

## **ORDINANCE NO. 248**

**AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE IV, CODE ENFORCEMENT; PROVIDING FOR AUTHORITY; PROVIDING FOR AMENDMENT TO CODE CHAPTER 2, ARTICLE IV, TITLE TO ADD SPECIAL MAGISTRATE; PROVIDING FOR AMENDMENT TO SECTION 2-101 "GENERALLY"; PROVIDING FOR SECTION 2-101.5 "DEFINITIONS" CREATED; PROVIDING FOR SECTION 2-108 "AUTHORIZATION OF SPECIAL MAGISTRATE" CREATED; PROVIDING FOR SECTION 2-109 "SPECIAL MAGISTRATES; PURPOSE; JURISDICTION; APPOINTMENT; REMOVAL" CREATED; PROVIDING FOR SECTION 2-110 "ENFORCEMENT PROCEDURE" CREATED; PROVIDING FOR SECTION 2-111 "CONDUCT OF HEARING" CREATED; PROVIDING FOR SECTION 2-112 "POWERS OF THE SPECIAL MAGISTRATE" CREATED; PROVIDING FOR SECTION 2-113 "ADMINISTRATIVE FINES; COSTS OF REPAIRS; LIENS" CREATED; PROVIDING FOR SECTION 2-114 "APPEALS" CREATED; PROVIDING FOR SECTION 2-115 "NOTICES" CREATED; PROVIDING FOR SECTION 2-116 "PROVISIONS OF ARTICLE SUPPLEMENTAL" CREATED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA ("TOWN"), AS FOLLOWS:**

### **SECTION 1: AUTHORITY.**

This ordinance amends Article IV, Chapter 2, Code of Ordinances, Town of Cinco Bayou, Florida. The authority for the enactment of this Ordinance is Chapter 162, Florida Statutes.

### **SECTION 2: AMENDMENT TO CODE CHAPTER 2, ARTICLE IV TITLE.**

The title to Article IV, Chapter 2, Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended to read:

ARTICLE IV. CODE ENFORCEMENT; SPECIAL MAGISTRATE [3]

Footnotes: [3] State Law reference – Supplemental code enforcement procedures, F.S. § 162.01 et seq.

### **SECTION 3: AMENDMENT TO SECTION 2-101 OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES.**

Section 2-101 of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended to read as follows:

Section 2-101. – Generally.

- (a) The town is authorized to enforce its codes and ordinances under the provisions of this article. It is the intent of this article to promote, protect and improve the health, safety and welfare of the citizens, businesses and the public in general by authorizing and granting the authority for imposing administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective and inexpensive method of enforcing any codes and ordinances in force in the town.
- (b) The provisions of this article are additional and supplemental means of enforcing the town's codes and ordinances and may be used for the enforcement of any code or ordinance, or for the enforcement of all codes and ordinances. Nothing contained in this article shall prohibit the town from enforcing its codes or ordinances by any other means, including, but not limited to, an action before the special magistrate.
- (c) A violation of a code or ordinance specified in 2-107 is a civil infraction pursuant to F.S. ch. 162, unless specified otherwise in an ordinance or by state statute.
- (d) The town shall establish such procedures and provisions as are necessary to provide for the enforcement of a code or ordinance under the provisions of this article.

**SECTION 4: AMENDMENT TO CODE CHAPTER 2, ARTICLE IV OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 2-101.5 ENTITLED “DEFINITIONS.”**

The Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended by adding a section to be numbered Section 2-101.5, which section reads as follows:

Section 2-101.5. – Definitions.

For the purpose of this article, the following terms have the meanings given herein:

*Code enforcement officer.* The term “code enforcement officer” means any authorized employee or agent of the Town of Cinco Bayou whose duty it is to enforce codes and ordinances enacted by the town, and who has received appropriate training as determined by the town. The term includes, but is not limited to, the town manager/clerk, code inspectors, and law enforcement officers.

*Continuing violation.* The term “continuing violation” has the meaning given in section 1-7.

*Repeat violation.* The term “repeat violation” means violation of a provision of a code or ordinance by a person who the special magistrate has previously found to have violated or who has admitted violating the same provision within five (5) years prior to the violation.

