

ORDINANCE NO. 2021-

AN ORDINANCE RELATING TO CODE ENFORCEMENT AND CIVIL PENALTIES IN ORANGE COUNTY, FLORIDA; AMENDING SECTION 2-310 OF THE ORANGE COUNTY CODE TO PROVIDE ADDITIONAL PENALTIES FOR VIOLATION OF EXECUTIVE ORDERS; AMENDING SECTION 11-62 TO INCLUDE EMERGENCY MANAGEMENT IN SCHEDULE "A"; AND PROVIDING AN EFFECTIVE DATE.

DEC28'20am8:51

RCUD

WHEREAS, Section 1-9 of the Orange County Code (the "Code") provides multiple methods to enforce the Code, independent and cumulative, at the County's discretion; and

WHEREAS, Section 1-9 authorizes the revocation or suspension of a license, permit, or franchise and injunctions or other equitable relief; and

WHEREAS, Section 1-9 also provides that a person who violates the Code shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding sixty (60) days, or by both; and

WHEREAS, Section 1-9 also provides for the imposition of civil fines or other administrative actions; and

WHEREAS, the issuance of fines and civil citations pursuant to Chapter 11 of the Orange County Code provides an additional avenue for enforcement of the Code, allows greater flexibility in responding to and addressing violations of the Code, and allows businesses to be held responsible for violations without the need to close such establishments or enjoin their operations; and

WHEREAS, Section 2-310 of the Orange County Code enumerates penalties for violations of executive orders or emergency rules issued by the director of emergency management pursuant to Chapter 2, Article IX of the Code; and

WHEREAS, Section 11-62 enumerates certain Code violations that are eligible to be enforced pursuant to the supplemental and additional code enforcement citation program contained in Chapter 11, Article III of the Code; and

WHEREAS, the Orange County Board of County Commissioners (the "Board") desires to expand the civil citation program and the penalties for violating executive orders or emergency rules and provide that such violations may be subject to civil enforcement proceedings as set forth in Chapter 11 of the Code in order to provide authorized officers, including code enforcement officers, code inspectors, and law enforcement officers, with an additional option for addressing violations.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
COUNTY, FLORIDA:

Section 1. Amendment to Section 2-310. Section 2-310 (“Penalties for violation”) is amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

Sec. 2-310. Penalties for violation.

- (a) Any person who violates any provision of an executive order or emergency rule issued by the director of emergency management pursuant to either this article or the Orange County Peacetime Emergency Plan shall be punished either by imprisonment for a term not to exceed sixty (60) days or a fine not to exceed five hundred dollars (\$500.00) or by both.
- (b) The county may impose fines through its code enforcement board or special magistrate or issue citations through its designated code enforcement officers for violations of executive orders or emergency rules promulgated pursuant to this article. Such fines or citations shall be enforced as provided in Chapter 11 of the Orange County Code of Ordinances.
- (c) Nothing herein shall limit the County’s right to seek injunctive and other equitable relief to ensure compliance with any order made pursuant to this part.

Section 2. Amendment to Section 11-62. Section 11-62 (“Applicable codes and ordinances”) is amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

Sec. 11-62. Applicable codes and ordinances.

A schedule of codes and ordinances, which may be enforced pursuant to the supplemental code enforcement citation procedures contained herein, is set out directly below as Schedule “A”. Where a chapter or part of a chapter is referenced, all sections within that chapter or part are subject to enforcement by citation. If a section

within a referenced chapter has a specific penalty identified therein, that more-specific penalty shall prevail so long as it does not exceed the maximum penalty permitted by F.S. ch. 162, as amended. The schedule of codes and ordinances shall include such codes and ordinances as they may be from time to time amended, renumbered, codified, or recodified including codes and ordinances enacted subsequent to the adoption of this article.

SCHEDULE "A"

Code Provision	Description	Class
<u>Chapter 2,</u> <u>Article IX</u>	<u>Emergency management</u>	<u>III</u>
Section 3-101	Adult entertainment establishment general operational rules	II
Section 9-277	Property maintenance	I
Chapter 15	Environmental control	III
Chapter 18	Fire prevention and protection	III
Section 21-3	Uniform numbering system	I
Section 21- 239	Vending operation on public right- of-way or unpermitted vending operation on property abutting a public right-of-way	II
Chapter 24	Landscaping, buffering and open space	I
Chapter 25, Article II	Garage Sales	I

Chapter 25, Article III	Local business taxes	II
Chapter 28, Article II	Lot Cleaning	I
Chapter 28, Article III	Parking of motor vehicles on residentially and agriculturally zoned property	II
Chapter 31.5	Signs	III
Chapter 32	Solid Waste	II
Chapter 38	Zoning	II

Section 3. Filing of Ordinance and Effective Date. This Ordinance shall take effect pursuant to general law.

ADOPTED THIS ____ DAY OF _____, 20__.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk