioner Smith	<u>  X  </u>	_____
Commissioner Wilkins	<u>  X  </u>	_____
Commissioner Akin	<u>  X  </u>	_____
Commissioner Zimmerly	_____	_____