

**ORDINANCE NO. 2024-52**

**AN ORDINANCE OF THE CITY OF LARGO, FLORIDA, AMENDING THE CITY OF LARGO CODE OF ORDINANCES BY AMENDING CHAPTER 9, CODE ENFORCEMENT, SECTION 9-72, ADMINISTRATIVE FINES; COSTS OF REPAIR; LIENS; BY INCREASING THE MAXIMUM CODE ENFORCEMENT FINE AMOUNTS AUTHORIZED TO BE IMPOSED BY THE CODE ENFORCEMENT BOARD AND THE SPECIAL MAGISTRATE IN ACCORDANCE WITH SECTION 162.09, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 162, Florida Statutes, the City has established several methods for the City to enforce its codes, as codified in Chapter 9 of the Largo Code of Ordinances, including for enforcement before the City's code enforcement board and before the City's special magistrate; and

**WHEREAS**, Chapter 162, Florida Statutes, provides that, for code enforcement cases before an enforcement board or special magistrate, a fine imposed shall not exceed \$250 per day for a first violation, \$500 per day for a repeat violation, and \$5,000 per violation if the board determines the violation to be irreparable or irreversible in nature; and

**WHEREAS**, Section 162.09, Florida Statutes, allows a city having a population equal to or greater than 50,000 to adopt, by a vote of at least a majority plus one of the city's entire governing board, and ordinance that gives code enforcement boards and special magistrates authority to impose fines up to \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature; and

**WHEREAS**, in considering the amount of a fine imposed, the code enforcement board and special magistrate are required to consider the following factors in determining the amount of any fine: (1) the gravity of the violation; (2) any actions taken by the violator to correct the violation; and (3) any previous violations committed by the violator; and

**WHEREAS**, the City has a population equal to or greater than 50,000; and

**WHEREAS**, City staff have determined that granting the code enforcement board and the special magistrate the authority to impose the increased fine amounts authorized by the Florida Statutes for cities with a population equal to or greater than 50,000 is necessary to combat extremely serious violations, especially when such violations are committed by repeat violators who are unwilling to work with City staff to come into compliance; and

**WHEREAS**, the City Commission finds that adoption of this ordinance is consistent with its police powers and will protect the public health, safety, and welfare of the residents of the City.

**NOW, THEREFORE, THE CITY OF LARGO CITY COMMISSION HEREBY ORDAINS:**

**SECTION 1.** The above recitals are true and correct and are hereby incorporated by reference as the findings of the City Commission.

**SECTION 2.** That Section 9-72 of the City of Largo Code of Ordinances is amended to read as follows:

**Sec. 9-72. - Administrative fines; costs of repair; liens.**

- (a) The code enforcement board upon notification by the code inspector/officer that an order has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the code enforcement board or special magistrate for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector/officer. Any fine assessed pursuant to this section for a property defined as residential by the city will accrue daily until such time as either compliance is achieved or the total amount of the fine equals the Just Market Value as established by the Pinellas County Property Appraiser for the property where the violation occurred, for the year in which the fine began to accrue. In addition, if the violation is a violation described in section 9-68, the code enforcement board shall notify the city commission, which may make or authorize all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the city commission to make further repairs or to maintain the property and does not create any liability against the city commission for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this section, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b) of this section.
- (b) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$5,000.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a) of this section. However, if the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$15,000.00 per violation. In determining the amount of the fine, if any, the code enforcement board shall consider the following factors:
- (1) The gravity of the violation;
  - (2) Any actions taken by the violator to correct the violation; and
  - (3) Any previous violations committed by the violator.

The code enforcement board is authorized to reduce any fine it imposes pursuant to this section. The board may establish procedures for hearing cases for reduction of fines and the board's decision with regard to the reduction of any fine shall be final. The board shall not reduce a fine if an affidavit of compliance has not been accepted by the board for the violation for which the fine(s) that the violator is seeking to be reduced was imposed. The board shall not reduce a fine if there is any other open code enforcement case against the individual or entity requesting the reduction, without regard to whether the case is in the form of code enforcement board case,

special magistrate case, citation case before county court, or any other quasi-judicial or judicial matter. The board shall not reduce a fine that has already been reduced by the board.

In determining whether to reduce a fine and the amount of reduction of the fine, if any, the board shall consider the following factors:

- (1) The gravity of the violation, including but not limited to, the impact on public health, safety, and general welfare of surrounding properties and residents;
- (2) Any proactive actions taken by the party requesting the reduction to correct the violation;
- (3) Any previous violations committed by the requester, including the gravity of such violations, the number and frequency of such violations, and whether the requester has demonstrated a pattern of violating the City's Code;
- (4) Whether the requester is the violator in the underlying case, or whether there has been a transfer of ownership of the subject property since the fine was imposed;
- (5) The amount of time the violation existed on the subject property prior to the filing of the affidavit of compliance;
- (6) The costs incurred by the city in enforcing the violation, including but not limited to city staff's time and any costs of repairs.

If the board grants a reduction, the fine shall not be reduced below the administrative costs of the code enforcement board action, plus the minimum fee, as provided for in the City of Largo Fee Ordinance. If the reduction hearing involves a repeat violation, the fine shall not be reduced below the city's administrative costs of the code enforcement board or special magistrate action, plus the minimum fee for a repeat violation case, as provided in the City of Largo Fee Schedule. The board shall set a specified date by which the reduced fine must be paid in full. This specified date shall be no less than 30 days from the fine reduction hearing and no more than one year from the fine reduction hearing. The determination of the specified date may be based on evidence of hardship presented by the requester. If the reduced fine is not paid in full by the specified date set by the board, the fine reduction shall be deemed to be waived by the requester, and the full amount of the fine shall be automatically reinstated and cannot be considered for reduction again.

- (c) A certified copy of an order imposing a fine, or a fine plus repair costs, 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. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the city commission, and the city commission may execute a satisfaction or release of lien entered pursuant to this section. The city commission hereby retains the right to hear or act on all matters of this chapter. The city commission hereby delegates to the city manager the authority to act on their behalf regarding all matters related to the satisfaction or release of liens entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the code enforcement board or special magistrate may authorize the city attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. If the code enforcement board

or special magistrate do not authorize foreclosure of the outstanding lien or to sue to recover a money judgment for the amount of the lien plus accrued interest, the city commission pursuant to this section may if it is in the best interest of the city [to] authorize such actions.

No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under section 4, article X of the state constitution (Florida Constitution article X, § 4). The money judgment provisions of this section shall not apply to real property or personal property which is covered under section 4(a), article X of the state constitution (Florida Constitution article X, § 4(a)).

**SECTION 3.** That all ordinances or parts of such ordinances inconsistent with this ordinance are repealed and superseded.

**SECTION 4.** That it is the intention of the Largo City Commission that each provision of this ordinance be considered severable, and, if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

**SECTION 5.** That this ordinance shall take effect immediately upon its final passage and adoption.

APPROVED ON FIRST READING \_\_\_\_\_

PASSED AND ADOPTED ON  
SECOND AND FINAL READING \_\_\_\_\_

CITY OF LARGO, FLORIDA

\_\_\_\_\_  
Mayor

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk