ORDINANCE NO. ____

PROPOSED ORDINANCE NO. 26-034

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO CODE ENFORCEMENT; PROVIDING FOR A CODE ENFORCMENT SPECIAL MAGISTRATE; AMENDING DIVISION 2 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF THE CITY OF LAKELAND, FLORIDA; AMENDING SECTIONS 86-32 AND 90-53 OF THE CODE OF THE CITY OF LAKELAND; AMENDING SUBSECTIONS 1.1.7, 4.5.13.3, 4.9.3.1.f, 5.14.4.2, 6.3.5, 6.8.1.3, 6.8.2.2, AND 9.6.3.5 OF THE CITY OF LAKELAND LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1: Division 2 of Article IV of Chapter 2 of the Code of the City of Lakeland is amended to read as follows:

CHAPTER 2 – ADMINISTRATION

ARTICLE IV. – BOARDS AND COMMISSIONS

DIVISION 2. CODE ENFORCEMENT ~~BOARD~~SPECIAL MAGISTRATE

Sec. 2-90. Short title.
This chapter shall be known and may be cited as the "Lakeland Municipal Code Enforcement ~~Board~~ Special Magistrate Ordinance."

Sec. 2-91. Findings.
The city commission does hereby find that it is necessary in order to provide an expeditious, informal, and effective means of enforcing certain ordinances of the city that a code enforcement ~~board~~ special magistrate system be created pursuant to F.S. § 162.01 et seq.

Sec. 2-92. Definitions.
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code inspector or *inspector* means an employee of the city responsible for ensuring compliance with the city codes and ordinances.
~~*Enforcement board* or *board* means the code enforcement board created by this division.~~
Repeat violation means a violation of a provision of a code or ordinance by a person whom the code enforcement board, ~~or~~ a code enforcement hearing officer, or Special Magistrate has previously found to have violated, or who has admitted violating, the same provision within five years prior to the violation, notwithstanding that the violations occur at different locations.
Special Magistrate means a person authorized to hold hearings and assess fines against violators of City codes and ordinances in accordance with F.S. ch. 162, as well as to order the repair or demolition of structures pursuant to Section 2-105 herein.

Sec. 2-93. Creation.
There is hereby created a code enforcement ~~board~~ Special Magistrate ~~position~~system pursuant to F.S. ch. 162. Special Magistrates shall be appointed by the city commission. The commission may appoint multiple Special Magistrates or, in the case of a law firm, a single firm whose duties may be rotated as individual attorney schedules permit. Any reference in city codes or ordinances to a code enforcement board or code enforcement hearing officer shall be construed to mean the Special Magistrate.

Sec. 2-94. Jurisdiction.
The code enforcement ~~board~~ Special Magistrate shall have the authority to enforce the following Code provisions and ordinances, as may be amended by the city commission from time to time, where a pending or repeated violation continues to exist:
(1) Occupational licenses and permits, chapter 18 and 78;
(2) The building code;
(3) The fire prevention codes adopted in section 42-26;
(4) The plumbing code;
(5) The Land Development Code;
(6) The electrical code;
(7) The housing code;
(8) The mechanical code;
(9) Animals, chapter 10;
(10) Solid waste, chapter 86;
(11) Health and sanitation, chapter 46;
(12) Abandoned property, section 54-86 et seq.;
(13) Lakes, chapter 58;
(14) Skateboard ramps, section 90-51 et seq.;
(15) Regulations for the storage of motor homes, boats and trailers, chapter 66;
(16) Ordinance numbers 2685 and 2687, relating to satellite dishes; and
(17) Ordinance number 2957, relating to meter accessibility;
(18) Alarm systems, section 34-29;

(19) Polk County Ordinance No. 93-06, as amended and known as the Polk County Stormwater Quality Management Ordinance;
(20) Structure security regulations, Ordinance Number 3371;
(21) Disabled and derelict property, Ordinance Number 4134;
(22) Minimum maintenance standards, Ordinance Numbers 3168, 4131 and 4297;
(23) Pole Attachment Ordinance, Ordinance Numbers 4899, 4970, 5849, 5881 and 6040.

~~**Sec. 2-95. Membership; terms of office.**~~
~~(a) The board shall consist of seven members who are residents of the city and are experienced or interested in the areas of zoning and building control. Two alternate members may be appointed to serve on the board in the absence of board members.~~
~~(b) Appointments to the board shall be made in the same manner as appointments to other city boards as provided by the city commission.~~
~~(c) Whenever possible, the board shall be composed of an architect, business person, engineer, construction contractor, subcontractor, and a realtor.~~
~~(d) Members of the board shall serve a term of three years, provided the initial appointments shall be made as follows:~~
~~(1) Two members appointed for a term of one year;~~
~~(2) Three members appointed for a term of two years;~~
~~(3) Two members appointed for a term of three years.~~
~~(e) A member of the board may be reappointed upon approval of the city commission.~~
~~(f) A vacancy in the membership of the board is created upon resignation, failure of a member to attend two of three consecutive meetings without cause and the prior approval of the chairman, or as otherwise provided by the city commission. An appointment to fill a vacancy shall be for the remaining unexpired term of office.~~
~~(g) The board shall elect a chairman and vice-chairman and adopt rules of organization, practice, and procedure.~~
~~(h) Four or more members of the board shall constitute a quorum for the transaction of business.~~

Sec. 2-9~~6~~5. Legal counsel; secretary.
(a) The city attorney shall serve as legal counsel for the ~~board~~Special Magistrate.
(b) The city manager shall designate an employee of the city to be secretary to the ~~board~~ Special Magistrate and provide necessary staff services for the ~~board~~Special Magistrate.

Sec. 2-9~~6~~7. Enforcement procedures.
(a) The code inspector shall initiate proceedings to enforce the various codes of the city. ~~No member of the board individually, or the board collectively,~~A Special Magistrate may not initiate enforcement proceedings.

(b) Except as provided in subsections (c) and (d) of this section, if a violation of any code is found, the code inspector shall so notify the violator and a reasonable time to correct the violation shall be permitted. If the violation continues beyond the time specified for correction, the code inspector shall notify the ~~enforcement board~~Special Magistrate and request a hearing pursuant to the procedure in section 2-9~~8~~7. Written notice of such hearing shall be provided to the violator in accordance with section 2-10~~3~~2. 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 ~~enforcement board or hearing officer~~ Special Magistrate even if the violation has been corrected prior to the ~~board~~ hearing, and the notice shall so state.

(c) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the ~~enforcement board~~Special Magistrate and request a hearing. The ~~code enforcement board~~Special Magistrate, through his or her~~its~~ clerical staff, shall schedule a hearing and shall provide notice pursuant to section 2-10~~3~~2. The case may be presented to the ~~enforcement board~~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 ~~code enforcement board~~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 ~~code enforcement board~~Special Magistrate.

(d) If the code inspector has reason to believe a violation or the condition causing the 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 shall make a reasonable effort to notify the violator and may immediately notify the ~~enforcement board~~Special Magistrate and request a hearing.

(e) If the owner of property that is subject to an enforcement proceeding before the ~~enforcement board, hearing officer,~~Speical Magistrate or court 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 division 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 5 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. 2-978. Enforcement hearing.

(a) *Hearing procedure.* ~~Upon request of a code inspector, or at such other times as may be necessary, the chairman of the code enforcement board may call a hearing of the board. A hearing may also be called by written notice signed by at least three members of the code enforcement board. At any hearing the board may set a future hearing date.~~ The ~~board~~ Speical Magistrate shall hold hearings no less frequently than once every two months if cases are pending but may ~~meet~~ call a hearing more ~~or less~~ often as needed. Minutes shall be kept of all hearings~~, by the board~~ and all hearings shall be open to the public.