*Special magistrate.* The term “special magistrate” means a person authorized to hold quasi-judicial hearings and assess fines against violators of the town code of ordinances and such other authority as may be conferred by F.S. ch. 162, or any other law and includes any alternate special magistrate(s).



## **SECTION 5: AMENDMENT TO SECTION 2-102 OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES.**

Section 2-102 of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended to read as follows:

Section 2-102. – Code enforcement officers.

(a) *Designation.* The town may designate certain of its employees or agents as code enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the town. Employees or agents who may be designated as code enforcement officers may include but are not limited to the town manager/clerk, code inspectors, or law enforcement officers. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of F.S. §§ 943.085 and 943.255. Nothing in this article amends, alters or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law.

(b) *General authority.* A code enforcement officer shall have all authority and powers granted by ordinance and by state law, or authorized to be granted by state law.

(c) *Right of entry.* Whenever necessary to make an inspection to enforce any of the codes and ordinances of the town, or whenever the code enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any violation of the codes and ordinances of the town, the code enforcement officer may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the code enforcement officer by ordinance, provided that, if such building or premises is occupied, he shall first present proper credentials and request entry. If such entry is refused, the code inspector shall have recourse to every remedy provided by law to secure entry.

## **SECTION 6: AMENDMENT TO SECTION 2-103 OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES.**

Section 2-103 of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended to read as follows:

Section 2-103. – Issuance and contents of citations.

(a) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance.

(b) Prior to issuing a citation, the code enforcement officer shall provide notice to the person that the person has committed a violation of the code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days in length. If, upon personal investigation, the code enforcement officer finds that the person has

not corrected the violation within the time period, a code enforcement officer may issue a citation to the person who has committed the violation. The code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable or irreversible.

(c) A citation issued by a code enforcement officer shall be in a form prescribed by the town and contain:

- (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.
- (7) The procedure for the person to follow 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 appear before the special magistrate to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty, per day, per violation, to include the amount of the original citation.

(d) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the town manager/clerk.

#### **SECTION 7: AMENDMENT TO SECTION 2-104 OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES.**

Section 2-104 of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended to read as follows:

Section 2-104. –Payment of civil penalty.

(a) Any person cited with a violation of the code shall pay the civil penalty within twenty (20) days of the date of receiving the citation to the Town of Cinco Bayou. If the violator cited pays the civil penalty, he or she shall be deemed guilty of the civil infraction and to have waived his or her right to a hearing on the issue of commission of the violation.

(b) If a person fails to pay the civil penalty within twenty (20) days of receipt of the citation, the code enforcement officer shall forward the citation to the special magistrate for a public hearing. An additional amount shall be assessed as a late fee for each penalty paid after the initial twenty (20) day period in accordance with the fee resolution as established by the town council.



(c) Any person who fails to pay the civil penalty within twenty (20) days of receipt of the citation, or who fails to appear before the special magistrate to contest the citation shall be deemed to have waived his right to contest the citation and judgment may be entered against the person in an amount up to the maximum civil penalty per day per violation to include the amount of the original citation. An administrative fee as allowed by Florida Statute to recoup the actual costs of notice, preparation, and presentation of alleged violations may be assessed by the special magistrate separate from any fine.

**SECTION 8: AMENDMENT TO SECTION 2-107 OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES.**

Section 2-107 of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended to read as follows:

Section 2-107. – Schedule of civil penalties for uncontested offenses.

