

# INDIAN SHORES

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**TOWN COUNCIL WORKSHOP AGENDA  
TUESDAY, MARCH 23, 2021, BEGINS AT 3:00 P.M.  
INDIAN SHORES MUNICIPAL CENTER 4<sup>th</sup> FLOOR  
(Council Chamber socially distanced maximum capacity is 25.)**

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**ITEM # AGENDA ITEM**

- 1.0 Discussion on Code Enforcement Ordinance 2021-04. (Ref.: pgs. 1-12)
- 2.0 Discussion on Dogs on the Beach Ordinance.
- 3.0 Discussion regarding Christmas party.
- 4.0 Comments from the public on any agenda item.

A handwritten signature in black ink, appearing to read 'Freddie Lozano', written over a horizontal line.

Freddie Lozano, CMC  
Town Clerk

*Any person who decides to appeal any decision of the Town Council with respect to any matter considered at any such meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes that testimony and evidence upon which the appeal is to be based.*

*Any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the Town Clerk's office with your request within 24 hours prior to the start of the meeting. Phone 727.595.4020, Fax 727.596.0050.*

**Patrick C. Soranno**  
Mayor

**Diantha Schear**  
Vice Mayor

**Mike Hackerson**  
Councilor

**Michael (Mike) Petruccelli**  
Councilor

**William F. (Bill) Smith**  
Councilor

**Bonnie Dhonau**  
Town Administrator

**Richard (Rick) Swann**  
Chief of Police

**Susan L. Scrogam**  
Director of Finance  
and Personnel

**Freddie G. Lozano**  
Town Clerk

**Regina Kardash, Esq.**  
Town Attorney

**ORDINANCE 2021-04**

**AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING CHAPTER 2 – ADMINISTRATION, ARTICLE V. – CODE ENFORCEMENT, OF THE TOWN OF INDIAN SHORES CODE OF ORDINANCES, TO UPDATE OUTDATED STATUTORY AND INTERNAL CODE REFERENCES, TO CLARIFY SPECIAL MAGISTRATE JURISDICTION, QUALIFICATIONS AND APPOINTMENT, TO IMPLEMENT SUPPLEMENTAL CODE ENFORCEMENT PROCEDURES, AND TO REINFORCE CURRENT CODE ENFORCEMENT PROCEDURES BY AMENDING SECTION 2-161.- DEFINITIONS; AMENDING SECTION 2-162.-INTENT; RENAMING SECTION 2.-163.-SPECIAL MAGISTRATE; CREATING A NEW SECTION 2.-182.- APPOINTMENT, QUALIFICATIONS, CONDUCT; AMENDING SECTION 2-183. – POWERS; AMENDING SECTION 2-206.- INITIATION OF PROCEEDINGS; NOTICE OF VIOLATION; AMENDING SECTION 2-207.- CONDUCT OF HEARING; AMENDING SECTION 2-208.- ADMINISTRATIVE FINES; LIENS; CREATING A NEW DIVISION 4. – CODE ENFORCEMENT CITATIONS; CREATING SECTION 2-211.- AUTHORITY AND PURPOSE; CREATING SECTION 2-212.- AUTHORITY TO ISSUE CITATIONS; CREATING SECTION 2-213.- ORDINANCES ENFORCED AND PENALTIES ASSESSED; CREATING SECTION 2-214.- VIOLATIONS, PROCEDURE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCE OF THE TOWN OF INDIAN SHORES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Town of Indian Shores (Town) is a barrier island municipality on the west coast of Florida; and

**WHEREAS**, the Town has a comprehensive code enforcement process and wishes to revise the same for efficiency; and

**WHEREAS**, Florida Statutes, Chapter 162, provides for the use of a Special Magistrate in addition to or in lieu of a code enforcement board; and

**WHEREAS**, the Town desires to clarify the jurisdiction and appointment of a Special Magistrate; and

**WHEREAS**, the Town desires to enact supplemental procedures for code enforcement to include a local administrative citation process; and

**WHEREAS**, the Town finds it is in the best interest of the public to provide for alternative means of enforcement of its codes for the health, safety and welfare of its citizens; and

**WHEREAS**, the Town’s code enforcement goal remains in compliance with its duly enacted code of ordinances for the benefit of its residents and visitors; and

**WHEREAS**, the Town Council finds it necessary to revise certain sections within ARTICLE V of the Code of Ordinances to provide for a clear and concise code which meets all State and Federal constitutional standards of due process, equity and fairness; and

**WHEREAS**, the Town Council held a workshop on March 23, 2021, to consider proposed revisions to ARTICLE V of the Code of Ordinances; and

**WHEREAS**, on \_\_\_\_\_, 2021, the Town Council conducted first reading on the proposed ARTICLE V revisions and amendments; and

**WHEREAS**, on \_\_\_\_\_, 2021, the Town Council conducted a duly noticed second reading and public hearing on the proposed ARTICLE V revisions and amendments and the Town Council approved the amendments.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA, AS FOLLOWS:**

SECTION 1. The above recitals are true and correct and are hereby incorporated fully by reference.