(b) *Conduct of initial hearing.*

(1) After the initial request for hearing by the code enforcement officer, a hearing ~~may~~ shall be scheduled before ~~either a code enforcement board hearing officer or the code enforcement board~~the Special Magistrate. ~~The same provisions specified in this section for the conduct of the initial hearing before a hearing officer shall also apply if the hearing is scheduled before the enforcement board. Hearing officers shall be residents of the city and appointed by the city commission for various terms not to exceed three years each. The commission may appoint multiple hearing officers or in the case of a law firm a single firm whose duties may be rotated as individual schedules permit. A hearing officer may be reappointed to one successive term. Appointments shall be made on the basis of experience or interest in fields of zoning, building, or land use. Whenever possible, the hearing officer shall be chosen from one of the following categories:~~

~~a. An architect;~~
~~b. A businessman;~~
~~c. An engineer;~~
~~d. A general contractor or subcontractor;~~
~~e. A realtor;~~
~~f. An attorney; or~~
~~g. An urban planner.~~

(2) ~~Unless scheduled before the code enforcement board, code enforcement hearing officers~~The Special Magistrate shall conduct the initial hearing. A member of the city attorney's staff may attend the hearing and assist the ~~hearing officer~~Special Magistrate in the conduct of the hearing. A code enforcement officer shall represent the City of Lakeland by presenting cases before the ~~hearing officer~~Special Magistrate. At the initial hearing, the burden of proof shall be upon the code enforcement officer to show, by a preponderance of the

evidence, that a violation does exist. Provided that proper notice of the initial hearing has been served upon the alleged violator as provided herein, such hearing may proceed in the absence of the alleged violator.

(3) All testimony shall be under oath and shall be recorded. The ~~hearing officer~~Special Magistrate shall take testimony from the code enforcement officer and also from the alleged violator, if the alleged violator desires to testify, and from such other witnesses as may be called by the respective sides or the ~~hearing officer~~Special Magistrate.

(4) Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida.

(5) The ~~hearing officer~~Special Magistrate or representative of the city attorney's office may inquire of any witness. The alleged violator, or his attorney, shall be permitted to inquire of any witness and shall be permitted to present brief opening and closing statements.

(6) At the conclusion of the hearing, the ~~hearing officer~~Special Magistrate shall issue findings of fact based on evidence in the record and conclusions of law~~,~~ and shall issue an order affording proper relief consistent with the powers granted by laws. The ~~hearing officer~~Special Magistrate shall state the essence of the order orally at the meeting and it shall be reduced to writing and said order mailed by regular United States mail to the alleged violator within a reasonable period after the hearing.

(7) The order shall set a date certain by which the violator shall comply with the order. The ~~hearing officer~~Special Magistrate may assess an administrative fine to be paid by the violator for each and every day the violation continues beyond said date certain. Such fine shall not exceed $250.00 per day for a first violation, $500.00 per day for a repeat violation, or such other fine as may be authorized by law. In addition, in all cases in which the City prevails in proving the existence of a violation, the ~~hearing officer~~Special Magistrate may impose the City's costs of prosecuting the violation, even if no fine is imposed. The findings of fact and conclusions of law rendered by the ~~hearing officer~~Special Magistrate in his or her order shall be final.

(8) A certified copy of the Special Magistrate's order may be recorded in the public records of Polk County and shall constitute notice to all subsequent purchasers, successors in interest, or assigns. The findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the ~~board~~Special Magistrate shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue an order acknowledging compliance.

~~(c) *Proceedings subsequent to hearing officer.*~~
~~(1) In the event any violator wishes to contest the hearing officer's order, he must file an objection in writing within ten days of rendition of the hearing officer's order. The code enforcement board shall schedule and conduct a hearing pursuant to those procedures set forth in this section. Unless modified by the code enforcement board, any objection to the hearing officer's order shall not result in a delay to the proposed compliance date.~~
~~(2) In the event of a hearing following an appeal from a hearing officer order, or in the instance where the code enforcement board hears a case initially, at the conclusion of the hearing, the code enforcement board shall issue findings of fact, based upon evidence in the record, and conclusions of law, and shall issue an order consistent with the powers granted by law. The order shall be essentially stated orally at the meeting and shall be reduced to writing and mailed by regular United States mail to the alleged violator's last known address within a reasonable period following the hearing. The findings shall be by motion approved by a majority of those present and voting.~~
~~(3) The code enforcement board shall set a date certain by which the violator shall comply with the lawful order of the board. The board may assess an administrative fine to be paid by the violator for each and every day the violation continues beyond said date certain. Such fine shall not exceed $250.00 per day for a first violation, or $500.00 per day in case of a repeat violation beginning with the date the repeat violation is found to have occurred. In addition, in all cases in which the City prevails in proving the existence of a violation, the board may impose the City's costs of prosecuting the violation, even if no fine is imposed.~~
~~(4) A certified copy of the board's order, or the hearing officer's order, if applicable, may be recorded in the public records of Polk County and shall constitute notice to all subsequent purchasers, successors in interest, or assigns. The findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue an order acknowledging compliance.~~

Sec. 2-9~~8~~9. Powers.

The ~~enforcement board or the hearing officer~~Special Magistrate shall have the power to:

(1) Adopt rules for the conduct of ~~its~~ hearings.
(2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the police department of the city.
(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.

Sec. 2-99~~100~~. Fines; liens.

(a) The ~~enforcement board or the hearing officer~~Special Magistrate, upon notification by the code inspector that an order of the ~~enforcement board or hearing officer~~Special Magistrate 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 ~~enforcement board or the hearing officer~~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. In addition, if the violation is a violation described in Section 2-96~~7~~(d), the ~~enforcement board or hearing officer~~Special Magistrate shall notify the local governing body, which may make 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 local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body 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.

(b) A fine imposed pursuant to this section shall not exceed $250.00 per day for a first violation and shall not exceed $500.00 per day for a repeat violation, or, if ~~a code enforcement board or hearing officer~~the Special Magistrate finds the violation to be irreparable or irreversible in nature, he or she~~it~~ may impose a fine not to exceed $5,000.00 per violation. In addition, ~~the board or hearing officer~~the Special Magistrate may include all costs of repairs made pursuant to this section. In determining the amount of the fine, if any, the ~~enforcement board or hearing officer~~Special Magistrate 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.

(c) The ~~enforcement board~~Special Magistrate may reduce a code enforcement fine imposed pursuant to this section. In addition, the ~~board~~ Special Magistrate is authorized to reduce and otherwise grant relief from special assessment liens imposed by the City Commission as a result of the demolition and lot cleaning and clearing activities of the City. Except in extreme circumstances, no waiver or reduction shall be considered of that portion of code enforcement and/or special assessment liens that reflect hard costs already paid by the City. Waiver or reduction of fines in the case of code enforcement liens and interest in the case of special assessment liens may be considered. Priority shall be given to requests directly relieving financial hardships that result in the further deterioration of existing properties.

(d) A certified copy of an order imposing a fine, or a fine plus 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 may be enforced 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 to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body, or the ~~code enforcement board~~Special Magistrate, may execute a satisfaction or release of lien pursuant to this section. After three months from the filing of any such lien which remains unpaid, the ~~enforcement board~~Special Magistrate may authorize the city attorney to foreclose on the lien. No lien created pursuant to the provisions of this subsection may be foreclosed on real property which is a homestead under Fla. Const., Art. X, § 4.

Sec. 2-100~~1~~. Duration of lien.

No lien imposed pursuant to this division shall continue for longer than 20 years after a certified copy of an order ~~of the board~~ imposing a fine has been recorded, unless an action to foreclose the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. The local governing body shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien by the commencement of the foreclosure action is not effective against any creditor or subsequent purchaser for value without notice, unless a notice of lis pendens is recorded.

Sec. 2-101~~2~~. Appeals.

(a) ~~Except as provided in subsection (b) of this section, a~~An aggrieved party, including the City Commission, may appeal a final ruling or order of the ~~enforcement board or hearing officer~~Special Magistrate in the manner provided by F.S. § 162.11. An appeal shall be filed within 30 days of the execution of the order being appealed.

~~(b) Notwithstanding any appeal rights under subsection (a), the City Commission shall have jurisdiction to hear appeals from decisions of the enforcement board on requests for relief from special assessment liens pursuant to Section 2-100(c). An aggrieved party must file a written request for an appeal within 30 days of the execution of the order being appealed. The request must be filed with the City Clerk within said time period and must allege one or more of the following: (1) that the enforcement board denied the appellant procedural due process; (2) that the enforcement board committed legal error; or (3) that additional evidence not available to the appellant at the time of the hearing before the enforcement board may support a different outcome. Failure to file a written request for an appeal alleging one of the above factors within 30 days of the enforcement board's order shall constitute a waiver of the aggrieved party's~~

~~right to an appeal. Upon receipt of a legally sufficient and timely appeal, the appeal shall be scheduled before the City Commission. After consideration, the City Commission shall rule on the appeal. The City Commission shall affirm the decision of the enforcement board unless it finds that one or more of the allegations contained in the appellant's written request are true and that the appellant should otherwise be granted relief. The City Commission may either grant relief or remand the matter for further proceedings before the enforcement board. A party aggrieved by a decision of the City Commission under this subsection may appeal said decision in the manner provided by F.S. § 162.11.~~

Sec. 2-102~~3~~. Notices.

(1) All notices required by this part shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body; by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or, in the case of commercial premises, leaving the notice with the manager or other person in charge. Provided, if notice by certified mail is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the City by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in this section and by first class mail directed to the addresses furnished to the City with a properly executed proof of mailing or affidavit confirming the first class mailing.

(2) In addition to providing notice as set forth in subsection (1), at the option of the ~~code enforcement board~~Special Magistrate~~city~~, notice may also be served by publication or posting, as follows:

(a) 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 the county where the ~~code enforcement board~~Special Magistrate is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in §§ 50.041 and 50.051.

(b) 1. 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 City Hall.

2. 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.

(c) 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 (1), together with proof of publication or posting as

provided in subsection (2), 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.

Sec. 2-1034. Relationship to other boards.

(a) The ~~enforcement board~~Special Magistrate shall be bound by and rely upon the decision of any other board of the city responsible for administering or interpreting any code or ordinance subject to this division.

(b) Any board of the city responsible for administering or interpreting any code or ordinance subject to this division shall be bound by and rely upon any prior decision of the ~~enforcement board~~Special Magistrate concerning the code or ordinances being considered by that board.

(c) A variance from the provisions of any code subject to this division shall not extinguish any violation of that code prior to the approval of such a variance, nor bar any enforcement action under this division for such violation.

Sec. 2-1045. Supplemental remedy.

Nothing in this division prohibits the city from enforcing any code by other means. This division provides an additional or supplemental means for obtaining compliance with city codes.

Sec. 2-1056. Perfection of Demolition Special Assessment Liens.

(a) If the owner of property subject to a demolition order ~~of the enforcement board~~ fails to either repair or demolish the structure or structures subject to said order within the time period given by the ~~enforcement board~~Special Magistrate to do so, if any, the city may cause the structure(s) to be demolished and removed from the property. Upon completion of the demolition and removal of the violative structure(s) by the city, the city shall mail an invoice to the property owner requesting payment to the city for the actual costs of the completed demolition and removal of the structure(s), plus any administrative charges in effect at the time of the mailing of the invoice. The property owner shall be required to pay the amount of the invoiced charges within thirty (30) days of the invoice date.

(b) If the property owner fails to pay the charges within thirty (30) days, the ~~code enforcement division~~city shall cause a resolution to be prepared designating the name and address of the owner, a description of the lots or land and the charges to be assessed against such lots or land for the demolition and removal of the violative structure(s). The resolution shall be presented to the city commission by the city attorney and, upon approval of the resolution by the city commission, the cost of the demolition and removal of the structure(s) shall be assessed against the property and shall be and remain a special assessment lien against such property prior to all other liens or interests, save and except taxes, and shall bear interest at the rate of eight (8) percent per annum from the date the resolution is approved by the city commission.

(~~b~~c) Before adoption of the resolution specified in paragraph (~~a~~b), the city commission shall cause to be published a notice directed to the owner(s) of the

subject property, designating a time and place where complaints will be heard with reference to the proposed assessment and when such assessment will be finally approved and confirmed by the city commission. A copy of such notice shall be served upon the property owner(s) by first class U.S. mail at the owner's last known address as same appears on the records of the property appraiser of the county. The failure to mail such notice or notices shall not invalidate any of the proceedings under this ordinance.

(~~c~~d) At the time and place designated in the notice provided in paragraph (~~b~~c), the city commission shall meet as an equalizing board to hear and consider any and all complaints as to such assessment and shall adjust and equalize the assessment, and when so equalized and approved and the resolution specified in paragraph (a) adopted, such assessment shall stand confirmed and be and remain a legal, valid and binding special assessment lien upon the property against which such assessment is made until paid.