Except as otherwise provided by ordinance, the following schedule of violations and penalties shall be assessed by code enforcement officers if the person who has committed the offense does not contest the violation:

Violation Category	First Offense	Second Offense (within 12 months)	Third Offense (within 12 months)
Any ordinance not listed	\$50.00	\$100.00	\$300.00
Animal nuisance	\$50.00	\$100.00	\$300.00
Building code	\$75.00	\$150.00	\$300.00
Building maintenance	\$50.00	\$100.00	\$300.00
County ordinances	\$15.00	\$100.00	\$300.00
Eyesore	\$50.00	\$100.00	\$300.00
Fire code	\$75.00	\$150.00	\$300.00
Health hazard	\$75.00	\$150.00	\$300.00
Landscaping	\$50.00	\$100.00	\$300.00
Licensing	\$50.00	\$100.00	\$300.00
Litter/debris	\$50.00	\$100.00	\$300.00
Nuisance	\$50.00	\$100.00	\$300.00
Park rules	\$75.00	\$150.00	\$300.00
Parking	\$75.00	\$150.00	\$300.00
Safety hazard	\$75.00	\$150.00	\$300.00
Signs/advertising	\$50.00	\$100.00	\$300.00
Vehicle	\$50.00	\$100.00	\$300.00

**SECTION 9: AMENDMENT TO CODE CHAPTER 2, ARTICLE IV OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 2-108 ENTITLED “AUTHORIZATION OF SPECIAL MAGISTRATE.”**

The Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended by adding a section to be numbered Section 2-108, which section reads as follows:

Section 2-108. – Authorization of Special Magistrate.

One or more special magistrates are hereby authorized to enforce the provisions of the codes and ordinances of the Town of Cinco Bayou, pursuant to F.S. ch. 162.

**SECTION 10: AMENDMENT TO CODE CHAPTER 2, ARTICLE IV OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 2-109 ENTITLED “SPECIAL MAGISTRATES; PURPOSE; JURISDICTION; APPOINTMENT; REMOVAL.”**

The Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended by adding a section to be numbered Section 2-109, which section reads as follows:

Section 2-109. – Special magistrates; purpose; jurisdiction; appointment; removal.

(a) *Purpose.* The purpose of this section is to promote, protect, and improve the health, safety, and welfare of the people of the Town of Cinco Bayou by creating a special magistrate with authority to impose administrative fines and other non-criminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing the codes and ordinances, where a pending or repeated violation continues to exist. This part of this chapter has been enacted pursuant to the authority of F.S. ch. 162, and other applicable law.

(b) *Jurisdiction.* The code enforcement special magistrate shall have jurisdiction to hear and decide alleged violations of the codes and ordinances in force in the Town of Cinco Bayou, including amendments to such codes and ordinances. The jurisdiction of the special magistrate shall not be exclusive. Any alleged violation of any of the aforesaid codes and ordinances may be pursued by appropriate remedy in court at the option of the administrative official whose responsibility it is to enforce that respective code or ordinance.

(c) *Minimum qualifications.* The minimum qualifications to be eligible for service as a special magistrate are as stated below.

- (1) Be an active member in good standing of the Florida Bar.
- (2) Reside in Okaloosa, Santa Rosa, or Walton County, Florida.
- (3) Not be an employee of the town or hold any office with the town government.
- (4) Comply with the Code of Ethics of the State of Florida.

(d) *Appointment.* Special magistrates shall be appointed by the town council. The town council may select and appoint up to two alternate special magistrates to serve in the event of legal conflict of interests or in the absence of the special magistrate. The terms of appointment and compensation for the special magistrate and alternate special magistrates shall be established pursuant to a contract approved by the town council.

(e) *Additional duties.* The town council may, by ordinance specify that the special magistrate appointed under this section shall perform additional duties as a hearing officer conducting quasi-judicial hearings on other matters concerning the town code of ordinances.



(f) *Removal.* The special magistrate and any alternate special magistrate(s) shall serve for terms established by the town council. Special magistrates shall be subject to removal, with or without cause, from their positions at any time during their term, by the town council. Special magistrates shall not be considered town employees, although they may receive compensation for their services.

(g) *Conflicts.* In the event a legal conflict of interest prevents the special magistrate and any alternate special magistrate(s) from hearing a case, the town council may contract with any current special magistrate of another Florida jurisdiction to hear the case.

**SECTION 10: AMENDMENT TO CODE CHAPTER 2, ARTICLE IV OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 2-110 ENTITLED "ENFORCEMENT PROCEDURES."**

The Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended by adding a section to be numbered Section 2-110, which section reads as follows:

Section 2-110. – Enforcement procedure.

(a) It shall be the duty of the code enforcement officer to initiate enforcement proceedings of the various codes and ordinances. No special magistrate shall have the power to initiate such enforcement proceedings. To initiate enforcement proceedings, the code enforcement officer shall notify the special magistrate of the violation and request a hearing. The special magistrate shall then schedule a hearing and provide notice pursuant to F.S. §162.12.

(b) Except as provided in paragraphs (c) and (d), if a violation of the codes or ordinances is found, the code enforcement officer shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code enforcement officer may issue a citation to the violator. The violator shall pay any amount stated within the citation within twenty (20) days of receipt of citation and shall meet compliance within the time specified for correction. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction, the case may be presented to the special magistrate, even if the violation has been corrected prior to the hearing, and the notice shall so state.

(c) If a repeat violation is found, the code enforcement officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer, upon notifying the violator of a repeat violation, shall notify the special magistrate and request a hearing. The special magistrate shall schedule a hearing and shall provide notice pursuant to F.S. §162.12. The case may be presented to the special magistrate even if the repeat violation has been corrected prior to the special magistrate hearing and the notice shall so state.

(d) If the code enforcement officer 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 enforcement officer may issue a citation immediately. The code enforcement officer shall make a reasonable effort to notify the violator and may immediately notify the special magistrate and request a hearing. The special magistrate shall schedule a hearing and shall provide notice pursuant to F.S. §162.12.

(e) In addition to the enforcement procedures set forth herein, the "Supplemental County or Municipal Code or Ordinance Enforcement Procedures" set forth in F.S. ch. 162, pt. II, and F.S. §125.69 are incorporated herein by reference.

**SECTION 11: AMENDMENT TO CODE CHAPTER 2, ARTICLE IV OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 2-111 ENTITLED "CONDUCT OF HEARING."**

The Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended by adding a section to be numbered Section 2-111, which section reads as follows:

Section 2-111. – Conduct of hearing.

(a) Minutes shall be kept of all hearings by the special magistrate, and all hearings and proceedings shall be open to the public. The town manager/clerk 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 the town attorney or by special counsel as recommended by the town attorney. If the local governing body prevails in prosecuting a case before the special magistrate, it shall be entitled to recover all costs incurred in prosecuting the case before the special magistrate.

(c) The special magistrate shall proceed to hear the case on the agenda for that day. All testimony shall be under oath and shall be recorded. In addition to the parties to the proceedings and his or her counsel, the special magistrate shall take testimony from the code enforcement officer and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(d) Irrelevant, immaterial, and 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 this state. The burden of proof shall be upon the code enforcement officer to show, by a preponderance of the evidence that a violation exists.

(e) The special magistrate may inquire of any witness before the special magistrate. The alleged violator, his or her attorney, and the attorney representing the town, shall be permitted to inquire of any witness before the special magistrate and to present brief opening and closing statements.

(f) 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 herein. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed and, under the conditions specified in F.S. §162.09(1), the cost of repairs may be included along with the fine if the order is not complied with by the said date.



(g) A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon 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 special magistrate shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

**SECTION 12: AMENDMENT TO CODE CHAPTER 2, ARTICLE IV OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 2-112 ENTITLED "POWERS OF SPECIAL MAGISTRATE."**

The Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended by adding a section to be numbered Section 2-112, which section reads as follows:

Section 2-112. – Powers of the special magistrate.

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

- (1) Adopt rules for the conduct of hearings.
- (2) Subpoena alleged violators and witnesses to hearings.
- (3) Subpoena evidence.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

(b) Subpoenas may be served by the Okaloosa County's sheriff's office, or as otherwise authorized by law.

**SECTION 13: AMENDMENT TO CODE CHAPTER 2, ARTICLE IV OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 2-113 ENTITLED "ADMINISTRATIVE FINES; COSTS OF REPAIRS; LIENS."**

The Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended by adding a section to be numbered Section 2-113, which section reads as follows:

Section 2-113. – Administrative fines; costs of repairs; liens.

