

MARGATE POLICE DEPARTMENT

CODE COMPLIANCE UNIT



GOAL OF CODE COMPLIANCE

The Florida Association of Code Enforcement (FACE) teaches that the Goal of Code Enforcement is to gain voluntary compliance.

FACE teaches that education of the public can not only be the most effective tool but also the quickest method of enforcement.

- ▶ **MARGATE CODE OF ORDINANCES**
- ▶ **CHAPTER 162 FLORIDA STATUTES:** Legal authority for code enforcement activities & rules that must be followed.
- ▶ **FLORIDA CONSTITUTION:** Section 9 – Due Process, Section 23 – Right of Privacy, Article X, Section 4 – Homestead.
- ▶ **UNITED STATES CONSTITUTION:** Fourth Amendment – Prohibits unreasonable search and seizure & Fourteenth Amendment provides equal protection and due process of law.



AUTHORITY

THESE STEPS ARE STATUTORY PREREQUISITES UNDER FS 162.06(2)

- ▶ 1. Notify the violator that a code violation was observed.
All code violations are photographed for evidence
- ▶ 2. Give the violator a reasonable amount of time to correct the violation before a formal notice of hearing is issued.
- ▶ 3. If compliance is not achieved within the given time, schedule the violator for a hearing before the Special Magistrate.
- ▶ 4. Provide written notice of hearing via certified mail and/or posting the notice on the property in violation and at city hall.



ENFORCEMENT PROCEDURE

- ▶ **1. REPEAT VIOLATION:** Prior order issued by Special Magistrate acknowledging that the same violator committed the same violation within last 5 years.

Issue Notice of Hearing.

- ▶ **2. SERIOUS THREAT TO PUBLIC SAFETY:** Immediate threat to health, safety, welfare.

Issue Notice of Hearing.

- ▶ **3. IRREPARABLE OR IRREVERSIBLE IN NATURE:** Pouring chemicals down a drain on city or public property.

Issue Notice of Hearing.




“REASONABLE TIME TO CORRECT”

3 EXCEPTIONS

- ▶ FS 162.12 states that Notice must be provided to the violator by:
- ▶ Certified Mail, return receipt requested.
- ▶ Hand delivery by the code inspector.
- ▶ Leaving notice at the residence of the violator with someone at least 15 years of age.
- ▶ Leaving notice with the property manager (if commercial).
- ▶ Posting the notice upon the property in violation AND at city hall at least 10 days before the Special Magistrate hearing.

NOTICE OF HEARING


CITY OF MARGATE
Together We Make It Great

NOTICE OF VIOLATION AND NOTICE OF SPECIAL MAGISTRATE HEARING

Petitioner,
vs.
Respondent(s)

DATE: CASE:

Pursuant to Chapter 162 of the Florida Statutes and Chapter 1.8(c)(7)(8) of the Code of Ordinances of the City of Margate, the undersigned Code Compliance Officer hereby gives notice of a violation of the Municipal Code on the property designated below, and requests a Hearing before the Special Magistrate.

DATE OF THE INSPECTION:
LOCATION OF VIOLATION:
VIOLATION DESCRIPTION:

Pursuant to Chapter 162, Florida Statutes and Chapter 1.8 of the Code of Ordinances, the Special Magistrate of the City of Margate will conduct a public hearing on the above case on **OCTOBER 22, 2019** at **1:45pm** in the Commission Chambers of the City Hall Complex at 5700 Margate Boulevard, Margate, FL 33063.

You have the right to be represented by an attorney and to respond and present evidence and witnesses at the hearing. If you wish to be represented by an attorney, you or your attorney MUST notify the Special Magistrate's Clerk in writing at least seven working days before the hearing. In order to appeal any decision on any matter considered at the Hearing, you will need a transcript. It is your responsibility to furnish a Court Reporter, if you want to preserve your right to appeal.

The Special Magistrate will receive testimony and evidence at said Hearing and shall make findings of fact as are supported by the testimony and evidence pertaining to the matters alleged herein. If you fail to appear, the Special Magistrate may base his findings and act solely on the testimony and evidence presented by the Code Compliance Unit.

Should you be found in violation of the Municipal Code, the Special Magistrate may impose a fine up to \$1000.00 per day per violation for each day that the violation(s) continues beyond the compliance date established by the Special Magistrate in the Final Order. If you have been found to be a repeat violator by the Special Magistrate, the Special Magistrate may impose a fine of up to \$5000.00 per day per violation for each day the violation continues beyond the compliance date established by the Code Compliance Unit. In either of the above noted actions, these accumulated fines may result in liens being filed against your property.

Special Note: FAILURE TO COMPLY OR RESPOND TO THIS NOTICE ACCORDINGLY MAY RESULT IN SEVERE SANCTIONS UP TO, AND INCLUDING FORECLOSURE OF YOUR PROPERTY.

Please contact the Code Compliance Officer who wrote the citation at 954-972-1232 for a re-inspection when you have corrected the violation(s) for which you have been cited.

If this is a Repeat violation, regardless of coming into compliance, you are required to attend the scheduled hearing. Fines and/or an administrative fee will be assessed at the hearing.

Thank you for your cooperation.

Lieutenant Ashley McCarthy
Supervisor, Code Compliance Unit

5700 MARGATE BOULEVARD, MARGATE, FLORIDA 33063 • TELEPHONE (954) 972-6454 / FACSIMILE (954) 972-5211
<http://www.margatefl.com> • e-mail: cityclerk@margatefl.com

- ▶ **The Florida and United States Constitutions require that procedural due process of law be granted to all parties.**
- ▶ **PROCEDURAL DUE PROCESS OF LAW REQUIRES:**
 - ▶ 1. Notice.
 - ▶ 2. Opportunity to be heard and to defend.
 - ▶ 3. Before a competent tribunal with jurisdiction (Special Magistrate).



DUE PROCESS OF LAW



CITATIONS VS. CODE VIOLATION NOTICES

FS 162.21: Enforcement of county or municipal ordinances; penalties.

FS 162.21(3)(b): Prior to issuing a citation a code enforcement officer shall provide notice to the person that the person has committed a violation of the code and shall establish a reasonable time within which the person must correct the violation.

FS 162.21(5)(e): ...municipality shall provide for the contesting of a citation in county court.

CITY	CIVIL CITATION	CODE VIOLATION
Davie	YES	
Ft. Lauderdale	YES	
Oakland Park	YES	
Parkland	YES	
Pompano	YES	
Tamarac	YES	
Coconut Creek		YES
Coral Springs		YES
Deerfield Beach		YES
Plantation		YES
Sunrise		YES
Weston		YES

BEST PRACTICES

50/50 split as to enforcement method.

Both methods require time to correct.

*Some cities have gone away from civil citations as there was no measurable increase in compliance.

MARGATE POLICE DEPARTMENT

CODE COMPLIANCE

STAFFING ASSIGNMENTS

CCO	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
CCO Scimeca		X	X	X	X		
CCO King	X	X	X	X			
CCO Figueroa	X	X	X			X	
CCO Harris	X	X	X				X
CCO Feliciano		X	X	X	X		

5 FULL TIME CODE OFFICERS
MONDAY – SUNDAY / 8AM – 6PM



CODE COMPLIANCE ZONES

9.5 Square Miles

5 Zones of Responsibility

**Currently short one code officer which necessitated the division of one zone into three smaller portions. One portion was added to three other zones.*

BUILDING DEPT. (Primarily Businesses)	POLICE DEPT. (Primarily Residential)
Local business tax receipts	Exterior maintenance
All permits and permit processing	Residential landscaping
Grand opening banners, windsocks	Inoperable vehicles
Inspections of permitted signage	Unsanitary pool
Inspections of commercial landscaping	Nuisance on land (junk/trash/debris)
Site plan inspections	Commercial vehicles

AREAS OF RESPONSIBILITY

2016	2017	2018	2019
Abandoned Vehicles 915	Tall Grass 517	Hurricane Shutters 900	Vehicle/No Tag 183
Tall Grass 502	Nuisance Trash 405	Nuisance Trash 255	Tall Grass 171
Nuisance Trash 480	Hurricane Shutters 387	Tall Grass 204	SOD Required 138
Abandoned Property Registration 263	Vehicle/No Tag 337	Vehicle/No Tag 189	Abandoned Vehicle 120
No Address Displayed 254	SOD Required 249	Vehicle/Exp. Tag 126	Vehicle/Exp. Tag 112
Total / Total CVNs for Year	Total / Total CVNs for Year	Total / Total CVNs for Year	Total / Total CVNs for Year
2414 / 4322	1895 / 4037	1674 / 2938	724 / 1746

MOST COMMON RESIDENTIAL VIOLATIONS



2017	2018	2019
100	158	137

ANIMAL CONTROL RESPONSIBILITIES



2017	2018	2019
21	22	127

PARKING ENFORCEMENT

- ▶ Implement unit-specific Standard Operating Procedures.
- ▶ Budget for one additional Office Specialist and one additional Code Compliance Officer for FY2021.



