

1 CITY OF MARGATE, FLORIDA

2  
3 ORDINANCE NO. \_\_\_\_\_  
4  
5

6 AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING  
7 CHAPTER 1, "GENERAL PROVISIONS" OF THE CITY OF MARGATE  
8 CODE OF ORDINANCES; CLARIFYING THE AUTHORITY AND  
9 PROCEDURES TO ENFORCE THE CITY CODE; AMENDING CODE  
10 ENFORCEMENT PENALTIES; PROVIDING FOR CODIFICATION;  
11 PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;  
12 PROVIDING FOR AN EFFECTIVE DATE.  
13

14 WHEREAS, Florida Statutes Section 162.03 provides that a  
15 municipality may, by ordinance, adopt an alternate code  
16 enforcement system that gives special magistrates the  
17 authority to hold hearings and assess fines against violators  
18 of the respective county or municipal codes and ordinances;  
19 and

20 WHEREAS, the City Commission desires to improve  
21 enforcement and processing of municipal violations through  
22 greater utilization of civil citations and the special  
23 magistrate process.

24 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF  
25 THE CITY OF MARGATE, FLORIDA THAT:

26 Section 1. The foregoing "WHEREAS" clauses are  
27 hereby ratified and confirmed as being true and correct, and  
28 are hereby incorporated herein and made a part hereof.

CODING: Words in ~~struck-through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and shaded text reflect changes between First  
and Second Readings.

1           **Section 2.**           The Code of Ordinances of the City of  
2           Margate Florida, Chapter 1 - GENERAL PROVISIONS, Section 1-8  
3           Penalties, is hereby amended to read as follows:

4           **Sec. 1-8. Penalties.**

5           **(a) *General penalty.***

6                   (1)Unless otherwise specifically authorized and  
7                   provided for by this Code, a person convicted of  
8                   violating any provision of this Code may be  
9                   sentenced to pay a fine, not to exceed \$500, and may  
10                  be sentenced to a definite term of imprisonment, not  
11                  to exceed 60 days, as authorized by section 162.22,  
12                  Florida Statutes. Nothing contained herein shall  
13                  prohibit the City from enforcing its Code by any  
14                  other means. The City's administrative remedies to  
15                  enforce the Code are cumulative to all others and  
16                  shall not be deemed to be prerequisites to filing  
17                  suit for the enforcement of any section of this  
18                  Code.

19           ~~The violation of or failure to comply with any~~  
20           ~~provision of this Code shall constitute an offense~~  
21           ~~against the City and any person convicted shall be~~

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1           ~~sentenced to a fine not to exceed five hundred~~  
2           ~~dollars (\$500.00) and may be sentenced to a definite~~  
3           ~~term of imprisonment not to exceed sixty (60) days,~~  
4           ~~as provided for in section 162.22 of the Florida~~  
5           ~~Statutes, as amended.~~

6           (2) Any condition caused or permitted to exist in  
7           violation of any of the provisions of this Code or  
8           any ordinance of the City shall be deemed a public  
9           nuisance and shall be subject to abatement by the  
10          City.

11          (3) Each and every act, action or thing done in  
12          violation of the provisions of this Code or an  
13          ordinance of the City shall be construed, deemed and  
14          taken as a separate and distinct violation of such  
15          provisions of this Code; and in every event that a  
16          violation of this Code or any of the provisions  
17          hereof shall continue, each day of such continuance  
18          shall be deemed, construed and taken as a separate  
19          and distinct violation of the provisions of this  
20          Code that such condition so allowed to continue  
21          shall violate.

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1       **(b) ~~Civil code enforcement~~ Code enforcement special magistrate**

2       (1)The City adopts an alternative code enforcement system  
3       pursuant to sections 162.03(2) and 162.13, Florida  
4       Statutes, authorizing a special magistrate to hold  
5       hearings and assess fines and enforcement costs against  
6       violators of all City codes.

7       (2) *Intent.* It is the intent of this section to promote,  
8       protect, and improve the health, safety, and welfare of  
9       the citizens of the City by authorizing the creation of  
10       the position of special magistrate for code enforcement  
11       proceedings with the authority to impose administrative  
12       fines and other noncriminal penalties, to provide an  
13       equitable, expeditious, effective, and inexpensive method  
14       of enforcing any codes and ordinances in force in the city  
15       where a pending or repeat violation exists.

16       (3) *Jurisdiction.* The jurisdiction of the special  
17       magistrate appointed by the City Commission to hear cases  
18       brought by code officers shall include violations of any  
19       City ordinance or the City Code and any County code or  
20       state statute incorporated into the City Code by reference

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1        or by operation of law, occurring within the City of  
2        Margate.

3        (4) Definitions. For the purpose of this section, the  
4        following definitions shall apply unless the context  
5        clearly indicates or requires a different meaning:

6                City shall mean the City of Margate, Florida.

7                City Attorney shall mean the Office of the City  
8                Attorney of the City of Margate, Florida.

9                City Commission shall mean the legislative body of the  
10               City.

11               Clerk shall mean the City employee with responsibility  
12               for coordinating hearings of the special magistrate.

13               Code shall mean the Margate City Code and all codes  
14               and state statutes incorporated into the Margate City  
15               Code by reference or by operation of law, occurring  
16               within the City.

17               Code officer shall mean any employee or other agent of  
18               the City designated by law or ordinance, whose duties  
19               are to ensure compliance with City codes or ordinances

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1 and to present code violations to the special  
2 magistrate.

3 Owner shall mean the person or persons reflected as  
4 the property owner in the most recently certified real  
5 property ad valorem tax rolls of Broward County, or  
6 other official documentation contained within the  
7 public records of the City, Broward County, or the  
8 state. Additionally, in the case of multiple or joint  
9 ownership, notice to one (1) owner shall be considered  
10 notice to all multiple or joint owners.

11 Person shall mean individuals, firms, associations,  
12 joint adventures, partnerships, estates, trusts,  
13 business trusts, syndicates, fiduciaries,  
14 corporations, and all other groups or combinations.

15 Repeat violation Shall mean a violation of an  
16 ordinance or Code provision by a person who has been  
17 previously found by the Special Magistrate to have  
18 violated or who has admitted violating the same  
19 provision within 5 years prior to the violation,  
20 notwithstanding the violations occur at different  
21 locations.

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1 Special magistrate shall mean any special magistrate  
2 appointed by the City Commission to preside over code  
3 enforcement cases.

4 Violator shall mean the person(s) that the City deems  
5 responsible for the ordinance or code violation which,  
6 in the appropriate circumstances, shall be the  
7 perpetrator of the violation, the owner of the real  
8 property or personal property, or person legally  
9 responsible for the property upon which the violation  
10 occurred, or any or all of the foregoing, or as  
11 otherwise provided in the specific code section  
12 violated. The term "violation" shall specifically  
13 include a property owner, when an ordinance violation  
14 exists on, or emanates from, the owner's property, but  
15 is caused or allowed to be caused by tenant(s) at said  
16 property.

17 (5) Establishing a special magistrate.

18 The qualifications and appointment of the special  
19 magistrate shall be as follows:

- 20 a. The special magistrate shall be appointed by the  
21 City Commission and shall serve with

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1                    compensation as established by the City  
2                    Commission upon appointment. The City Commission  
3                    may appoint one (1) or more special magistrates.

4                    b. The special magistrate shall possess an  
5                    outstanding reputation for civic pride,  
6                    interest, integrity, responsibility, and  
7                    business or professional ability. The special  
8                    magistrate shall be a member of the state bar in  
9                    good standing for a minimum of five (5) years or  
10                   a retired judge of one of the courts of the  
11                   state.

12                   (6) Powers of the special magistrate.

13                   The special magistrate shall have the power to:

14                   a. Adopt rules for the conduct of its hearings.

15                   b. Subpoena alleged violators and witnesses to its  
16                   hearings. Subpoenas may be served by the sheriff of  
17                   the county or police department of the municipality.

18                   c. Subpoena evidence to its hearings.

19                   d. Take testimony under oath.

20                   e. Issue orders having the force of law to command  
21                   whatever steps are necessary to bring a violation  
22                   into compliance.

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.



1        The City Commission may adopt by resolution such  
2        procedures as are deemed necessary and appropriate for  
3        the special magistrate to carry out their function as  
4        set forth in this subsection.

5        (7) Code prosecutor duties.

6        a. The office of the City Attorney shall represent the  
7        interests of the City and act as code prosecutor when  
8        the violator is represented by counsel, as deemed  
9        necessary.

10       b. The code prosecutor, or designee, shall, in each  
11       violation, have professional discretion, including but  
12       not limited to the right to negotiate a plea with the  
13       violator, and present that plea to the special  
14       magistrate for approval, to recommend the disposition of  
15       a case to the special magistrate, and to decline to  
16       prosecute a case, similar to the discretion exercised by  
17       the City prosecutor for criminal municipal violations.

18       (8) Conducting hearings.

19       a. The clerk shall set a time and date for the hearing  
20       and notify the alleged violator and the code officer.  
21       The violator shall be given at least seven (7) working  
22       days' written notification of the hearing. The conduct

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1 of the hearing shall be consistent with section 162.07,  
2 Florida Statutes.

3 b. Hearsay evidence may be accepted for the purpose of  
4 supplementing or explaining any direct evidence, but  
5 hearsay evidence shall not, in and of itself, be  
6 considered sufficient to support a finding or decision  
7 unless the evidence would be admissible over objections  
8 in a civil action.

9 c. The alleged violator shall have the right to be  
10 represented by an attorney; however, the alleged  
11 violator or their attorney shall provide the office of  
12 the City Attorney with written notice that an attorney  
13 is representing the violator's interest at least seven  
14 (7) working days prior to the scheduled date of the  
15 hearing.

16 d. All testimony before the special magistrate shall  
17 be under oath and shall be recorded. The alleged  
18 violator or the City may cause the proceedings to be  
19 recorded by a certified court reporter or other  
20 certified recording instrument; however, the City shall  
21 be under no obligation to provide a certified court  
22 reporter or other certified recording instrument but

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1        rather, the City may use a recording device of its  
2        choice to satisfy its obligation to record the meeting.

3        e. The burden of proof shall be with the code officer  
4        to show by the greater weight of evidence that a code  
5        violation exists and that the alleged violator committed  
6        or was responsible for maintaining the violation.

7        f. A hearing may proceed in the absence of the  
8        violator once the special magistrate has determined that  
9        notice has been provided in accordance with section  
10       162.12, F.S.

11       g. The special magistrate may, in his or her  
12       discretion, postpone or continue a hearing.

13       h. All determinations of the special magistrate shall  
14       be based upon competent substantial evidence.

15       i. At the conclusion of the hearing, the special  
16       magistrate shall issue findings of fact, based on the  
17       evidence of record and conclusions of law, and shall  
18       issue an order affording the proper relief consistent  
19       with powers granted herein.

20       j. To uphold the code officer's decision, the special  
21       magistrate must find that a preponderance of the  
22       evidence indicates that the named violator was

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1 responsible for the violation as alleged by the civil  
2 citation or notice of violation.

3 k. If the City prevails in a hearing based on the  
4 issuance of a notice of violation, the special  
5 magistrate's order may grant a reasonable time period  
6 for the violator to correct the violation. The order  
7 shall also impose a daily fine that shall commence  
8 accruing if the violation is not timely corrected. The  
9 daily fine shall continue to accrue until the violation  
10 is corrected or a judgement is rendered in a suit filed  
11 pursuant to section 162.09(3), Florida Statutes,  
12 whichever comes first.

13 l. If the special magistrate's order includes a  
14 deadline to correct the violation, the Code Officer  
15 shall issue an affidavit of noncompliance to the  
16 violator if the violation continues to exist beyond that  
17 deadline. The affidavit of noncompliance shall advise  
18 the violator that the Code Officer has determined that  
19 the violation was not timely corrected and, therefore,  
20 daily fines shall begin to accrue in accordance with the  
21 special magistrate's order. In addition, the affidavit  
22 will explain the violator's right to appeal the Code

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1           Officer's determination and advise that the daily fines  
2           will begin to accrue without further notice if no appeal  
3           is taken.

4           (m). The scope of a special magistrate hearing on an  
5           affidavit of noncompliance shall be strictly limited to  
6           whether the violator corrected the violation and the  
7           applicable daily fines based upon when the violation was  
8           corrected.

9           (n) An affidavit of compliance shall be issued to the  
10          violator once the violation has been corrected.

11       (9) Notice.

12       All notices required by this section shall be provided in  
13       accordance with section 162.12, Florida Statutes.

14       **(c) Civil Citation Procedures.**

15       ~~(1) A person authorized by the City to issue citations shall~~  
16       ~~be hereby authorized to issue a citation when he/she has~~  
17       ~~reasonable cause to believe that a person has committed an~~  
18       ~~act in violation of the Code of the City or County, or any~~  
19       ~~ordinance duly adopted by the City or County, pursuant to the~~  
20       ~~procedure provided in part 2 of Chapter 162 of the Florida~~  
21       ~~Statutes as amended. Pursuant to F.S. 162.21(5), notice may~~  
22       ~~be provided in any manner as set out in F.S. 162.12, as~~

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1 ~~amended.~~ These civil citation procedures are adopted pursuant  
2 to sections 162.03(2) and 162.13, Florida Statutes, as an  
3 alternative method of enforcing the Code, and are enacted to  
4 protect the public health, welfare and safety of the  
5 residents of the City.

6 ~~(2) Any individual who wishes to contest a citation by a~~  
7 ~~person authorized by the City to issue citations may do so by~~  
8 ~~the Special Magistrate procedures of the City.~~ A violation of  
9 the Code is a civil infraction for which a citation may be  
10 issued pursuant to this section.

11 ~~(3) The failure to comply with any provision of this Code or~~  
12 ~~the Code of Broward County, or any duly enacted ordinance of~~  
13 ~~the City or County shall, upon issuance of a citation, be a~~  
14 ~~civil infraction of the City or County. Such infraction shall~~  
15 ~~carry a daily penalty and technology fee as provided below~~  
16 ~~should a violator not contest a citation:~~

17 ~~All citations shall incur a \$5.00 technology fee in~~  
18 ~~addition to any fine. The revenues generated by this~~  
19 ~~fee shall be used exclusively for the acquisition,~~  
20 ~~operation, maintenance, repair and replacement of~~  
21 ~~data processing equipment and software related to~~  
22 ~~the administration and costs of the issuance of~~

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1                    citations. A Code Officer may issue a citation to a  
2                    violation when, based upon personal investigation,  
3                    the Code Enforcement Officer has reasonable cause to  
4                    believe that the violator is responsible for the  
5                    civil infraction.  
6

| Violation Category     | First Offense       | Second Offense      | Third Offense       | Fourth Offense                    |
|------------------------|---------------------|---------------------|---------------------|-----------------------------------|
| Animal nuisance        | <del>\$ 25.00</del> | <del>\$ 75.00</del> | <del>\$150.00</del> | <del>\$150.00-<br/>\$500.00</del> |
| Building code          | 75.00               | 100.00              | 150.00              | <del>-150.00-<br/>500.00</del>    |
| County ordinances      | 25.00               | 75.00               | 150.00              | <del>-150.00-<br/>500.00</del>    |
| Fire code              | 25.00               | 75.00               | 150.00              | <del>-150.00-<br/>500.00</del>    |
| Health hazard          | 50.00               | 75.00               | 150.00              | <del>-150.00-<br/>500.00</del>    |
| Landscaping            | 25.00               | 75.00               | 150.00              | <del>-150.00-<br/>500.00</del>    |
| Licensing              | 100.00              | 150.00              | 150.200             | <del>-200.00-<br/>500.00</del>    |
| Litter/debris          | 50.00               | 75.00               | 150.00              | <del>-150.00-<br/>500.00</del>    |
| Nuisance               | 25.00               | 75.00               | 150.00              | <del>-150.00-<br/>500.00</del>    |
| Recycling              | 25.00               | 75.00               | 150.00              | <del>-150.00-<br/>500.00</del>    |
| Safety hazard          | 50.00               | 75.00               | 150.00              | <del>-150.00-<br/>500.00</del>    |
| Signs/advertising      | 25.00               | 75.00               | -150.00             | <del>-150.00-<br/>500.00</del>    |
| Vehicles (non-parking) | 35.00               | 75.00               | 150.00              | <del>-150.00-<br/>500.00</del>    |
| Disabled parking       | \$250.00            | \$250.00            | \$250.00            | \$250.00                          |
|                        |                     |                     |                     |                                   |

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

|   |         |         |          |                    |
|---|---------|---------|----------|--------------------|
| Commercial vehicles (not tractor-trailer)                                 | \$35.00 | \$75.00 | \$150.00 | \$150-500.00       |
| Tractor-trailer, truck tractor, or portion thereof                        | 100.00  | 500.00  | 500.00   | 500.00             |
| Parking within 15 feet of fire hydrant, fire connection, or fire lane     | 50.00   | 50.00   | 50.00    | 50.00              |
| All other parking   | 35.00   | 75.00   | 150.00   | -150.00-500.00     |
| Other violations not listed above   | 25.00   | 75.00   | 150.00   | -150.00-500.00     |
| Tree abuse, \$150.00 per incident or replace abused trees with equivalent |         |         |          |                    |
| — (No daily fee)  |         |         |          |                    |
| Water restriction violation   | 25.00   | 125.00  | 250.00   | Criminal violation |

1

2

3

4

5

6

7

8

9

10

11

~~(4) A civil infraction of this Code or the Code of Broward County, or any ordinance of the City or County shall carry a maximum civil penalty of five hundred dollars (\$500.00) should the violator contest the citation. Excluded from the above penalties, whether for contested or noncontested citations, is:~~

~~a. any violation of the Florida Building Code, if a building permit has been issued pursuant to Florida Statutes 162.21 (7);~~

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.