(a) The special magistrate, upon notification by the code enforcement officer that an order of the special magistrate has not been complied with by the set time or upon finding that the same violation has been repeated by the same violator, may order the violator to pay a fine. In the case of a first violation, the special magistrate may order the violator to pay a fine not to exceed two hundred fifty dollars (\$250.00) for each day the violation continues past the date set by the order for compliance, except as otherwise provided by the town code of ordinances.

In cases where the special magistrate has found that a repeat violation has been committed, the special magistrate may order the violator to pay a fine not to exceed five hundred dollars (\$500.00) for each day the violation continues beginning with the date the code enforcement officer finds a repeat violation has occurred, except as otherwise provided by the town code of ordinances. If a repeat violation has been made, a hearing shall not be necessary for issuance of the order imposing the fine.

(b) If the violation is a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the special magistrate shall notify the town, which may make all reasonable repairs required to bring the property into compliance. In this instance, the violator may also be charged with the reasonable cost of repairs in addition to the fine imposed pursuant to this section.

(c) If the town prevails in prosecuting a case before the special magistrate, it shall be further entitled to recover all costs incurred in prosecuting the case before the special magistrate including reasonable attorney's fee for the presentation of the case.

(d) 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 actions taken by the violator to correct the violation; and
- (3) Any previous violations committed by the violator.

(e) A certified copy of an order imposing a fine may be recorded in the public records of Okaloosa County 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, it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but 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 comes 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 may execute a satisfaction or release of lien entered pursuant to this section. After three (3) months from the filing of any such lien which remains unpaid, the special magistrate may authorize the town attorney to foreclose on the lien. No lien created pursuant to the provisions of this chapter may be foreclosed on real property which is homestead under Section 4, Article X, of the State Constitution.

**SECTION 14: AMENDMENT TO CODE CHAPTER 2, ARTICLE IV OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 2-114 ENTITLED "APPEALS."**

The Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended by adding a section to be numbered Section 2-114, which section reads as follows:



Section 2-114. – Appeals.

An aggrieved party, including the town council, 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 thirty (30) days of the execution of the order to be appealed. The preparation of the record for purposes of appeal shall be paid for by the appealing party.

**SECTION 15: AMENDMENT TO CODE CHAPTER 2, ARTICLE IV OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 2-115 ENTITLED “NOTICES.”**

The Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended by adding a section to be numbered Section 2-115, which section reads as follows:

Section 2-115. – Notices.

All notices required to be provided by this article to the alleged violator shall be made as provided in F.S. §162.12 or any amendments thereto.

**SECTION 16: AMENDMENT TO CODE CHAPTER 2, ARTICLE IV OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES, CREATING SECTION 2-116 ENTITLED “PROVISIONS OF ARTICLE SUPPLEMENTAL.”**

The Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended by adding a section to be numbered Section 2-116, which section reads as follows:

Section 2-116 – Provisions of article supplemental.

It is the legislative intent of the town council in enacting this article to provide an additional or supplemental means of obtaining compliance with town codes and ordinances. Nothing contained in this article shall prohibit the Town of Cinco Bayou from enforcing its codes and ordinances by any other means provided by law.

**SECTION 17: INCORPORATION INTO CODE OF ORDINANCES.**

This Ordinance shall be incorporated into the Town of Cinco Bayou’s Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 18: SEVERABILITY.**

If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 19: EFFECTIVE DATE.**

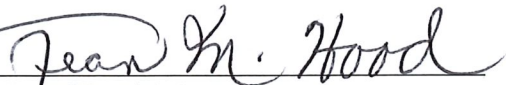
This Ordinance shall take effect immediately upon its final passage and adoption by the Town Council and signature of the Mayor.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF CINCO BAYOU, FLORIDA  
ON THIS 9<sup>th</sup> DAY OF SEPTEMBER 2021.**

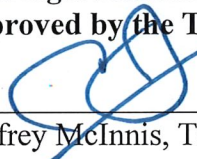
**ATTEST:**

**THE TOWN OF CINCO BAYOU, FLORIDA**

By:   
Keith Williams, Town Manager/Clerk

By:   
Jean Hood, Mayor

**The form and legal sufficiency of the foregoing  
has been approved by the Town Attorney.**

By:   
C. Jeffrey McInnis, Town Attorney

