

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; PROVIDING FOR PENALTIES
8 AND FEES; PROVIDING FOR AMENDMENTS TO CHAPTER 33
9 POLICE AND LAW ENFORCEMENT; OFFENSES AND MISCELLANEOUS
10 PROVISIONS, ARTICLE VI - TRAFFIC CONTROL; PROVIDING
11 FOR NOTICE AND FORMAT OF PARKING TICKETS; PROVIDING
12 FOR IMPLEMENTATION AND COLLECTION OF TECHNOLOGY FEE;
13 PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS;
14 PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE
15 DATE.
16 _____

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

23 **WHEREAS**, the City Commission desires to improve
24 enforcement and processing of municipal violations through
25 greater utilization of civil citations and the special
26 magistrate process.

27 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
28 **THE CITY OF MARGATE, FLORIDA THAT:**

29 **Section 1.** The foregoing "WHEREAS" clauses are

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1 hereby ratified and confirmed as being true and correct, and
2 are hereby incorporated herein and made a part hereof.

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

6 **Sec. 1-8. Penalties.**

7 (a) *General penalty.*

8 (1) The violation of or failure to comply with any
9 provision of this Code shall constitute an offense
10 against the Ceity and any person convicted shall be
11 sentenced to a fine not to exceed five hundred
12 dollars (\$500.00) and may be sentenced to a definite
13 term of imprisonment not to exceed sixty (60) days,
14 as provided for in section 162.22 of the Florida
15 Statutes, as amended.

16 (2) Any condition caused or permitted to exist in
17 violation of any of the provisions of this Code or
18 any ordinance of the Ceity shall be deemed a public
19 nuisance and shall be subject to abatement by the
20 Ceity.

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1 (3) Each and every act, action or thing done in
2 violation of the provisions of this Code or an
3 ordinance of the Ceity shall be construed, deemed
4 and taken as a separate and distinct violation of
5 such provisions of this Code; and in every event
6 that a violation of this Code or any of the
7 provisions hereof shall continue, each day of such
8 continuance shall be deemed, construed and taken as
9 a separate and distinct violation of the provisions
10 of this Code that such condition so allowed to
11 continue shall violate.

12 (b) *Civil code enforcement.*

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

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(2) Any individual who wishes to contest a citation by a person authorized by the Ceity to issue citations ~~shall be issued under this section~~ may do so by the Special Magistrate procedures of the City~~provided for in the county court of Broward County, Florida.~~

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

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

Violation Category	First Offense	Second Offense	Third Offense	Fourth Offense
Animal nuisance	\$ 25.00	\$ 75.00	\$150.00	\$150.00–\$500.00

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Building code	25 <u>75</u> .00	75 <u>100</u> .00	150.00	150.00– 500.00
County ordinances	25.00	75.00	150.00	150.00– 500.00
Fire code	25.00	75.00	150.00	150.00– 500.00
Health hazard	25 <u>50</u> .00	75.00	150.00	150.00– 500.00
Landscaping	25.00	75.00	150.00	150.00– 500.00
Licensing	25 <u>100</u> .00	75 <u>150</u> .00	150 .200	15 <u>200</u> .00– 500.00
Litter/debris	25 <u>50</u> .00	75.00	150.00	150.00– 500.00
Nuisance	25.00	75.00	150.00	150.00– 500.00
Recycling	25.00	75.00	150.00	150.00– 500.00
Safety hazard	25 <u>50</u> .00	75.00	150.00	150.00– 500.00
Signs/advertising	25.00	75.00	150.00	150.00– 500.00
Vehicles (<u>non-</u> <u>parking</u>)	25 <u>35</u> .00	75.00	150.00	150.00– 500.00
Disabled parking	\$ 250 .00	\$ 250 .00	\$ 250 .00	\$ 250 .00
Overnight parking:				
Commercial vehicles (<u>not</u> <u>tractor-trailer</u>)	100.00 \$ <u>35.00</u>	200.00 \$ <u>75.00</u>	400.00 \$ <u>150.00</u>	–500.00 \$ <u>150–</u> 500.00
<u>Tractor-trailer,</u> <u>truck tractor, or</u> <u>portion thereof</u>	<u>100.00</u>	<u>200.00</u>	<u>400.00</u>	<u>500.00</u>
<u>Parking within 15</u> <u>feet of fire</u> <u>hydrant, fire</u> <u>connection, or</u> <u>fire lane</u>	<u>50.00</u>	<u>50.00</u>	<u>50.00</u>	<u>50.00</u>
All other parking	25 <u>35</u> .00	75.00	150.00	150.00– 500.00
Other violations	25.00	75.00	150.00	150.00–

