

PROPOSED ORDINANCE NO. 2024-27**ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 32, OF THE CITY CODE BY AMENDING §32.058(A), ENTITLED “IMPOSITION OF FINE; LIENS” AND §32.064(D), ENTITLED “ALTERNATIVE CODE ENFORCEMENT SYSTEM; SPECIAL MAGISTRATE,” TO PROVIDE FOR DAILY CODE ENFORCEMENT FINES NOT TO EXCEED \$1,000 FOR EACH FIRST VIOLATION AND A DAILY FINE NOT TO EXCEED \$5,000 FOR EACH REPEAT VIOLATION, AND UP TO \$15,000 FOR A IRREPARABLE OR IRREVERSIBLE VIOLATION AS PROVIDED BY §162.09(2)(D), F.S.; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City code currently provides for code enforcement fines for a first violation not to exceed \$250 per day for a first violation and \$500 per day for a repeat violation; and

WHEREAS, §162.09(2)(d), F.S., provides for a municipality with a population over 50,000 to adopt, by a vote of at least a majority plus one of the entire governing body, an ordinance that authorizes code enforcement boards and special magistrates to impose fines that shall not exceed \$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 violation is irreparable or irreversible in nature; and

WHEREAS, the City of Pembroke Pines has a population 171,178 according to the 2020 U.S. Census; and

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WHEREAS, the Code Compliance Unit recommends the adoption of this ordinance to allow the Code Compliance unit to request increased fines for code enforcement violations when appropriate; and

WHEREAS, the City Commission of the City of Pembroke Pines, Florida finds that providing its code enforcement board and special magistrate the authority to impose fines that shall not exceed \$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 violation is irreparable or irreversible in nature, is in the best interests of the health, safety, and welfare of the residents and citizens of the City of Pembroke Pines.

THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Section 32.058(A), entitled "IMPOSITION OF FINE; LIENS" of the City Code of the City of Pembroke Pines is hereby amended as follows:

§ 32.058 IMPOSITION OF FINE; LIENS.

(A) (1) The Code Enforcement Board, upon notification by the Code Inspector that an order of the Code Enforcement Board 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 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

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Words in underlined type are additions.

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by the Code Inspector. In addition, if the violation is a violation described in F.S. § 162.06(4), (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), the Code Enforcement Board 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 all reasonable costs of repairs along with the fine imposed pursuant to this section. 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.

(2) (a) A fine imposed pursuant to this section shall not exceed ~~\$250~~ \$1,000.00 per day for a first violation, ~~and shall not exceed \$500~~ and shall not exceed \$5,000.00 per day for a repeat violation, ~~and shall not exceed \$15,000 per violation if the violation is found to be irreparable or irreversible in nature,~~ and in addition, may include all costs of repairs pursuant to subdivision (A)(1) above.

Section 3. §32.064(D), entitled “ALTERNATIVE CODE ENFORCEMENT SYSTEM; SPECIAL MAGISTRATE” of the City Code of the City of Pembroke Pines is hereby amended as follows:

§ 32.064 ALTERNATIVE CODE ENFORCEMENT SYSTEM; SPECIAL MAGISTRATE.

(A) *Purpose and intent.* It is the purpose and intent of the City Commission to establish special magistrate procedures for code enforcement purposes, pursuant to F.S. Chapter 162, as amended from time to time. The special magistrate(s) shall be selected by the city attorney and approved by the City Commission. The special magistrate shall be a member in good standing with the Florida Bar and engaged in the practice of law in Broward County.

(B) The city shall serve a notice of hearing to the violator in accordance with the provisions of this article and F.S. Chapter 162, as amended from time to time. No hearing shall be scheduled sooner than ten days from the date of service unless there is a reason to believe that a violation presents a serious threat to the public health, safety and welfare.

(C) F.S. Chapter 162, as amended from time to time, is hereby incorporated herein by reference so that the provisions of that chapter, as amended from time to time, shall be controlling with regard to the organization, jurisdiction, procedures and powers of the special magistrate.

(D) At the conclusion of hearings, the special magistrate shall issue findings of fact, based on evidence presented, and conclusions of law and shall issue an

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order to include, but not be limited to, a specified compliance date and a fine amount to be imposed if the order is not complied by the specified date. A fine imposed pursuant to this section shall not exceed \$1,000.00 per day for a first violation, shall not exceed \$5,000.00 per day for a repeat violation, and shall not exceed \$15,000 per violation if the violation is found to be irreparable or irreversible in nature, and in addition, may include all costs of repairs. In determining the amount of the fine, if any, 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.

Section 4. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Pembroke Pines, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article”, or such other word or phrase in order to accomplish such intention.

Section 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. If any clause, section or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance remaining in full force and effect.

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Section 7. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF _____, 2025.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF _____, 2025.

CITY OF PEMBROKE PINES, FLORIDA

By: _____
MAYOR ANGELO CASTILLO

ATTEST:

_____ DEBRA ROGERS, CITY CLERK	CASTILLO	_____
APPROVED AS TO FORM:	GOOD	_____
	HERNANDEZ	_____
_____ OFFICE OF THE CITY ATTORNEY	SCHWARTZ	_____
	RODRIGUEZ	_____