

**RESOLUTION NO. 2013- 089**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE DESIGNATION OF CODE ENFORCEMENT OFFICERS AND THE SCHEDULE OF PENALTIES AND NOTIFICATION TIME FRAMES FOR CODE VIOLATIONS, SET FORTH IN RESOLUTION NO. 92-59, TO INCLUDE ENFORCEMENT OF CHAPTER 316, FERTILIZER AND LANDSCAPE MANAGEMENT.**

**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**, pursuant to Ordinance 2013-12, the Board of County Commissioners established a new Chapter 316 entitled "Fertilizer and Landscape Management"; and

**WHEREAS**, the Board desires to amend the schedule to incorporate enforcement of the new chapter into the designation of code enforcement officers and schedule of penalties and notification time frames, as 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 Designation of Code Enforcement Officers and Schedule of Penalties and Notification Time Frames.** The Board hereby amends the Designation of Code Enforcement Officers in Resolution 92-59 and the Schedule of Penalties and Notification Time Frames as set forth in Attachment A to Resolution 92-59 as follows (added language is double underlined, and deleted language is noted by strikethrough):

**1) DESIGNATION OF CODE ENFORCEMENT OFFICERS**

The following county personnel are hereby designated code enforcement officers for purposes of enforcing county codes in accordance with the citation provisions of County Code Chapter 103, for the violation categories as herein described:

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**County Personnel**

Fire Safety Inspectors

**Violation Category**

Fire Safety Codes;  
Debris Burning Violations

Stormwater Education, Enforcement  
and Operations Officer

Fertilizer and Landscape  
Management Code Violations

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Attachment A  
CITATION ORDINANCE  
SCHEDULE OF PENALTIES & NOTIFICATION TIME FRAMES  
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<u>VIOLATION TYPE</u>	<u>SECTION</u>	<u>FINE<sup>1</sup></u>	<u>NOTICE TIME FRAME<sup>12</sup></u>
<b><u>General</u></b>			
Sea turtle lighting vio.	932.09	\$ 50	24 hrs.
<u>Fertilizer and Landscape Management violations:</u>			
<u>Timing of fert. app. vio.</u>	<u>316.3</u>	<u>\$ 50<sup>3</sup></u>	<u>N/A</u>
<u>Fertilizer-free zone vio.</u>	<u>316.4</u>	<u>\$ 50<sup>3</sup></u>	<u>N/A</u>
<u>Fertilizer content/app. vio.</u>	<u>316.6, 316.7</u>	<u>\$ 50<sup>3</sup></u>	<u>N/A</u>
<u>Application practices vio.</u>	<u>316.8</u>	<u>\$ 50<sup>3</sup></u>	<u>24 hrs.</u>
<u>Grass clippings/debris vio.</u>	<u>316.9</u>	<u>\$ 50<sup>3</sup></u>	<u>24 hrs.</u>
<u>Comm. license/cert. vio.</u>	<u>316.13</u>	<u>\$500</u>	<u>N/A</u>

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<sup>1</sup>Each day the violation exists represents a separate violation.

<sup>12</sup>The 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.

<sup>3</sup>The 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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3. **Designation of Code Enforcement Officers and Schedule of Penalties and Notification Time Frames Not Amended to Remain in Full Force and Effect.** In all other respects, the Designation of Code Enforcement Officers and Schedule of Penalties and Notification Time Frames shall remain in full force and effect.

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

Chairman Joseph E. Flescher	<u>Aye</u>
Vice Chairman Wesley S. Davis	<u>Aye</u>
Commissioner Peter D. O'Bryan	<u>Aye</u>
Commissioner Bob Solari	<u>Aye</u>
Commissioner Tim Zorc	<u>Aye</u>

The Chairman thereupon declared the resolution duly passed and adopted this 10th day of September, 2013.