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not listed above				500.00
Tree abuse, per incident <u>\$150.00 per incident</u> or replace abused trees with equivalent				
(No daily fee)				
Water restriction violation	25.00	125.00	250.00	Criminal violation

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

~~a. Any parking violation pursuant to Chapter 316 of the Florida Statutes;~~

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

~~e. Any provision of this Code or ordinance of the Ceity which makes specific reference to a civil infraction where the code enforcement procedure of Part 2 of Chapter 162 of the~~

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1 ~~Florida Statutes is to be utilized.~~

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

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 Ceity shall be construed, deemed
11 and taken as a separate and distinct civil
12 infraction of such provisions of this Code; and in
13 every event that a violation of this Code or any of
14 the provisions hereof shall continue, each day of
15 such continuance shall be deemed, construed and
16 taken as a separate and distinct infraction of the
17 provisions of this Code that such condition so
18 allowed to 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

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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 Ccity prosecutor.

6
7 (c) *Code enforcement special magistrate.*

8 (1) *Code enforcement special magistrate.*

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

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

17 (2) *Intent.* It is the intent of this division to
18 promote, protect, and improve the health, safety,
19 and welfare of the citizens of the Ccity by
20 authorizing the creation of the position of special
21 magistrate for code enforcement proceedings with the

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

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

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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 ~~A~~ttorney* shall mean the Office of the City
6 Attorney of the City of Margate, Florida.

7 *City Commission* shall mean the legislative body of
8 the Ceity.

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 Ceity employee with
13 responsibility for coordinating hearings of the
14 special magistrate.

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

19 *Code officer* shall mean any employee or other agent of
20 the Ceity designated by law or ordinance, whose duties

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1 are to insure compliance ~~within and for~~ Ceity codes or
2 ordinances and to present code violations to the
3 special magistrate.

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

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

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

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

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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 Ceity Ceommission 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 "violation"
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

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

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 Ceity Ceommission.

19 (6) *Code prosecutor duties.*

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

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1 deemed 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 Ceity prosecutor for criminal
10 municipal violations.

11 (7) *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 and give the alleged violator a
21 reasonable time, in light of the nature of the
22 violation, to correct the violation. Should the

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1 violation continue beyond the time specified for
2 correction, or if the violation is a repeat
3 violation, the code officer shall ask the clerk to
4 set a hearing and to notify the alleged violator of
5 the hearing.

6
7 (8) *Conducting hearings.*

- 8 a. The clerk shall set a time and date for the hearing
9 and notify the alleged violator and the code officer.
10 The violator shall be given at least seven (7)
11 working days' written notification of the hearing.
12 The conduct of the hearing shall be consistent with
13 F.S. ch. 162.
- 14 b. Hearsay evidence may be accepted for the purpose of
15 supplementing or explaining any direct evidence, but
16 hearsay evidence shall not, in and of itself, be
17 considered sufficient to support a finding or
18 decision unless the evidence would be admissible over
19 objections in a civil action.
- 20 c. The alleged violator shall have the right to be
21 represented by an attorney; however, the alleged
22 violator or their attorney shall provide the office

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1 of the Ceity ~~A~~ttorney with written notice that an
2 attorney is representing the violator's interest at
3 least seven (7) working days prior to the scheduled
4 date of the hearing.

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

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

20 f. If written notice, or notice as contained in [F.S.]
21 chapter 162, has been provided to an alleged violator
22 of the hearing, a hearing may be conducted and an

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1 order rendered in the absence of the violator.

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

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

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

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
22 exceed one thousand dollars (\$1,000.00) per day per

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

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

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

20 c. A certified copy of an order imposing a fine or costs
21 of repairs may be recorded in the public records and
22 thereafter shall constitute a lien against the land

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

21 d. Upon full payment of any lien, and all fees
22 associated with the preparation, filing and release

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1 of the liens, the special magistrate or the Ceity
2 Attorney shall be authorized to execute, record and
3 deliver a full satisfaction of the lien to the
4 violator, or his or her representative.

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

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

21 (12) *Code enforcement procedures of the special*
22 *magistrate.* The Ceity Commission may adopt by

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1 resolution such procedures as are deemed necessary
2 and appropriate for the special magistrate to carry
3 out their function as set forth in this subsection
4 (c).