1           ~~b. Any section of the Code of Broward County or~~  
2           ~~any ordinance of Broward County which is not~~  
3           ~~applicable to municipalities or which has been~~  
4           ~~superseded by City ordinance or a violation of~~  
5           ~~which has not transpired within the municipal~~  
6           ~~limits of the City.~~

7  
8       ~~(5) Each and every act, action or thing done in~~  
9       ~~violation of the provisions of this Code or an~~  
10       ~~ordinance of the City shall be construed, deemed and~~  
11       ~~taken as a separate and distinct civil infraction of~~  
12       ~~such provisions of this Code; and in every event~~  
13       ~~that a violation of this Code or any of the~~  
14       ~~provisions hereof shall continue, each day of such~~  
15       ~~continuance shall be deemed, construed and taken as~~  
16       ~~a separate and distinct infraction of the provisions~~  
17       ~~of this Code that such condition so allowed to~~  
18       ~~continue shall violate.~~

19       ~~(6) Nothing contained in subsection 1-8(b)(1) through~~  
20       ~~(5) shall preclude the enforcement of any municipal~~  
21       ~~violation in the county court, pursuant to section~~  
22       ~~1-8(a) if a violator has been issued a municipal~~

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and shaded text reflect changes between First and Second Readings.

1           ~~citation by a law enforcement officer, or if said~~  
2           ~~law enforcement officer has arrested an individual~~  
3           ~~for violation of this Code and takes said individual~~  
4           ~~into his custody or a municipal information is~~  
5           ~~issued by the office of the City prosecutor.~~

6           (4) The contents of the citation shall include but not be  
7           limited to the following:

8           a. The date and time of issuance;

9           b. Location of the violation;

10          c. The name and address of the person to whom the  
11          citation is issued;

12          d. The date and time the civil infraction was observed;

13          e. Brief description of the nature of the violation;

14          f. The section number of the specific code that has been  
15          violated;

16          g. The applicable civil penalty for committing the  
17          violation;

18          h. The name of the Code Enforcement Officer and their  
19          division or department;

20          i. Instructions and due date to pay the civil penalty or  
21          to contest the citation;

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1        j. Notice that each day the violation continues shall be  
2        treated as separate civil infraction for which a  
3        citation may be issued;

4        k. Notice that failure to request an administrative  
5        hearing within 10 days after service of the citation  
6        shall constitute a waiver of the violator's right to  
7        an administrative hearing before the Special  
8        Magistrate, and that such waiver shall constitute an  
9        admission of violation and an order may be entered  
10       against the violator for a civil penalty in the  
11       amount listed in the citation plus administrative  
12       costs.

13       l. Notice that the person may be liable for the  
14       reasonable costs of the hearing to contest the  
15       violation should the citation be affirmed by the  
16       Special Magistrate at such hearing.

17       (5) Civil penalties resulting from a civil citation are due  
18       and payable to the City on the 20th day from the issuance of  
19       the citation, or if a proper appeal is filed, when the appeal  
20       has been finally decided adversely against the violator.

21       (6) A violator who has been served with a citation shall  
22       elect either to:

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1        a. Pay the civil penalty in the manner indicated on the  
2        citation and correct the violation; or

3        b. Request an administrative hearing before the Special  
4        Magistrate to appeal the determination of the Code Officer  
5        which resulted in the issuance of the citation.

6        (7) If the violator chooses to appeal the citation, he or she  
7        must file with the City a written request, on a City provided  
8        appeal form, for an administrative hearing within 10 calendar  
9        days after service of the citation.

10       (8) The administrative hearing shall be conducted in  
11       accordance with section 1-8(b)(8) of this chapter.

12       (9) If the violator fails to pay the civil penalty and  
13       correct the violation within the specified time in the  
14       citation or fails to timely appeal the citation, such failure  
15       shall constitute a waiver of the violator's right to an  
16       administrative hearing before the Special Magistrate. Such  
17       waiver shall be deemed an admission of the violation and  
18       civil penalties and administrative costs may be assessed  
19       accordingly by the Special Magistrate without further notice  
20       to the violator.

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1 (10) The Code Officer may immediately request a hearing to  
2 obtain an order from the Special Magistrate affirming the  
3 citation, including the civil penalty and costs due if the  
4 violator waives the right to an administrative hearing. A  
5 certified copy of such order may be recorded in the public  
6 records pursuant to section 1-8(e)(3).

7 ~~(c) Code enforcement special magistrate.~~ **(d) Notice of**  
8 **Violation Procedures.**

9 ~~(1) Code enforcement special magistrate.~~

10 a. ~~The City, by this subsection, hereby adopts an~~  
11 ~~alternative code enforcement system which shall~~  
12 ~~provide for a special magistrate to be with the~~  
13 ~~authority to hold hearings and assess fines and~~  
14 ~~enforcement costs against violators of all City~~  
15 ~~codes.~~

16 b. ~~The City hereby adopts F.S. ch. 162, in its entirety~~  
17 ~~as may be amended from time to time.~~

18 ~~(2) Intent. It is the intent of this division to~~  
19 ~~promote, protect, and improve the health, safety,~~  
20 ~~and welfare of the citizens of the City by~~  
21 ~~authorizing the creation of the position of special~~

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and shaded text reflect changes between First  
and Second Readings.

1 ~~magistrate for code enforcement proceedings with the~~  
2 ~~authority to impose administrative fines and other~~  
3 ~~noncriminal penalties, to provide an equitable,~~  
4 ~~expeditious, effective, and inexpensive method of~~  
5 ~~enforcing any codes and ordinances in force in the~~  
6 ~~city where a pending or repeat violation exists.~~

7 ~~(3) Jurisdiction. The jurisdiction of the special~~  
8 ~~magistrate appointed by the City Commission to hear~~  
9 ~~cases brought by code officers shall include~~  
10 ~~violations of any City ordinances or the City Code~~  
11 ~~and any County code or state statute incorporated~~  
12 ~~into the City Code by reference or by operation of~~  
13 ~~law, occurring within the City of Margate. The~~  
14 ~~special magistrate shall also have the authority to~~  
15 ~~notify the administration and to order same to make~~  
16 ~~reasonable repairs necessary to bring properties in~~  
17 ~~compliance, charging the violator with the~~  
18 ~~reasonable cost of repairs, or where it is~~  
19 ~~determined that a violation presents a serious~~  
20 ~~threat to the public health, safety, or welfare, or~~  
21 ~~the violation is irreparable or irreversible in~~  
22 ~~nature.~~

