

## ORDINANCE 06-\_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE PINELLAS COUNTY CODE; AMEND THE PINELLAS COUNTY LAND DEVELOPMENT CODE; REVISING SECTION 1-8 RELATING TO GENERAL PENALTIES; REVISING SECTION 138-8 RELATING TO ENFORCEMENT PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AMENDMENTS THAT MAY ARISE AT PUBLIC HEARING.

**WHEREAS**, Pinellas County ordinances are enforced pursuant to the authority set forth in section 125.69, Florida Statutes, which provides counties with the option of enforcing ordinances via county court proceedings; and

**WHEREAS**, section 125.69 provides for a maximum penalty for violating of a county ordinance of a \$500 fine, or 60 days imprisonment, or by both such fine and imprisonment; and

**WHEREAS**, most Pinellas County ordinances allow for the maximum penalty as allowed by law, but as a practical matter imprisonment is not routinely imposed for violation of a County ordinance, nor is it requested by Pinellas County as a sanction for violating one of its ordinances; and

**WHEREAS**, the provision for jail time as a penalty has presented some unanticipated consequences in the enforcement of County ordinances.

**NOW, THEREFORE**, Be It Ordained by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1. Section 1-8(c) of the Pinellas County Code is hereby amended to read as follows:

**Sec. 1-8. General penalty; continuing violations.**

(c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be punished by a fine not to exceed \$500.00 ~~or by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment.~~ With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

SECTION 2. Section 134-8(c) of the Pinellas County Land Development Code is hereby amended to read as follows

**Sec. 134-8. General penalty; continuing violations.**

(c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be punished by a fine not to exceed \$500.00 ~~or by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment.~~ With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

SECTION 3. Section 138-54(7) of the Pinellas County Land Development Code is hereby amended to read as follows:

**SEC. 134-54. Report of violations; enforcement procedure.**

(7) Any person or entity ~~which~~that violates any provision of this chapter shall be deemed guilty of an infraction of a county ordinance and, upon conviction thereof, shall be punished by a fine not to exceed \$500.00 ~~or by imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment.~~ Each day a violation continues to exist constitutes a separate offense. Nothing contained in this section shall prohibit the county or state from bringing an appropriate civil action to ensure compliance with the zoning ordinance.

SECTION 4. Severability

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

SECTION 5. Effective Date

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall become effective when the

acknowledgment is received from the Secretary of State that the Ordinance has been duly filed.

#### SECTION 6. Inclusion Clause

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

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