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

10
11 **Section 3.** The Code of Ordinances of the City of
12 Margate Florida, Chapter 1, Section 1-8.1. - Costs and
13 probation authorized, is hereby amended to read as follows:

14 **Sec. 1-8.1. Costs and probation authorized.**

15 (a) In all cases where a violation of a Margate municipal
16 ordinance has been found, whether or not an adjudication
17 is made, the county court is authorized to assess costs of
18 prosecution and investigative costs incurred by the Ceity,
19 which may include the costs for prosecution including
20 attorney's fees of the prosecuting attorney for the Ceity.

21 (b) That upon the sentence of any defendant upon prosecution
22 of any violation in this Code, a judge of the county court

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1 is hereby authorized in his or her discretion to sentence
2 a defendant to a probationary period of such length and
3 with such conditions as he or she sees fit.

4 (c) As part of the conditions of probation, a judge of the
5 county court is hereby authorized to assess court costs
6 and the costs of prosecution, including all investigative
7 costs incurred by the Ceity and attorney's fees of the
8 prosecuting attorney for the Ceity.

9 (d) In all cases where a violation of a Margate municipal
10 ordinance has been found, whether or not adjudication is
11 made, the county court is authorized to order restitution
12 to a victim as provided in F.S. § 775.089. F.S. § 775.089
13 is hereby enacted as an ordinance of the City of Margate
14 as if fully set forth herein.

15 **Section 4.** The Code of Ordinances of the City of
16 Margate Florida, Chapter 33 Police and Law Enforcement;
17 Offenses and Miscellaneous Provisions, Article VI. Traffic
18 Control, Section 33-71. - Forms and notices of parking
19 citations, is hereby amended to read as follows:
20

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1 **Sec. 33-71. ~~Forms and n~~Notices and format of parking**
2 **citations.**

3 The ~~office of the chief of police of the e~~City shall
4 utilize ~~provide, in duplicate, suitable serially-numbered~~
5 ~~forms~~citations for notifying alleged violators to answer to
6 charges of violating parking ordinances. Such citations~~forms~~
7 shall be issued ~~and recorded~~ by the Ppolice or Building and
8 Code Services departments of the Ceity.

9
10 **Section 5.** The Code of Ordinances of the City of
11 Margate Florida, Article VI. Traffic Control, Chapter 33
12 Police and Law Enforcement; Offenses and Miscellaneous
13 Provisions, Section 33-72. - Notice and schedule of fines for
14 illegally parked vehicles, is hereby amended to read as
15 follows:

16 **Sec. 33-72. Notice and schedule of fines and technology fee**
17 **for illegally parked vehicles.**

18
19 (a) Whenever any motor vehicle is found parked, stopped, or
20 standing in violation of any of the restrictions imposed
21 by ordinance of the City~~municipality~~, the police or code
22 compliance officer finding such vehicle shall take its tag

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1 number, and may take any other information displayed on
2 the vehicle which may identify its user and shall
3 conspicuously affix to such a vehicle a parking citation,
4 ~~on a form provided by the office of the chief of police,~~
5 for the driver to answer the charge against him within the
6 time prescribed herein.

7 (b) Such owner or operator receiving a notice as provided by
8 the preceding section shall pay to the Ceity as a penalty
9 for, and in, satisfaction of such violation the sum as
10 provided for in Section 1-8(b) (3) ~~of thirty-five dollars~~
11 ~~(\$35.00)~~.

12 (c) The penalty for parking within fifteen (15) feet of a fire
13 hydrant, parking within fifteen (15) feet of fire
14 department connections, and parking within the fire lanes
15 shall be the sum as provided for in Section 1-8(b) (3) ~~of~~
16 ~~fifty dollars (\$50.00)~~.

17 (d) The penalty for parking of a tractor-trailer, tractor
18 portion of a tractor-trailer or trailer portion of a
19 tractor-trailer in any prohibited area shall be the sum as
20 provided for in Section 1-8(b) (3) ~~one hundred dollars~~
21 ~~(\$100.00)~~.

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1 (e) In the event the above applicable sum is not paid to the
2 Ceity within seven (7) working days of the issuance
3 thereof, the penalty for such violation shall be the sum
4 of fifteen dollars (\$15.00) additional.