SHORT TERM MANAGEMENT GOALS



HOT TOPICS FOR CONSENSUS

The next slides are dedicated to specific topics for discussion.

- ▶ Section 3.22- Alcoholic Beverages: Extended hours
 - ▶ Prohibits sale after 12:00 midnight
 - ▶ Allows for extended hours via special permit (up to 4:00AM)
- ▶ Options:
 - ▶ revise code to allow alcohol sales to 2:00AM (Sun. thru Sat.)
 - ▶ revise code to allow alcohol sales to 4:00AM on select Holidays (NYE, St. Patrick's Day)
 - ▶ eliminate extended hours permit that allows sales beyond 2:00AM
 - ▶ review LBTR fees for establishments that will be open and serving alcohol after 12:00 midnight



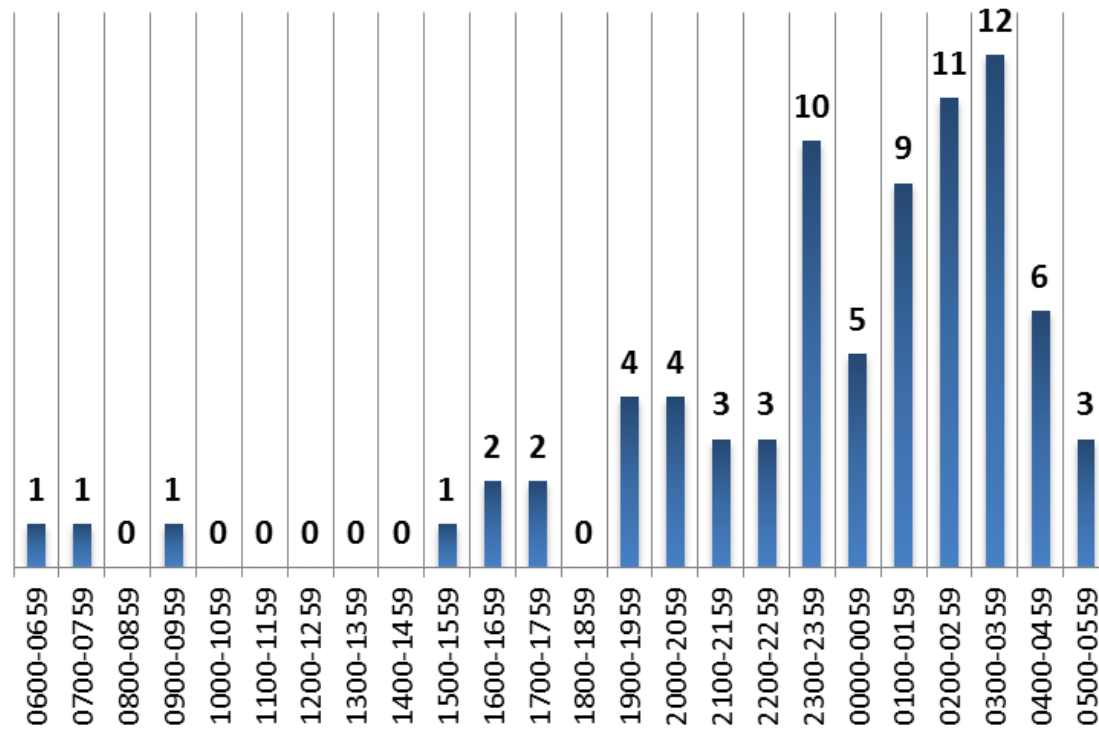
HOT TOPICS FOR CONSENSUS

MARGATE DUI ARRESTS

September 1, 2017 to August 31, 2019

78 TOTAL

46 ARRESTS AFTER HOURS



- ▶ Section 3.22- Alcoholic Beverages: Distance Restrictions
 - ▶ 1,000 feet from house of worship, school, or daycare
- ▶ Options:
 - ▶ Revise code reduce minimum amount of feet from house of worship, school or daycare.
 - ▶ Revise code to differentiate between alcohol establishment vs restaurant with alcohol sales



HOT TOPICS FOR CONSENSUS

- ▶ Section 26-2- Commercial Vehicles

- ▶ Prohibits parking in any area within the city that is zoned other than commercial or industrial.

- ▶ Options:

- ▶ revise code for allowances of HOAs to designate common areas for commercial vehicle parking.
 - ▶ revise code for allowances of commercial vehicles with conditions
 - ▶ i.e. allow for multipurpose racks for temporary holding of supplies or cargo but require that said supplies or cargo be removed if vehicle is parked in residential zone overnight.
 - ▶ i.e. allow for display of business information, but must be covered/removed if vehicle is parked in residential zone overnight.



HOT TOPICS FOR CONSENSUS



PROHIBITED COMMERCIAL VEHICLES

- ▶ Section 39.8- Sign Code

- ▶ Total of all window signs can be no greater than 50% of total window frontage
 - ▶ Perforated vision wrap is not permitted

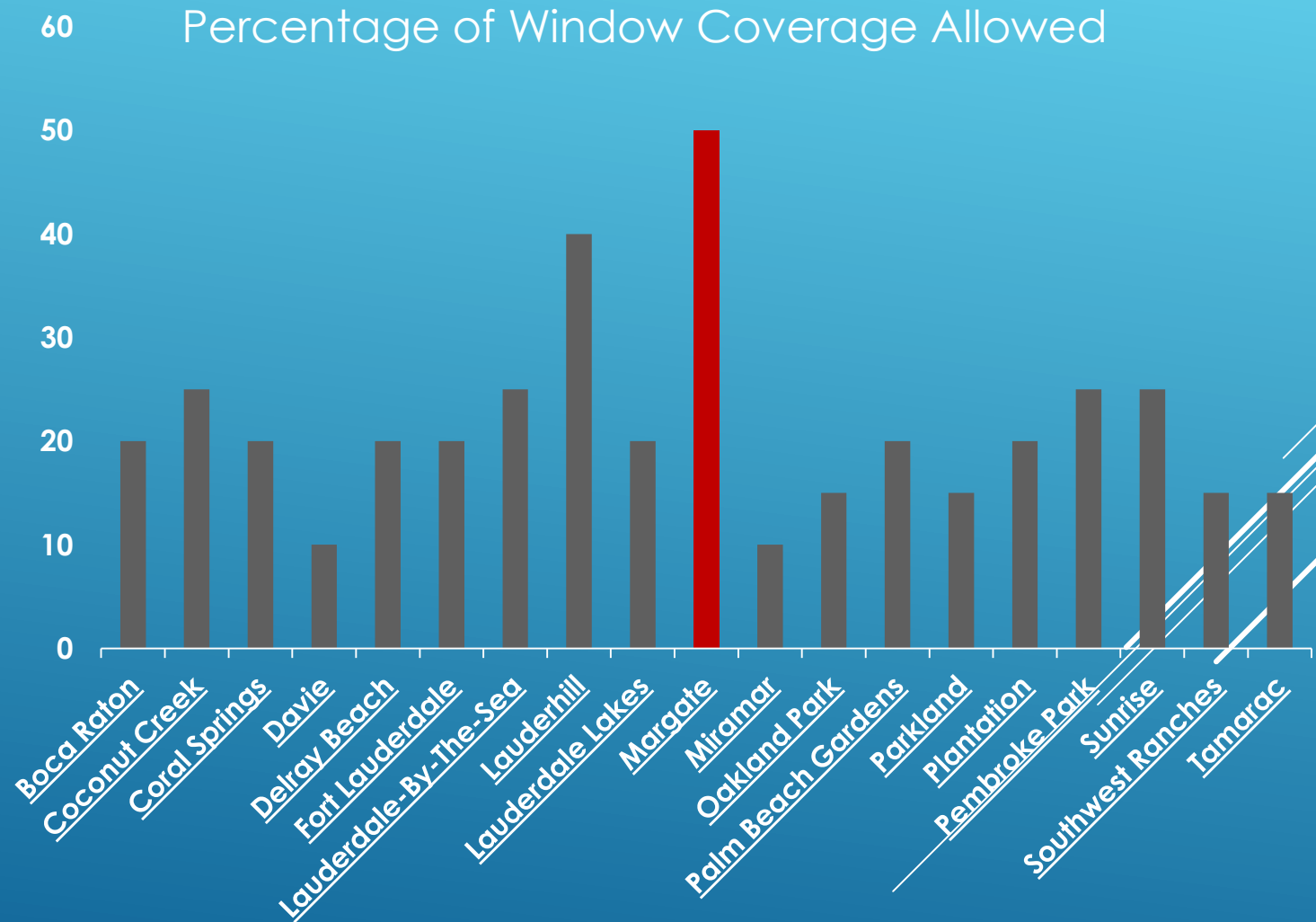
- ▶ Options:

- ▶ revise code to allow perforated vision wrap material
 - ▶ revise code to relax limitations for windows that do not face the roadway and/or are a minimum number of feet off the main roadway



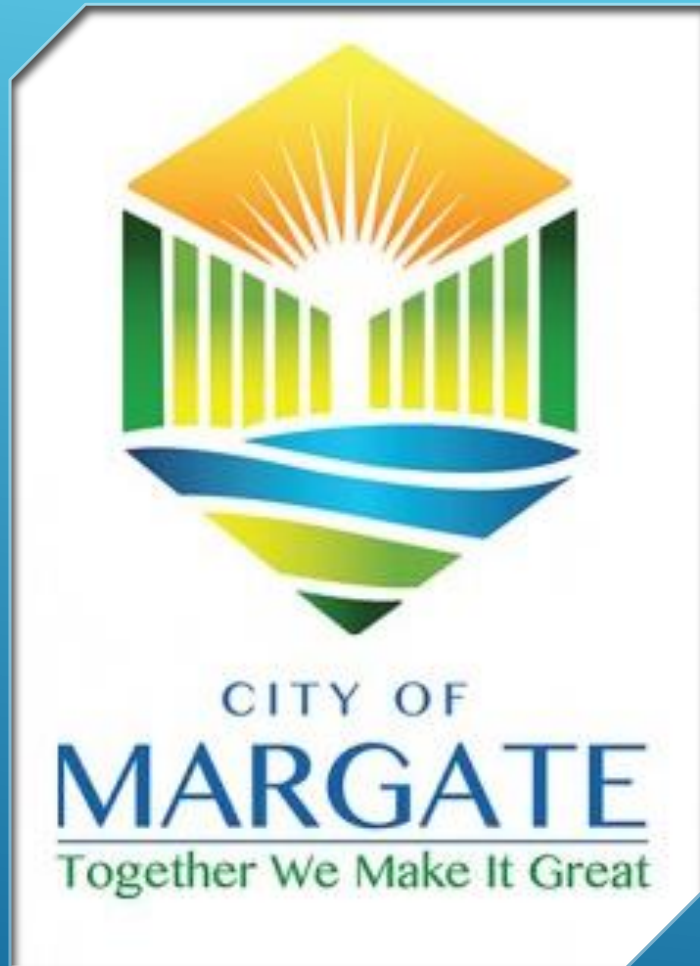
HOT TOPICS FOR CONSENSUS

- ▶ **Hialeah:** Limits coverage to 10% within 50 feet of the public right of way, and unlimited after 50 feet
- ▶ **North Lauderdale:** Not limited, as long as the signs are not placed within the area between two and six feet as measured from the exterior ground level. This is to enable the unobstructed view into the interior for safety and emergency personnel.



- ▶ COMMERCIAL VS RESIDENTIAL
- ▶ LANDSCAPING
 - ▶ TALL GRASS, WEEDS, EDGING OF CURBS/SIDEWALKS, OVERGROWN SHRUBS, CONTINUOUS SHRUB LINES, OVERGROWN TREES,
- ▶ PARKING ON GRASS
- ▶ BOATS, TRAILERS, RV'S TO BE SECURED BEHIND FENCE OR ON PAVED DRIVEWAY
- ▶ EXTERIOR MAINTENANCE TO HOMES AND BUILDINGS,
 - ▶ PRESSURE CLEANING ROOFS, WALLS, AWNINGS, DRIVEWAYS, SIDEWALKS
 - ▶ PAINTING OF HOMES AND BUSINESSES
- ▶ FENCES- MAINTENANCE OF FENCES
- ▶ 5G WIRELESS REGULATIONS
- ▶ SOBER HOME REGULATIONS
- ▶ GARAGE SALES
- ▶ TEMPORARY SIGNAGE
- ▶ BULK TRASH
- ▶ BROKEN/STAINED BUSINESS SIGNAGE
- ▶ DRIVEWAY AND PARKING LOT
 - ▶ SEALING OF WORN ASPHALT
- ▶ OUTDOOR STORAGE/DEBRIS
 - ▶ LAWN CHAIRS, TOYS, MISC. SCATTERED ITEMS)

CODE PRIORITIES FOR COMPLIANCE CAMPAIGNS



MARGATE POLICE DEPARTMENT
CODE COMPLIANCE UNIT