(~~d~~e) To the extent not inconsistent with general or special law, special assessment liens created and perfected pursuant to the provisions set forth herein and unrecorded at the time of the filing for record of a notice of lis pendens against the subject property shall nonetheless be enforceable against the subject property and shall have the priority specified herein even if the city's interest or lien did not arise until after the filing for record of such notice of lis pendens.

SECTION 2: Section 86-32 of Chapter 86 of the Code of the City of Lakeland is amended to provide as follows:

Chapter 86 – SOLID WASTE

ARTICLE II. - COLLECTION SERVICE

Sec. 86-32. - Jurisdiction over violations; corrective action.

The code enforcement ~~board~~ Special Magistrate of the city shall have jurisdiction over violations of this article and may impose such penalties as provided by law. In addition, the solid waste division is authorized to remove or relocate improperly stored refuse and garbage cans after an initial warning and a reasonable amount of time to correct has been provided. If the violation is not corrected within the time given to correct, the solid waste division may take the necessary corrective action to remedy the violation and bill the offending customer an amount sufficient to reimburse the city's costs. A warning and a reasonable amount of time to correct shall not be required for subsequent violations of the same nature committed by the same customer.

SECTION 3: Section 90-53 of Chapter 90 of the Code of the City of Lakeland is amended to provide as follows:

Chapter 90 - STREETS AND SIDEWALKS

ARTICLE III. - SKATEBOARD RAMPS

Sec. 90-53. - Penalty for violation; jurisdiction over violations.
Any person who shall violate this article shall be guilty of a municipal ordinance violation and shall be punished in accordance with section 1-14. In addition, the code enforcement ~~board~~ Special Magistrate shall have jurisdiction over violations of this chapter.

SECTION 4. Subsection 1.1.7 of the City of Lakeland Land Development Code is amended to read as follows:

ARTICLE 1. INTRODUCTION AND USE OF THIS CODE

SECTION 1.1 INTENT AND APPLICABILITY

1.1.7 VIOLATIONS, FINES

Any person who shall violate any of the provisions of the Code herein adopted, or fail to comply therewith, or with any of the requirements thereof, or shall build or alter any building in violation of any detailed statement or plan, submitted and approved herein, or shall use his, her or its property in violation of the provisions of said Code, shall be guilty of a violation of this ordinance and upon conviction thereof shall be penalized by a fine of not more than $500.00 or imprisonment of not more than 60 days, or by both such fine and imprisonment. Each day such a violation is permitted to exist shall constitute a separate offense. Violations of this Code may also be enforced by the Code Enforcement ~~Board~~Special Magistrate.

SECTION 5. Subsection 4.5.13.3 of the City of Lakeland Land Development Code is amended to read as follows:

ARTICLE 4. – GENERAL SITE DEVELOPMENT STANDARDS

SECTION 4.5 LANDSCAPING, TREES AND BUFFERING

4.5.13.3 Referral to Code Enforcement ~~Board~~Special Magistrate

In the event that a property owner is unwilling or unable to resolve a non-compliance by remedial actions in accordance with Sub-Section 4.5.13.2, the Director of Parks and Recreation shall notify the Code Enforcement ~~Board~~ Special Magistrate and request a hearing.

SECTION 6. Subsection 4.9.3.1.f of the City of Lakeland Land Development Code is amended to read as follows:

SECTION 4.9 SIGNS

SUBSECTION 4.9.3 GENERAL PROVISIONS

4.9.3.1 General Requirements throughout the City

…

f. Abandoned Signs

Any abandoned sign, now or hereafter existing, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or property upon which such sign may be found, within 30 days after written notification from the Community & Economic Development Director. Upon failure to comply with such notice within the time specified by such order, the Community & Economic Development Director shall notify the Code Enforcement ~~Board~~ Special Magistrate and request a hearing. In making a determination that a sign is abandoned, the Community & Economic Development Director shall consider among other factors, the existence or absence of a current Business Tax Receipt for the premises, whether there are active utilities or a utilities service deposit at that location, and use of the premises.