SECTION 2. That ARTICLE V. – CODE ENFORCEMENT, is hereby amended to read as follows:

ARTICLE V. - CODE ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 2-161. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Code ~~inspector~~enforcement officer* means the town building official, law enforcement officers and any authorized agent or employee of the town whose duty it is to ensure code compliance with the Town’s Code of Ordinances.

*Costs* shall mean:

- (1) The cost and expense of prosecuting the violation, including all efforts by the code inspector to obtain compliance before issuing a code enforcement citation;
- (2) The ~~wages~~fees paid by the town to town ~~staff~~contractors incurred in prosecuting the violation, including all efforts by the code ~~inspector~~enforcement officer and town contractors~~staff~~ to obtain compliance before issuing a code enforcement citation;
- (3) The cost and expense of providing notices and orders to the violator;

- (4) The cost and expense of recording and filing;
- (5) All legal fees and costs incurred in connection with the violation; and
- (6) The cost and expense of the special magistrate in hearing and deciding all matters related to the violation.

Law enforcement officer means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detections of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

Repeat violation means a violation of a provision of a code or ordinance by a person who has been previously found by a special magistrate or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations. Issuance of a citation which has not been contested as provided herein shall constitute the finding of a violation for the purposes of this provision.

Special magistrate means ~~the code enforcement special magistrate~~ a person authorized to hold quasi-judicial hearings and assess fines for violations of the Town Code, appointed by the town council to serve in lieu of a code enforcement board to hear and decide code violations under this section and in accordance with any such other authority as may be conferred by Chapter 162, Florida Statutes or any other law.

Town means the incorporated area of the Town of Indian Shores, Florida.

Town attorney means the legal counselor for the town.

Sec. 2-162. - Intent.

It is the intent of this article to promote, protect and improve the health, safety and welfare of the town's citizens, residents and visitors by creating a special magistrate with authority to impose administrative fines and other noncriminal penalties and to providing an equitable, expeditious, effective and inexpensive method of enforcing any codes, ordinances, resolutions, orders, approvals, permits, the various zoning, sign, flood, fire, building, electrical, plumbing, mechanical, and related technical codes in force within the town's corporate limits as provided in F.S. § 162.02, where a pending or repeated violations continues to exist.

Secs. 2-163—2-180. - Reserved.

## DIVISION 2. - CODE ENFORCEMENT BOARD OR SPECIAL MASTER

Sec. 2-181. - Special ~~master~~magistrate.

Code enforcement citations or alleged violations may be heard and decided by a special magistrate appointed by the town council. The special magistrate shall serve at the pleasure of the town council and may be removed or replaced without cause. The special magistrate shall have all the authority and powers set forth in this part or in F.S. § 162.08.

Sec. 2-182. – ~~Reserved~~Appointment, Qualifications, Conduct.

- (a) The Town Council may appoint one special magistrate and up to two alternate special magistrates to serve in the event of legal conflicts of interest or absences. The term of appointment of any special magistrate shall be for an initial term of three years, with the opportunity for two additional one year renewals, or as may otherwise be established by the Town Council. Terms of appointment and compensation for the special magistrate shall be as established pursuant to contract approved by the Town Council.
- (b) The minimum qualifications to be eligible for service as a special magistrate are stated below. In addition, the Town may specify additional required qualifications in its solicitation for a special magistrate.
  - 1. Be an active member in good standing of the Florida Bar with a minimum of three years recent experience in the practice of law, which experience shall include litigation and administrative hearing experience. Preference will be given to former judges, attorneys who have practiced as certified arbitrators or attorneys with local government experience.
  - 2. Shall not be an employee of the Town, resident of the Town, nor hold any other elected or appointed office with the Town.
  - 3. Shall comply with the Code of Ethics of the State of Florida and the Florida Bar Rules of Professional Conduct.
- (c) The following conflict of interest provisions shall apply to the special magistrate:
  - 1. Upon appointment, the special magistrate shall comply with the disclosure requirements imposed by Florida law, including but not limited to, §§112.313 and 112.3145, Florida Statutes.
  - 2. The special magistrate shall comply with the voting requirements imposed by Florida law, including but not limited to, §§ 286.012 and 112.3143, Florida Statutes.
  - 3. For a period of one (1) year from the date of termination of office as a special magistrate, however terminated, such person is hereby expressly prohibited from acting as agent or attorney in any proceedings, petition or other matter before a special magistrate for the Town.
  - 4. No person who is or may become a party to a hearing before a special magistrate shall communicate ex parte with the special magistrate concerning that violation. This restriction shall extend to any person appearing or interceding on behalf of a party, whether or not such person may have a direct personal or financial interest in the subject property or properties of the alleged violation.
  - 5. A special magistrate shall not communicate ex parte on his own volition with any party, representative of any party, or interceding person concerning an alleged violation; however, the special magistrate may consider a request regarding the scheduling or continuance of such hearings when such request is made in writing.

6. In the event a legal conflict of interest prevents the special magistrate from hearing a case, the Town manager may direct that the case be heard by an alternate special magistrate previously designated by the Town Council.

Sec. 2-183. - Powers.

(a) The special magistrate shall have the power to:

- (1) Adopt rules for the conduct of code enforcement hearings, subject to amendment or modification by the town council.
- (2) Subpoena alleged violators and witnesses to code enforcement hearings. Subpoenas may be served by the police department.
- (3) Subpoena evidence.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance.

(b) The special magistrate shall hear cases where an alleged violator contests a citation issued in accordance with Division 4 of this Article V of Chapter 2, and shall hear appeals of parking citations issued for violation of a parking ordinance duly enacted by the Town. If the Special Magistrate determines that there was a violation of the Town Code by the alleged violator, then the magistrate shall sustain the citation. However, if the special magistrate determines that there was no violation committed by the alleged violator, then the citation may be dismissed. If the special magistrate sustains the citation, the special magistrate may impose administrative costs in addition to the fine amount provided in the citation.

Secs. 2-184—2-205. - Reserved.

### DIVISION 3. - ENFORCEMENT PROCEDURE

Sec. 2-206. - Initiation of proceedings; notice of violation.

- (a) It shall be the duty of the code ~~inspector~~enforcement officer to initiate enforcement proceedings, ~~conduct inspections, surveillance, and monitoring to determine compliance with~~ of the various codes; provided, however, the special magistrate shall not have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsections (c) and (d) of this section, if a violation of the codes is found, the code ~~inspector~~enforcement officer shall notify the violator and give him a reasonable time to correct the violation which shall not exceed thirty (30) days. Should the violation continue beyond the time specified for correction or the violation is corrected, then recurs beyond the time specified for correction, the code ~~inspector~~enforcement officer may notify the special magistrate and request a hearing pursuant to the procedure in section 2-207. Notice shall be provided to the violator as provided in section 2-210 and F.S. § 162.12.
- (c) If the code ~~inspector~~enforcement officer has reason to believe a violation presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible

in nature, the code ~~inspector~~enforcement officer shall make a reasonable effort to notify the violator and may immediately notify the special magistrate and request a hearing. Fines and liens may be imposed as provided in Section 2-208.

- (d) If a repeat violation is found, the code ~~inspector~~enforcement officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code ~~inspector~~enforcement officer, upon notifying the violator of a repeat violation, shall notify the special magistrate and request a hearing. The special magistrate, through the town's clerical staff, shall schedule a hearing and the Town shall provide notice pursuant to section 2-21007 and F.S. § 162.12. The case may be presented to the special magistrate even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the repeat violation has been corrected, the special magistrate retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the special magistrate.
- (e) If the owner of property which is subject to an enforcement proceeding before the special magistrate transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:
- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
  - (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
  - (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
  - (4) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.

A failure to make the disclosures described in paragraphs (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

#### Sec. 2-207. - Conduct of hearing.

- (a) Upon request of the code inspector or at such other times as may be necessary, the special magistrate will call code enforcement hearings. The town attorney may act as legal advisor to the code ~~inspector~~enforcement officer and, if necessary, may present the case. The special magistrate may at any hearing set a future hearing date. Minutes shall be kept of all code enforcement hearings, and all such hearings shall be open to the public. The town council shall provide clerical and administrative personnel as may be reasonably required by the special magistrate for the proper performance of his or her duties.
- (b) Each case before the special magistrate shall be presented by a member of the administrative staff of the town or may be prosecuted by the Town attorney.

- (c) The special magistrate shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The special magistrate shall take testimony from the code ~~inspector~~enforcement officer, witnesses and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
- (d) At the conclusion of the hearing, the special magistrate shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted in this article and F.S. Ch. 162. The order may include a notice that it must be complied with by a specified date.
- (e) If the town prevails in prosecuting a case before the special magistrate, it shall be entitled to recover all costs incurred in prosecuting the case and such costs may be included in the lien authorized under subsection 2-208(c).

Sec. 2-208. - Administrative fines; liens.

- (a) The special magistrate, upon notification by the code ~~inspector~~enforcement officer that an order of the special magistrate has not been complied with by the set time, may order the violator to pay a fine which shall not exceed \$250.00 per day for a first violation for each day the violation continues to exist past the date set for compliance or \$500.00 per day for a repeat violation for each day the repeat violation is found to have occurred by the code inspector. If the violation is a violation described in subsection 2-206(c), the special magistrate shall notify the mayor that the town may make reasonable repairs or corrections which are necessary and required to bring the property into compliance and charge the violator the reasonable cost of repair or correction in addition to any fine imposed pursuant to the section. If the special magistrate finds that the violation is irreparable or irreversible in nature, he or she may impose a fine not to exceed \$5,000.00 per violation.
- (b) In determining the amount of the fine, if any, the special magistrate shall consider the following factors:
  - (1) The gravity of the violation;
  - (2) Any action taken by the violator to correct the violation; and
  - (3) Any previous violations committed by the violator.
- (c) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of the state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. The lien shall be superior to all other liens or encumbrances against the property except taxes, including the liens of mortgages or other encumbrances against the property recorded in the public records. No lien created pursuant to this article may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution. If an order is recorded in the public records pursuant to this subsection and the violator comes into compliance as verified by the code enforcement officer, an affidavit of compliance shall be executed and recorded in the public records acknowledging the same. A hearing is not required to issue an affidavit of compliance.

- (d) As an alternative to the procedure in this section, a citation may be issued by a code enforcement officer designated by the town council, and if such citation is not complied with the code enforcement official may take the violator directly to court for adjudication as provided in F.S. § 162.21.
- (e) The special magistrate may reduce a fine imposed pursuant to this section. The reduction of a fine previously imposed by a code enforcement order and recorded as a lien may occur under the following conditions:
1. No fine reduction shall be considered where the property owner appealed an order imposing fine to the court and the Town prevailed.
  2. A written application shall be filed with the Town Clerk with a filing fee of \$xxx.xx.
  3. The written application shall state the grounds and factual basis for the fine reduction.
  4. The clerk for code enforcement proceedings shall prepare a record of the hearing at which the fine was imposed including minutes of the proceeding and a copy of all documents that were part of the proceedings. A copy of the record shall be provided to the applicant and to the special magistrate.
  5. the applicant is responsible for making a verbatim record of the testimony and evident of the meeting upon which any appeal is based.
  6. The reduction hearing shall be open to the public.
  7. In reviewing the amount of a fine, the special magistrate shall consider the gravity of the violation, the actions take by the violator to correct the violation, and any previous or current violations committed by the violator.
  8. The grounds for reducing a fine shall be limited to errors in the record, newly discovered evidence, misconduct, mistake, surprise, excusable neglect, or substantial financial hardship. Consideration shall be given to how much time has elapsed since the order imposing fine was entered.
  9. The burden shall be on the applicant to prove the grounds for a fine reduction.
  10. A decision shall be made after the hearing and a written order shall be entered.
  11. The decision of the special magistrate to reduce or not to reduce a fine shall be final.
- (f) After three months from the filing of any such lien which remains unpaid, the special magistrate may recommend to the Town Council that the Town Attorney foreclose on the lien or sue to recover a money judgement for the amount of the lien plus accrued interest.
- (g) Nothing contained in this Article shall prohibit the Town from enforcing its Code by any other means.

#### Sec. 2-209. - Appeal.

An aggrieved party, including the town, may appeal a final administrative order of the special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Sec. 2-210. - Notices.

- (a) All notices required by this article shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the code inspector or other person designated by the town; or by leaving the notice at the violator's usual place of residence with some occupant thereof at least 15 years of age, or with a staff member or employee at the alleged violator's usual place of business, and informing such person of the contents of the notice. The address to be used shall be the address listed in the tax collector's office for tax notices and any other address provided to the town by the owner. If notice is returned as unclaimed or refused, notice shall be provided by posting. At the option of the special magistrate, notice may additionally be served by publication or posting as provided in this section and in F.S. § 162.12.