5 (f) The penalty for parking in a space reserved for disabled
6 persons shall be the sum as provided for in Section 1-
7 8(b)(3) ~~of two hundred fifty dollars (\$250.00).~~

8 (g) All parking citations shall incur a \$5.00 technology fee
9 in addition to any fine. The revenues generated by this fee
10 shall be used exclusively for the acquisition, operation,
11 maintenance, repair and replacement of data processing
12 equipment and software related to the administration and
13 costs of the issuance of citations. Any person who elects to
14 appear before a county judge to present evidence regarding a
15 parking citation shall be deemed to have waived his right to
16 pay the civil penalty provisions as provided for in this
17 section. The county judge, after hearing, shall make a
18 determination as to whether a parking violation has been
19 committed and shall impose a civil penalty of one hundred
20 dollars (\$100.00) (two hundred fifty dollars (\$250.00) for
21 parking in a disabled space), plus court costs. Any person
22 who fails to pay the civil penalty within the time allowed by
23 the court shall be deemed to have been convicted of a parking
24 ticket violation, and the court shall take appropriate
25 measures to enforce collection of the fine.

26 (h) Payment plans for citation fines and fees may be
27 established by order of the special magistrate or by approval
28 of the director of the department that issued the citation. A
29 \$25.00 administrative fee is to be charged at the time the
30 payment plan is established. Nothing in this section shall

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1 ~~prohibit the prosecution of parking violations unrelated to~~
2 ~~the public rights-of-way and Chapter 316 of the Florida~~
3 ~~Statutes as a municipal violation, as provided in section 1-8~~
4 ~~(a), (b), or (c) of this Code.~~

5 (i) Pursuant to F.S. § 938.35, parking violation fines and
6 penalties for which full payment is not received within
7 ninety (90) calendar days from the date of issuance, will
8 also be subject to an additional collection fee if the
9 account is referred to a private attorney who is a member in
10 good standing of the Florida Bar or to a collection agent who
11 is registered and in good standing pursuant to F.S. chapter
12 559, each retained by the City pursuant to its applicable
13 procurement practices to pursue the collection of such unpaid
14 financial obligations. The amount of such collection fee
15 shall not exceed forty (40) percent of the amount owed at the
16 time the account is referred to the attorney or agents for
17 collection, or in the actual amount charged by such private
18 attorney or agents for collection, whichever is less.

19
20 (j) Any person who elects to appear before a county judge to
21 present evidence regarding a parking citation shall be
22 deemed to have waived his right to pay the civil penalty

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1 provisions as provided for in this section. The county
2 judge, after hearing, shall make a determination as to
3 whether a parking violation has been committed and shall
4 impose a civil penalty of one hundred dollars (\$100.00)
5 (two hundred fifty dollars (\$250.00) for parking in a
6 disabled space), plus court costs. Any person who fails to
7 pay the civil penalty within the time allowed by the court
8 shall be deemed to have been convicted of a parking ticket
9 violation, and the court shall take appropriate measures
10 to enforce collection of the fine.

11 (k) Nothing in this section shall prohibit the enforcement or
12 prosecution of parking violations as a municipal
13 violation, as provided by the Code of Ordinances of
14 Margate.

15
16 **Section 6.** It is the intention of the City
17 Commission of the City of Margate, Florida that the
18 provisions of this ordinance shall become and be made a part
19 of the City of Margate Code of Ordinances. The sections of
20 this ordinance may be re-numbered or re-lettered and the word
21 "ordinance" may be changed to "section," "article," or such

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1 other appropriate word or phrase in order to accomplish such
2 intentions.

3 **Section 7.** All Ordinances or parts of Ordinances,
4 Resolutions or parts of Resolutions in conflict herewith be,
5 and the same are hereby repealed to the extent of such
6 conflict.

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

14 **Section 9.** This Ordinance shall become effective
15 immediately upon its passage and adoption.

16
17 PASSED ON FIRST READING THIS ____ day of ____, 2023.

18 PASSED ON SECOND READING THIS ____ day of ____, 2023.

19
20
21
22
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1

2 ATTEST:

3

4 _____
JENNIFER M. JOHNSON
5 CITY CLERK

MAYOR ANTHONY N. CAGGIANO

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

7

8 Arserio _____

Arserio _____

9 Ruzzano _____

Ruzzano _____

10 Caggiano _____

Caggiano _____

11 Schwartz _____

Schwartz _____

12 Simone _____

Simone _____

13

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