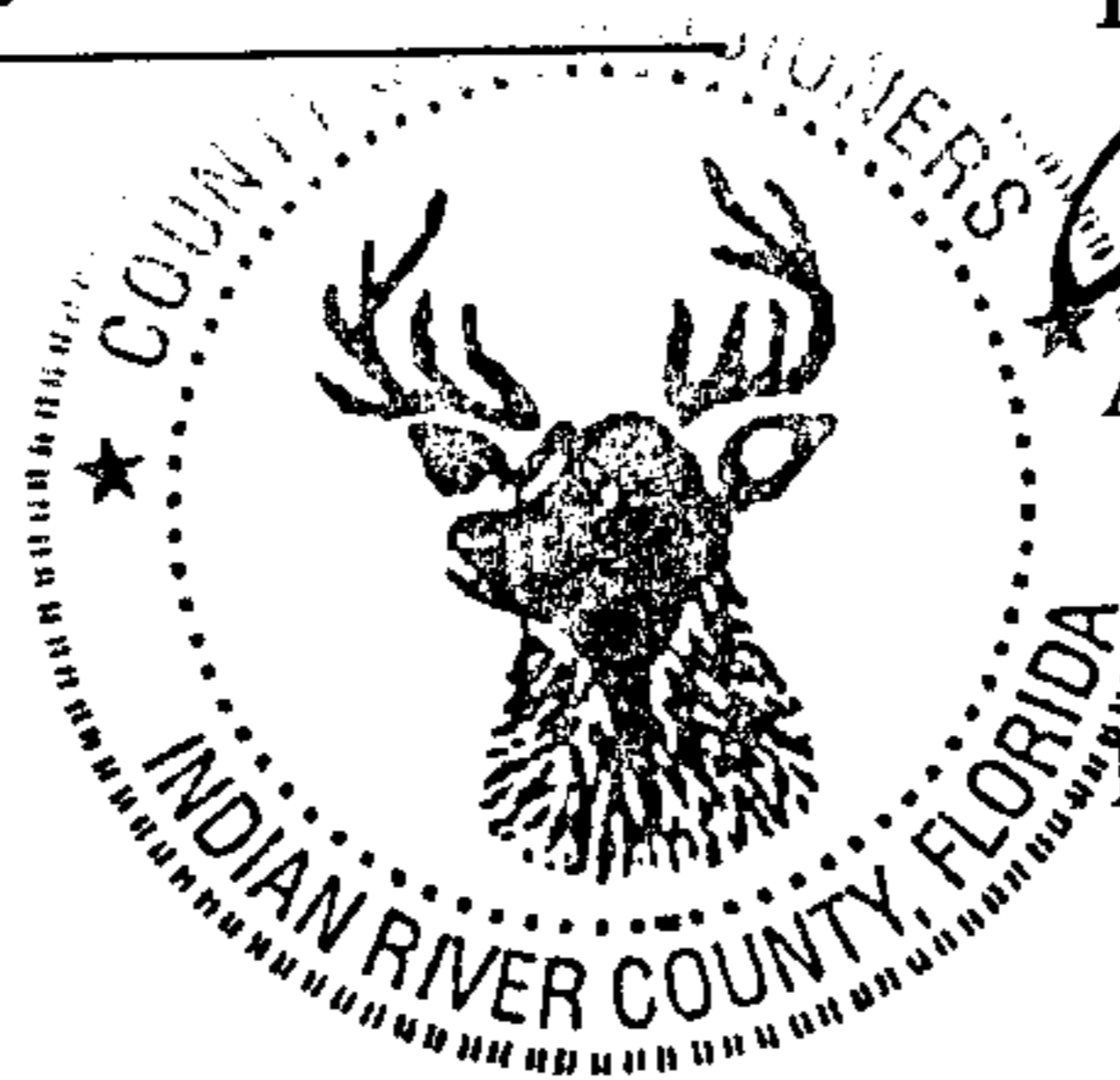
ATTEST: Jeffrey R. Smith, Clerk of Court  
and Comptroller

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY, FLORIDA

By: Leana Allen  
Deputy Clerk

By: Joseph E. Flescher  
Joseph E. Flescher, Chairman

Approved as to form and legal sufficiency.



By: Dylan Reingold  
Dylan Reingold, County Attorney