If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the special magistrate even if the violation has been corrected prior to the code enforcement hearing, and the notice shall so state. Evidence that an attempt has been made to mail or hand deliver notice as specified, together with proof of publication or posting, shall be sufficient to show that the notice requirements of this section have been met, without regard as to whether the alleged violator actually received such notice.

- (b) In addition to providing notice as set forth in subsection (a), at the option of the special master, notice may also be served by publication or posting, as follows:

(1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Pinellas County. The newspaper shall meet such requirements as are prescribed under Chapter 50 for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

(2) i. In lieu of publication as described in paragraph (a), such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse or the main county governmental center in said county.

ii. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (1).

Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

## DIVISION 4 – CODE ENFORCEMENT CITATIONS

### Sec 2-211. – Authority and Purpose

- (a) This Division is adopted pursuant to the authority granted in Chapters 162 and 166, Florida Statutes, to supplement methods of enforcing codes and ordinances in the Town of Indian Shores, Florida, and is enacted to protect the public health, safety and welfare of the citizens of Indian Shores, Florida.
- (b) The provisions of this Division are an additional and supplemental means of enforcing the Town Codes and Ordinances and may be used for the enforcement of any Town Code or Ordinance. Nothing contained in this Article or Division shall prohibit the Town from enforcing its code and ordinances by any other means.

### Sec. 2-212. – Authority to Issue Citations.

Any code enforcement officer or law enforcement officer is hereby empowered to issue citations to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed an act in violation of a duly enacted Town Code or Ordinance.

### Sec. 2-213. – Ordinances Enforce and Penalties Assessed.

All Town Codes and Ordinance may be enforced by this Division, by citation except where prohibited by law or statute. If the violation is not contested, initial violations of codes and ordinances shall carry a civil penalty in an amount shown on the Schedule of Violations and Fines as adopted by a Resolution of the Town Council, as may be amended from time to time. The Schedule of Violations and Fines shall be applicable only if the violation is not contested by the violator. If the citation is contested the maximum civil penalty shall be \$500.00 and shall be determined by the special magistrate.

### Sec. 2-214. – Violations, Procedure.

- (a) A code enforcement officer does not have to provide an opportunity to correct the violation prior to issuing a citation and may immediately issue a citation. A code enforcement officer may issue a separate citation to each alleged violator for each calendar day the violation exists.
- (b) A code enforcement officer shall issue a citation in a form prescribed by the Town, and it shall contain at a minimum the following information:
  - 1. The date and time of issuance
  - 2. The name and address of the person to whom the citation is issued.
  - 3. The date and time the civil infraction was committed.
  - 4. The facts constituting reasonable cause.
  - 5. The number or section of the Code or Ordinance violated.

6. The name and authority of the code enforcement officer or law enforcement officer.
  7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
  8. The applicable civil penalty if the person elects to contest the citation.
  9. The applicable civil penalty if the person elects not to contest the citation.
  10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to contest the citations within thirty (30) days, he or she shall be deemed to have waived his or her right to contest the citation and that in such case, the alleged violator shall be deemed to have committed the violation as charged in the citation.
- (c) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation with the Finance Department, or his or her designee, within ten (10) days of issuance.
- (d) Violation of the Town Code or an ordinance is a civil infraction which may only be contested in writing by providing a written notice requesting a hearing to the Town Clerk, or his or her designee, within thirty (30) days of the date of issuance of the citation. The hearing shall be in accordance with Section 2-207.
- (e) A civil penalty of no more than \$500.00 is provide for in the Schedule of Violations and Fines passed by Resolution of the Town Council and shall be imposed if the person who has committed the civil infraction does not contest the citation.
- (f) The Town Administrator, or his or her designee, is authorized to pursue the collection of any unpaid civil penalties.

SECTION 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid by a Court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 4. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Indian Shores.

**FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

The first reading of the above Ordinance, upon motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ as duly approved at a regular Council Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Voting in favor of the First Reading:

Voting in opposition: None

Absent: None Abstaining: None

**SECOND READING AND FINAL PASSAGE** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

The second reading of the above Ordinance, upon motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ as duly approved at a regular Council Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Voting in favor of the Second Reading:

Voting in opposition:

Absent: Abstaining:

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

ATTEST:

\_\_\_\_\_  
Patrick C. Soranno  
Mayor

\_\_\_\_\_  
Freddie Lozano, CMC  
Town Clerk

Approved as to form:

\_\_\_\_\_  
Regina A. Kardash, Esq.  
Town Attorney