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1 ~~(4) Definitions. For the purpose of this section, the~~  
2 ~~following definitions shall apply unless the context~~  
3 ~~clearly indicates or requires a different meaning:~~

4 ~~City shall mean the City of Margate, Florida.~~

5 ~~City Attorney shall mean the Office of the City~~  
6 ~~Attorney of the City of Margate, Florida.~~

7 ~~City Commission shall mean the legislative body of the~~  
8 ~~City.~~

9 ~~Chapter 162 shall mean F.S. (1999) ch. 162, as~~  
10 ~~currently enacted and as may be amended from time to~~  
11 ~~time.~~

12 ~~Clerk shall mean the City employee with responsibility~~  
13 ~~for coordinating hearings of the special magistrate.~~

14 ~~Code shall mean the Margate City Code and all codes~~  
15 ~~and state statutes incorporated into the Margate City~~  
16 ~~Code by reference or by operation of law, occurring~~  
17 ~~within the City.~~

18 ~~Code officer shall mean any employee or other agent of~~  
19 ~~the City designated by law or ordinance, whose duties~~  
20 ~~are to insure compliance with City codes or ordinances~~

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1           ~~and to present code violations to the special~~  
2           ~~magistrate.~~

3           ~~Notices shall be provided as set forth in F.S. ch. 162~~  
4           ~~(1999) as currently enacted or as may be amended from~~  
5           ~~time to time.~~

6           ~~Owner shall mean the person or persons reflected as~~  
7           ~~the property owner in the most recently certified real~~  
8           ~~property ad valorem tax rolls of Broward County, or~~  
9           ~~other official documentation contained within the~~  
10          ~~public records of the City, Broward County, or the~~  
11          ~~state. Additionally, in the case of multiple or joint~~  
12          ~~ownership, notice to one (1) owner shall be considered~~  
13          ~~notice to all multiple or joint owners.~~

14          ~~Person shall mean individuals, firms, associations,~~  
15          ~~joint adventures, partnerships, estates, trusts,~~  
16          ~~business trusts, syndicates, fiduciaries,~~  
17          ~~corporations, and all other groups or combinations.~~

18          ~~Repeat violation shall mean a violation of a provision~~  
19          ~~of a code or ordinance by a person whom the county~~  
20          ~~court or special magistrate has previously found to~~

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.



1       ~~have violated the same provision within five (5) years~~  
2       ~~prior to the violation.~~

3       ~~Special magistrate shall mean any special magistrate~~  
4       ~~appointed by the City Commission to hear code~~  
5       ~~enforcement violation cases.~~

6       ~~Violator shall mean the person(s) responsible for the~~  
7       ~~ordinance or code violation which, in the appropriate~~  
8       ~~circumstances, shall be the perpetrator of the~~  
9       ~~violation, the owner of the real property or personal~~  
10      ~~property, or person legally responsible for the~~  
11      ~~property upon which the violation occurred, or any or~~  
12      ~~all of the foregoing, or as otherwise provided in the~~  
13      ~~specific code section violated. The term "violator"~~  
14      ~~shall specifically include a property owner, when an~~  
15      ~~ordinance violation exists on, or emanates from, the~~  
16      ~~owner's property, but is caused or allowed to be~~  
17      ~~caused by tenant(s) at said property.~~

18      ~~(5) Establishing a special magistrate.~~

19      ~~a. The qualifications and appointment of the special~~  
20      ~~magistrate shall be as follows:~~

21      ~~1. The special magistrate shall be appointed by the~~

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1           ~~City Commission and shall serve with compensation~~  
2           ~~as established by the City Commission upon~~  
3           ~~appointment. The City Commission may appoint one~~  
4           ~~(1) or more special magistrates. The special~~  
5           ~~magistrate shall serve at the pleasure of the City~~  
6           ~~Commission.~~

7           ~~2. The special magistrate must be both an attorney and~~  
8           ~~a member of the Florida Bar for a minimum of five~~  
9           ~~(5) years.~~

10          ~~3. The special magistrate will be bound by the code of~~  
11          ~~judicial conduct as currently proscribed or as~~  
12          ~~amended from time to time.~~

13          ~~b. The provisions of F.S. ch. 162 are hereby adopted.~~  
14          ~~The special magistrate may adopt additional rules and~~  
15          ~~regulations as are consistent with the provisions of~~  
16          ~~F.S. ch. 162 which the magistrate finds necessary to~~  
17          ~~carry out the provisions of this division, subject to~~  
18          ~~the approval of the City Commission.~~

19          ~~(6) Code prosecutor duties.~~

20          ~~a. The office of the City Attorney shall represent the~~  
21          ~~interests of the City and act as code prosecutor when~~  
22          ~~the violator is represented by counsel, as deemed~~

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1           ~~necessary.~~

2           ~~b. The code prosecutor, or designee, shall, in each~~  
3           ~~violation, have professional discretion, including~~  
4           ~~but not limited to the right to negotiate a plea with~~  
5           ~~the violator, and present that plea to the special~~  
6           ~~magistrate for approval, to recommend the disposition~~  
7           ~~of a case to the special magistrate, and to decline~~  
8           ~~to prosecute a case, similar to the discretion~~  
9           ~~exercised by the City prosecutor for criminal~~  
10          ~~municipal violations.~~

11       ~~(7)~~ (1)       *Code officers and duties.*

12           a. The code officers have the primary duty to enforce  
13           the various codes and ordinances and initiate  
14           enforcement proceedings before the special  
15           magistrate. The special magistrate shall not have the  
16           power to initiate such enforcement proceedings.

17           b. If the violation of a code or ordinance is found, the  
18           code officer shall give written notification to the  
19           alleged violator ~~of the violation~~ in accordance with  
20           ~~F.S. ch. 162~~ section 162.06(2), Florida Statutes, and  
21           give the alleged violator a reasonable time, in light  
22           of the nature of the violation, to correct the

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and shaded text reflect changes between First  
and Second Readings.

1           ~~violation. Should the violation continue beyond the~~  
2           ~~time specified for correction, or if the violation is~~  
3           ~~a repeat violation, the code officer shall ask the~~  
4           ~~clerk to set a hearing and to notify the alleged~~  
5           ~~violation of the hearing.~~Should the violation continue  
6           beyond the time specified for correction in the  
7           notice of violation, the code officer shall proceed  
8           to request a hearing before the special magistrate. If  
9           the violation is corrected and then recurs, or if the  
10           violation is corrected between the deadline for  
11           correction and the Special Magistrate hearing, the  
12           case may proceed to the hearing and the notice shall  
13           so state.

14           c. If a repeat violation is found, the code officer  
15           shall notify the violator but is not required to give  
16           the violator a reasonable time to correct the  
17           violation. The code officer, upon notifying the  
18           violation of a repeat violation, shall request a  
19           Special Magistrate hearing. The case may be presented  
20           to the special magistrate even if the repeat  
21           violation has been corrected prior to the hearing,  
22           and the notice shall so state. If the repeat

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1 violation has been corrected and proceeds to a  
2 hearing, the Special Magistrate retains the right to  
3 impose the payment of fines and costs upon the repeat  
4 violator. The repeat violator may choose to waive his  
5 or her rights to this hearing and pay said fines and  
6 costs as determined the Special Magistrate.

7  
8 ~~(8) Conducting hearings.~~

9 ~~a. The clerk shall set a time and date for the hearing~~  
10 ~~and notify the alleged violator and the code officer.~~  
11 ~~The violator shall be given at least seven (7)~~  
12 ~~working days' written notification of the hearing.~~  
13 ~~The conduct of the hearing shall be consistent with~~  
14 ~~F.S. ch. 162.~~

15 ~~b. Hearsay evidence may be accepted for the purpose of~~  
16 ~~supplementing or explaining any direct evidence, but~~  
17 ~~hearsay evidence shall not, in and of itself, be~~  
18 ~~considered sufficient to support a finding or~~  
19 ~~decision unless the evidence would be admissible over~~  
20 ~~objections in a civil action.~~

21 ~~c. The alleged violator shall have the right to be~~  
22 ~~represented by an attorney; however, the alleged~~

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1 ~~violator or their attorney shall provide the office~~  
2 ~~of the City Attorney with written notice that an~~  
3 ~~attorney is representing the violator's interest at~~  
4 ~~least seven (7) working days prior to the scheduled~~  
5 ~~date of the hearing.~~

6 ~~d. All testimony before the special magistrate shall be~~  
7 ~~under oath and shall be recorded. The alleged~~  
8 ~~violator or the City may cause the proceedings to be~~  
9 ~~recorded by a certified court reporter or other~~  
10 ~~certified recording instrument; however, the City~~  
11 ~~shall be under no obligation to provide a certified~~  
12 ~~court reporter or other certified recording~~  
13 ~~instrument but rather, the City may use a recording~~  
14 ~~device of its choice to satisfy its obligation to~~  
15 ~~record the meeting.~~

16 ~~e. The burden of proof shall be with the code officer to~~  
17 ~~show by the greater weight of evidence that a code~~  
18 ~~violation exists and that the alleged violator~~  
19 ~~committed or was responsible for maintaining the~~  
20 ~~violation.~~

21 ~~f. If written notice, or notice as contained in [F.S.]~~  
22 ~~chapter 162, has been provided to an alleged violator~~

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1           ~~of the hearing, a hearing may be conducted and an~~  
2           ~~order rendered in the absence of the violator.~~

3           ~~g. The special magistrate may, in his/her discretion,~~  
4           ~~postpone or continue a hearing.~~

5           ~~h. All determinations of the special magistrate shall be~~  
6           ~~based upon competent substantial evidence.~~

7    ~~(9)~~ (2)       *Construction of violations.* Each and every act,  
8    action or thing done in violation of the provisions of this  
9    Code or an ordinance of the City shall be construed, deemed  
10   and taken as a separate and distinct violation of such  
11   provisions of this Code; and in every event that a violation  
12   of this Code or any of the provisions hereof shall continue,  
13   each day of such continuance shall be deemed, construed and  
14   taken as a separate and distinct violation of the provisions  
15   of this Code that such condition so allowed to continue shall  
16   violate.

17    **(e) Fines, civil penalties and liens.**

18    (1) References in this section to a fine shall be synonymous  
19    with the term civil penalty. Unless specifically provided  
20    for in the schedule of civil penalties below, a civil penalty  
21    imposed pursuant to this section shall not exceed \$250 for a  
22    first violation and shall not exceed \$500 for a repeat

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

violation. However, if the violation is deemed to be irreparable or irreversible in nature, a civil penalty not to exceed \$5,000 per violation may be imposed.

| <u>Violation Category</u>                        | <u>First Offense</u> | <u>Second Offense</u> | <u>Third Offense</u> | <u>Fourth Offense</u>         |
|--|----------------------|-----------------------|----------------------|-------------------------------|
| <u>Animal nuisance</u>                           | <u>\$ 25.00</u>      | <u>\$ 75.00</u>       | <u>\$150.00</u>      | <u>\$150.00—<br/>\$500.00</u> |
| <u>Building code</u>                             | <u>75.00</u>         | <u>100.00</u>         | <u>150.00</u>        | <u>150.00—<br/>500.00</u>     |
| <u>County ordinances</u>                         | <u>25.00</u>         | <u>75.00</u>          | <u>150.00</u>        | <u>150.00—<br/>500.00</u>     |
| <u>Fire code</u>                                 | <u>25.00</u>         | <u>75.00</u>          | <u>150.00</u>        | <u>150.00—<br/>500.00</u>     |
| <u>Health hazard</u>                             | <u>50.00</u>         | <u>75.00</u>          | <u>150.00</u>        | <u>150.00—<br/>500.00</u>     |
| <u>Landscaping</u>                               | <u>25.00</u>         | <u>75.00</u>          | <u>150.00</u>        | <u>150.00—<br/>500.00</u>     |
| <u>Licensing</u>                                 | <u>100.00</u>        | <u>150.00</u>         | <u>150.200</u>       | <u>200.00—<br/>500.00</u>     |
| <u>Litter/debris</u>                             | <u>50.00</u>         | <u>75.00</u>          | <u>150.00</u>        | <u>150.00—<br/>500.00</u>     |
| <u>Nuisance</u>                                  | <u>25.00</u>         | <u>75.00</u>          | <u>150.00</u>        | <u>150.00—<br/>500.00</u>     |
| <u>Recycling</u>                                 | <u>25.00</u>         | <u>75.00</u>          | <u>150.00</u>        | <u>150.00—<br/>500.00</u>     |
| <u>Safety hazard</u>                             | <u>50.00</u>         | <u>75.00</u>          | <u>150.00</u>        | <u>150.00—<br/>500.00</u>     |
| <u>Signs/advertising</u>                         | <u>25.00</u>         | <u>75.00</u>          | <u>150.00</u>        | <u>150.00—<br/>500.00</u>     |
| <u>Vehicles (non-parking)</u>                    | <u>35.00</u>         | <u>75.00</u>          | <u>150.00</u>        | <u>150.00—<br/>500.00</u>     |
| <u>Disabled parking</u>                          | <u>\$250.00</u>      | <u>\$250.00</u>       | <u>\$250.00</u>      | <u>\$250.00</u>               |
| <u>Commercial vehicles (not tractor-trailer)</u> | <u>\$35.00</u>       | <u>\$75.00</u>        | <u>\$150.00</u>      | <u>\$150—<br/>500.00</u>      |
| <u>Tractor-trailer,</u>                          | <u>100.00</u>        | <u>500.00</u>         | <u>500.00</u>        | <u>500.00</u>                 |

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.



|  |              |               |               |                               |
|--|--------------|---------------|---------------|-------------------------------|
| <u>truck tractor, or<br/>portion thereof</u>   |              |               |               |                               |
| <u>Parking within 15<br/>feet of fire<br/>hydrant, fire<br/>connection, or<br/>fire lane</u> | <u>50.00</u> | <u>50.00</u>  | <u>50.00</u>  | <u>50.00</u>                  |
| <u>All other parking</u>   | <u>35.00</u> | <u>75.00</u>  | <u>150.00</u> | <u>150.00—<br/>500.00</u>     |
| <u>Other violations<br/>not listed above</u>   | <u>25.00</u> | <u>75.00</u>  | <u>150.00</u> | <u>150.00—<br/>500.00</u>     |
| <u>Tree abuse, \$150.00 per incident<br/>or replace abused trees with equivalent</u>         |              |               |               |                               |
| <u>(No daily fee)</u>  |              |               |               |                               |
| <u>Water restriction<br/>violation</u>   | <u>25.00</u> | <u>125.00</u> | <u>250.00</u> | <u>Criminal<br/>violation</u> |

1

2

(2) In determining what the amount of the fine to levy, the  
special magistrate shall consider the following:

3

4

a. The gravity of the violation;

5

6

b. Any action taken by the violator to correct the  
violation; and

7

c. Any previous violations committed by the violator.

8

In addition to such fines, the special magistrate may impose

9

all costs incurred by the City in enforcing its codes and all

10

costs of repairs undertaken by the City to correct the

11

violation.

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1     (3) A certified copy of the Special Magistrate's order  
2     imposing a fine, or a fine and costs, may be recorded in the  
3     public records and thereafter shall constitute a lien against  
4     the land on which the violation exists and upon any other  
5     real or personal property owned by the violator. Upon  
6     petition to the circuit court, such order shall be  
7     enforceable in the same manner as a court judgment by the  
8     sheriffs of this state, including execution and levy against  
9     the personal property of the violator, but such order shall  
10    not be deemed to be a court judgment except for enforcement  
11    purposes. A lien arising from a civil penalty imposed  
12    pursuant to this section runs in favor of the City, and the  
13    City may execute a satisfaction or release of lien entered  
14    pursuant to this section. After 3 months from the filing of  
15    any such lien which remains unpaid, the City may foreclose on  
16    the lien or to sue to recover a money judgment for the amount  
17    of the lien plus accrued interest. No lien created pursuant  
18    to the provisions of this part may be foreclosed on real  
19    property which is a homestead under s. 4, Art. X of the State  
20    Constitution. The money judgment provisions of this section  
21    shall not apply to real property or personal property which  
22    is covered under s. 4(a), Art. X of the State Constitution.

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1     (4) Upon full payment of any lien, and all fees associated  
2     with the preparation, filing and release of the liens, the  
3     special magistrate or the City Attorney shall be authorized  
4     to execute, record and deliver a full satisfaction of the  
5     lien to the violator, or his or her representative.

6     (5) The code enforcement special magistrate shall have the  
7     authority to reduce any fine either before or after a lien  
8     has been placed upon any property, taking into consideration  
9     the facts provided in (d)(2) of this subsection, along with  
10    any extenuating circumstances believed by the special  
11    magistrate to be just and proper.

12    **(f) Supplementary provisions.**

13    The provision and procedures contained in this section shall  
14    be in addition and supplemental to any other remedies  
15    provided for by law, regarding violations or municipal  
16    ordinances.

17       ~~(10) — Establishing a fine and lien.~~

18       ~~a. The establishment of a fine and lien shall be~~  
19       ~~consistent with and pursuant to the provisions of~~  
20       ~~F.S. ch. 162.~~

21       ~~b. Fines levied by the special magistrate shall not~~

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1           ~~exceed one thousand dollars (\$1,000.00) per day per~~  
2           ~~violation of [for] the first violation, five thousand~~  
3           ~~dollars (\$5,000.00) per day per violation for a~~  
4           ~~repeat violation, and up to fifteen thousand dollars~~  
5           ~~(\$15,000.00) per violation if the special magistrate~~  
6           ~~finds the violation to be irreparable, or~~  
7           ~~irreversible in nature. In determining what fine to~~  
8           ~~levy, the special magistrate shall consider the~~  
9           ~~following:~~

- 10           ~~1. The gravity of the violation;~~
- 11           ~~2. Any action taken by the violator to correct~~  
12           ~~the violation; and~~
- 13           ~~3. Any previous violations committed by the~~  
14           ~~violator.~~

15           ~~In addition to such fines, the special magistrate may~~  
16           ~~impose additional fines to cover all costs incurred by~~  
17           ~~the City in enforcing its codes and all costs and~~  
18           ~~repairs where it is deemed that a violation presents a~~  
19           ~~serious threat to the public, health, and welfare, or~~  
20           ~~where the violation is irreparable or irreversible.~~

21           ~~c. A certified copy of an order imposing a fine or costs~~  
22           ~~of repairs may be recorded in the public records and~~

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1           ~~thereafter shall constitute a lien against the land~~  
2           ~~upon which the violation exists, or if the violator~~  
3           ~~does not own the land, upon any other real or~~  
4           ~~personal property owned by the violator. It may be~~  
5           ~~enforced in the same manner as a court judgment by~~  
6           ~~the sheriffs of the state, including levy against the~~  
7           ~~personal property, but shall not be deemed otherwise~~  
8           ~~to be a judgment of a court except for enforcement~~  
9           ~~purposes. As authorized by law, the City may~~  
10          ~~foreclose on duly recorded liens that have remained~~  
11          ~~unpaid. Property subject to a lien established by the~~  
12          ~~special magistrate may be foreclosed by the City in a~~  
13          ~~manner provided by state law for the foreclosure of~~  
14          ~~mortgages on real property, or in the alternative,~~  
15          ~~foreclosure proceedings may be instituted and~~  
16          ~~prosecuted under the provisions of F.S. ch. 173, as~~  
17          ~~currently enacted or as amended from time to time, or~~  
18          ~~payment enforced otherwise as authorized by law. Upon~~  
19          ~~an action for foreclosure, the City shall receive all~~  
20          ~~costs, including reasonable attorney's fees necessary~~  
21          ~~to institute and prosecute same.~~

22          ~~d. Upon full payment of any lien, and all fees~~

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1           ~~associated with the preparation, filing and release~~  
2           ~~of the liens, the special magistrate or the City~~  
3           ~~Attorney shall be authorized to execute, record and~~  
4           ~~deliver a full satisfaction of the lien to the~~  
5           ~~violation, or his or her representative.~~

6           ~~e. Liens created pursuant to the order of a Margate~~  
7           ~~Special Magistrate and recorded in the public record~~  
8           ~~shall remain liens coequal with the liens of all~~  
9           ~~state, county, district and municipal taxes, superior~~  
10           ~~in dignity to all other liens, titles and claims,~~  
11           ~~until paid, and shall bear interest annually at a~~  
12           ~~rate not to exceed the legal rate allowed for such~~  
13           ~~liens and may be foreclosed pursuant to the procedure~~  
14           ~~set forth in F.S. chapter 173.~~

15           ~~(11) The code enforcement special magistrate shall~~  
16           ~~have the authority to reduce any fine either before~~  
17           ~~or after a lien has been placed upon any property,~~  
18           ~~taking into consideration the facts provided in~~  
19           ~~(10) (b) of this section, along with any extenuating~~  
20           ~~circumstances believed by the special magistrate to~~  
21           ~~be just and proper.~~

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.

1           ~~(12) Code enforcement procedures of the special~~  
2           ~~magistrate. The City Commission may adopt by~~  
3           ~~resolution such procedures as are deemed necessary~~  
4           ~~and appropriate for the special magistrate to carry~~  
5           ~~out their function as set forth in this subsection~~  
6           ~~(c).~~

7           ~~(13) Supplementary provisions. The provision and~~  
8           ~~procedures contained in this section shall be in~~  
9           ~~addition and supplemental to any other remedies now~~  
10          ~~existing or subsequently provided for by law,~~  
11          ~~regarding violations or municipal ordinances.~~

12          **Section 6.**       It is the intention of the City  
13          Commission of the City of Margate, Florida that the  
14          provisions of this ordinance shall become and be made a part  
15          of the City of Margate Code of Ordinances. The sections of  
16          this ordinance may be re-numbered or re-lettered and the word  
17          "ordinance" may be changed to "section," "article," or such  
18          other appropriate word or phrase in order to accomplish such  
19          intentions.

20          **Section 7.**       All Ordinances or parts of Ordinances,  
21          Resolutions or parts of Resolutions in conflict herewith be,

CODING: Words in ~~struck through~~ text are deletions from  
existing text; words in underscored text are additions to  
existing text, and **shaded** text reflect changes between First  
and Second Readings.

1 and the same are hereby repealed to the extent of such  
2 conflict.

3 **Section 8.** If any clause, section, or other part or  
4 application of this Ordinance shall be held by any court of  
5 competent jurisdiction to be unconstitutional or invalid, such  
6 unconstitutional or invalid part or application shall be  
7 considered as eliminated and so not affecting the validity of  
8 the remaining portions or applications remaining in full force  
9 and effect.

10 **Section 9.** This Ordinance shall become effective on  
11 \_\_\_\_\_, 2025.

12 PASSED ON FIRST READING THIS \_\_\_\_ day of \_\_\_\_, 2025.

13 PASSED ON SECOND READING THIS \_\_\_\_\_ day of \_\_\_\_\_, 2025.

14 ATTEST:

15 \_\_\_\_\_  
16 JENNIFER M. JOHNSON MAYOR TOMMY RUZZANO  
17 CITY CLERK

18 RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

|    |          |       |  |          |       |
|----|----------|-------|--|----------|-------|
| 19 |          |       |  |          |       |
| 20 | Arserio  | _____ |  | Arserio  | _____ |
| 21 | Ruzzano  | _____ |  | Ruzzano  | _____ |
| 22 | Caggiano | _____ |  | Caggiano | _____ |
| 23 | Schwartz | _____ |  | Schwartz | _____ |
| 24 | Simone   | _____ |  | Simone   | _____ |
| 25 |          |       |  |          |       |

CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscored text are additions to existing text, and **shaded** text reflect changes between First and Second Readings.