SECTION 7. Subsection 5.14.4.2 of the City of Lakeland Land Development Code is amended to read as follows:

ARTICLE 5. – STANDARDS FOR SPECIFIC USES

SECTION 5.14 – NEWSRACKS

5.14.4.2 Nonconforming Newsracks

All newsracks located on private property within the City of Lakeland, on public or private rights-of-way, or on public property within the boundaries of the Lakeland Downtown Development Authority must be in compliance with the terms of these regulations within six months after October 1, 2001. All newsracks located on public or private rights-of-way, or on public property outside of the boundaries of the Lakeland Downtown Development Authority must be in compliance with the terms of these regulations within 24 months after October 1, 2001, except those located at The Lakeland Center, Lakeland Electric Administration Building, Lakeland Linder Regional Airport, Lakeland Regional Medical Center, Cleveland Heights Golf and Country Club, City Hall, Tigertown, the City Libraries, Train Station and the Citrus Connection transfer station, which must be in compliance within 12 months after October 1, 2001. Any newsrack found to be in violation at

the end of the applicable period or at any time thereafter, shall be brought into compliance or removed by the owner within 15 days after written notification from the Building Official. Upon failure to comply with such notice within the time specified by such order, the Building Official shall notify the Code Enforcement ~~Board~~ Special Magistrate and request a hearing.

SECTION 8. Subsection 6.3.5 of the City of Lakeland Land Development Code is amended to read as follows:

ARTICLE 6. – NATURAL RESOURCE PROTECTION STANDARDS

SECTION 6.3 – GREEN SWAMP AREA OF CRITICAL STATE CONCER

6.3.5 WATER AND WASTEWATER UTILITY REQUIREMENTS
a. Connection to city wastewater service shall be required where it is available, as defined by Statute. Necessary septic system permits shall be obtained and submitted prior to issuance of a building permit.
b. New septic systems shall not be permitted for non-residential uses.
c. The city shall enforce the cases referred to it by the Polk County Health Department for violations of the Health Department's special septic system inspection program in the Green Swamp ACSC. That inspection program provides for notices to be mailed every five years to those who have a septic system indicating it must be cleaned and maintained. Failure to meet the inspection program requirements will result in referral to the local code enforcement ~~board~~ Special Magistrate for further action and as referred to in City Resolution 4465.
d. Wastewater treatment package plants, if allowed, shall have a minimum treatment capacity of at least 100,000 gallons per day.

SECTION 9. Subsections 6.8.1.3 and 6.8.2.2 of Section 6.8 of the City of Lakeland Land Development Code are amended to read as follows:

SECTION 6.8 – ENFORCEMENT

6.8.1.3 Monitoring
Management measures implemented or devices required by these regulations shall be subject to spot inspections by the city. Violations may be recorded at any time and referred to the Code Enforcement ~~Board~~Special Magistrate.

6.8.2.2 Repeated Non-Compliance
Any owner, developer, or other party representing a site which does not conform to the provisions of this article shall be referred to the Code Enforcement ~~Board~~Special Magistrate. The board shall have the authority to impose a re-occurring daily fine for non-compliance.

SECTION 10. Subsection 9.6.3.5 of the City of Lakeland Land Development Code is amended to read as follows:

ARTICLE 9: - SUBDIVISION STANDARDS

SECTION 9.6 – CONSTRUCTION OF SUBDIVISION IMPROVEMENTS

9.6.3.5 Violation Notice—Construction Not in Compliance with Approved Plans

During the construction of subdivision improvements, if such improvements are found to be defective or not in compliance with the approved plans, the Director of Public Works, may issue a written violation notice to the contractor identifying the nature of the violation and stipulating a time period in which the violation must be corrected. Failure of the contractor and/or developer to correct the violation and to comply with the violation notice may result in any of the following:

a. The issuance of a stop work order;

b. The violation notice being referred to the Code Enforcement ~~Board~~Special Magistrate; and/or

c. The city initiating legal proceedings against the contractor and/or developer.

SECTION 11. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 12. This ordinance shall take effect February 16, 2027.

PASSED AND CERTIFIED AS TO PASSAGE this 2nd day of November, A. D. 2026.

CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA

By: _____
SARA ROBERTS McCARLEY
MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY