

**CHAPTER 2  
ADMINISTRATION**

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## **CHAPTER 2 ADMINISTRATION**

### **ARTICLE I. GENERAL**

#### **Sec. 2-1. Regular Meetings.**

The City Council of the City of Waldo shall hold its regular meetings on the second and fourth Tuesday of each month commencing at 7:00 p.m.

*[History: Ord. 2-87]*

#### **Sec. 2-2. Communications With Waldo Officials**

- A. Each citizen has the right to contact and communicate with public officials of the City of Waldo.
- B. In those matters which involve quasi-judicial decisions, the Waldo official shall disclose before or during the decision making meeting his or her ex parte communications regarding the matter as provided in Florida Statute 286.0115. No ex-parte communication shall be considered to create a presumption of prejudice.
- C. This Section shall apply to the Waldo City Council, the Planning and Zoning Board, the Board of Adjustment, the Code Enforcement Board, and any other board, commission, committee or agency of the City of Waldo.

*[History: Ord. 95-12]*

#### **Sec. 2-3. Payroll Withholding**

- A. It is hereby declared to be the policy and purpose of the City of Waldo, Florida, to extend effective as of August 1, 1973, to the employees and officials thereof, not excluded by law, nor excepted herein, the benefits of the system of Old Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, and by Chapter 650, Florida Statutes, as amended, and to cover by such plan all services which constitute employment as defined in Section 650.02, Florida Statutes, performed in the employ of said City by employees and officials thereof, except Class I, Class II, and Class III.
- B. There is hereby excluded from this Section any authority to include an any agreement entered into under subsection C hereof any service, position, employee, or official now covered by or eligible to be covered by an existing retirement system.

- C. The Mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Agency of the State of Florida, for the purpose of extending the benefits provided by said system of Old Age and Survivors Insurance to the employees and officials of this City as provided in subsections A and B hereof, which agreement shall provide for such methods of administration of the plan by said City as are found by the State Agency to be necessary and proper, and shall be effective with respect to services in employment covered by such agreement performed on or after the 1<sup>st</sup> day of August, 1973.
- D. Withholdings from salaries, wages, or other compensation of employees and officials for the purpose provided in subsection A hereof are hereby authorized to be made, and shall be made, in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid over to the State Agency designated by such laws or regulations to receive such amounts.
- E. There shall be appropriated from available funds, derived from General Fund and Water Operation and Maintenance Fund, such amounts, at such times, as may be required to pay promptly the contributions and assessments required of the City as employer by applicable State or Federal laws or regulations, which shall be paid over to the lawfully designated state agency at the times and in the manner provided by law and regulation.
- F. The City shall keep such records and make such reports as may be required by applicable State or Federal laws or regulations, and shall adhere to the regulations of the State Agency.
- G. The City does hereby adopt the terms, conditions, requirements, reservations, benefits, privileges, and other conditions thereunto appertaining, of Title II of the Social Security Act as amended, for and on behalf of all officers and employees of its departments and agencies to be covered under the agreement.
- H. The Mayor of the City is hereby designated the custodian of all sums withheld from the compensation of officers and employees and of the appropriated funds for the contribution of the City, and the Mayor of said City is hereby made the withholding and reporting agent and charged with the duty of maintaining personnel records for the purposes of this Section.

*[History: Ord. 6-73]*

#### **Sec. 2-4. Records Management**

- A. **Intent.** It is the intent of this section to create a records management system in conformity with Florida Statutes, Chapters 119 and 257.

**B. Definitions.**

1. “Inactive Records” means those records that are no longer required for daily operations, but which must be retained due to legal or operating reasons.
2. “Public Record” means all documents, papers, letters, maps, books, tapes, photographs, film and sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the City.
3. “Records Management” means the management of information and records. This includes but is not limited to management of forms and reports, control of correspondence, management of filing equipment and office duplication machines, and management of record storage.

**C. Ownership of Records.** All Public Records created or received by the City shall be the property of the City, and shall be delivered by outgoing employees to the City Manager.

**D. Records Management Liaison Officer.** The City Manager for the City shall be the Records Management Liaison Officer.

**E. Custodian of Records.** The City Manager shall be the custodian of all Public Records.

**F. Records Management Program.** The City Manager shall be responsible for implementation of the records management program for the City. In this regard, the City Manager shall, at a minimum:

1. Develop and circulate such rules and regulations as may be necessary and proper to implement and maintain the records management program.
2. Establish a location for the records storage center for the City.
3. Establish a standardized, economical and efficient method for filing and storage of documents.
4. Prepare a public records inventory and destruction schedule.
5. Identify inactive records and establish the manner in which they are to be stored. Offsite storage may be used for such records if necessary.
6. Advise and assist all employees of the City regarding the records management program.

7. Ensure that all requests for public records are responded to in a timely, lawful manner.
8. Destroy public records in accord with the State of Florida, General Records Schedule GS1-L for Local Government Agencies, and file the necessary Records Disposition Compliance Statement with the Florida Department of State.

**G. Responsibilities of Employees.** All employees of the City shall:

1. Comply with the spirit and intent of F.S. chs. 119 and 257.
2. Convey to the City Manager all Public Records to be maintained and stored.
3. Destroy public records only upon the direction of the City Manager.

*[History: Ord. 2011-05]*

**Sec. 2-5 through 2-14 reserved.**

## ARTICLE II. DEPARTMENTS AND OFFICIALS

### Sec. 2-15. Offices

- A. Pursuant to Article V, Section 1, of the City of Waldo Charter, the offices of Chief of Police and Chief of the Fire Department are abolished until such time as they may be re-established by ordinance.
- B. Pursuant to Article V, Section 1, of the City of Waldo Charter, the offices of Head of Streets and Head of Maintenance and Water and Sewer are combined into a single office entitled Director of Public Works.

*[History: Ord. 2014-04]*

**Sec. 2-16 through 2-24 reserved.**

## ARTICLE III. ELECTIONS

### Sec. 2-25. Time of Holding Regular Elections for City Council and Mayor

- A. Regular elections shall be held on the first Tuesday in December for each year for the election of City Council members and Mayor whose terms of office expire. In the event no candidate receives a majority of the votes cast in a seat or seats, a runoff election shall be held on the third Tuesday in December between the two candidates in such seat or seats receiving the highest number of votes.
- B. For the purpose of poll worker training, the regular election and the run-off election are to be considered one election.

*[History: Ord 3-84; Ord. 3-87; Ord. 01-07C; Ord. 2006-9D; Ord. 2009-07]*

### Sec. 2-26. Special Election Required; Proclamation

- A. Special elections shall be held in the following cases:
  - 1. When there is a vacancy on the City Council that requires a special election to be held, the City Council shall call a special election within 60 days of the vacancy being created.
  - 2. The City Council may call a special election in order to submit a question or questions to the people.
- B. Such special elections shall be ordered instructing the Mayor to issue a proclamation calling such election in the same manner and form as provided for in the case of regular elections.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

### Sec. 2-27. Vacancy in Office.

In the event that there exists a vacancy on the City Council or in the Office of the Mayor, the Council shall so declare and proceed to fill the vacancy as soon as practicable. If the vacancy occurs within six months before an upcoming council election, then the Council may appoint a duly qualified elector of the City to fill the vacant seat until the next election. If the vacancy occurs more than six months before a council election, then the Council shall cause to be held a special election to fill the vacancy. Any election to fill a vacancy shall be for the balance of the term for that seat.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*



**Sec. 2-28. Mayor to Issue Proclamation; Contents.**

Forty-seven days prior to any and all elections the Mayor shall issue a proclamation calling the election. The proclamation shall specify which officers are to be elected, the length of time such officers are to serve and the date, time and polling places of the election. The proclamation shall be published once in a newspaper of general circulation published in the County, or the proclamation shall be posted at the City Hall and at the post office, and such other conspicuous places as the Mayor shall designate at least four weeks prior to the election.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-29. Qualification of Voters.**

Every person who is a qualified elector under the laws of the State of Florida and who is a permanent resident of the City of Waldo is eligible to register with the Supervisor of Elections when the registration books are open. Upon registration, such person shall be a qualified elector of the City.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-30. Registration of Electors.**

All qualified electors shall be registered in accordance with Chapters 97 and 98, Florida Statutes, as amended.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-31. Registration Officer Designated.**

The Supervisor of Elections of Alachua County, Florida, hereinafter referred to as “supervisor”, is hereby designated as registration officer for the City and shall keep or cause to be kept the City’s registration books.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-32. Appointment of Inspectors and Clerks; Opening and Closing Polls; Substitute Inspectors and Clerks; Illiterates Not Qualified.**

The Mayor shall appoint the necessary clerks and inspectors for the conduct of the election. The inspectors and clerks shall open the polls of the election at 7:00AM on the morning of the election and shall keep the polls open until 7:00PM of such Election Day.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-33. Qualification of Candidates for City Council and Mayor.**

- A. Any person who is a permanent resident of the City and is a qualified elector therein may become a candidate for the office of Council or for the office of Mayor by taking an oath before the City Clerk not less than 47 days nor more than 57 days prior to the day of the election, swearing or affirming that he or she possesses the qualifications to become a candidate for such office and designating the seat in which he or she will run; and
1. Paying to the City Clerk the election assessment imposed by section 99.093(1), Florida Statutes, or submitting to the City Clerk a certificate as provided by 99.093(2), Florida Statutes; or
  2. Submitting to the City Clerk a petition signed by at least 25 qualified electors of the City asking that such prospective candidate's name be placed on the ballot for the City Council or Mayor accompanied by a statement in writing signed by the supervisor of elections certifying that the signatures on such petition have been checked by such supervisor of elections and each of such signatures on such petition is that of a qualified elector of the City.
- B. Beginning January 1, 2007, all candidates must have resided within the city limits of Waldo for a minimum of 6 months prior to qualifying.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-34. Ballots; Contents.**

The names of all qualified candidates for election to the office of City Council and Mayor shall be placed upon the ballot. Each office shall be clearly separated and the candidates' names for each office shall be listed in alphabetical order according to surnames. However, when there is only one qualified candidate for an office, the name of the candidate shall not be printed on the election ballot, and such candidate shall be deemed to have voted for himself or herself and be declared elected to the office.

*[History: Ord 3-84; Ord. 91-5; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-35. Oath of Inspectors and Clerks.**

The inspectors and clerks shall take and subscribe to an oath or affirmation, which shall be written or printed, to the effect that they will perform the duties of inspectors and clerks of the election according to law and will endeavor to prevent all fraud, deceit or abuse in conducting the same. Such oaths may be taken before an officer authorized to administer oaths, or before either of the persons who are to act as inspectors and clerks; one of them to swear the others and one of the others thus sworn in turn to administer the oath to him who has not been sworn. Such oaths shall be returned with the returns of the election to the City Clerk.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-36. Clerks to Be Chairmen of Election Boards; Decision of Majority to Decide Questions**

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

The clerks at the respective polling places of the election shall be Chairmen of their boards. In any and all questions that may arise before the inspectors and clerks at any polling places of the election, the decision of the majority of them shall decide such questions.

**Sec. 2-37. Election Officials to Maintain Order**

The inspectors and clerks shall possess full authority to maintain good order at the polls and to enforce obedience to their lawful commands during an election, the canvass and counting of the votes.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-38. Board of canvassers; composition; powers and duties.**

**A. Composition.**

1. The Board of Canvassers for all elections held for the City Council and for questions submitted to a vote of the people, except when State law requires the County Canvassing Board to be used, are as follows: the Mayor, the City Clerk and one other qualified elector of the City to be appointed by the Mayor or by the appointed substitute for the Mayor, as provided below.
2. In the event the Mayor is unable to serve, is a candidate who has opposition in the election to be canvassed, or is an active participant in the campaign or candidacy of any candidate who has opposition in the election to be canvassed, a substitute shall be appointed as follows:
  - (a) The City Council shall appoint a member of the City Council who is either not a candidate or is running without opposition in the election to be canvassed, and is not an active participant in the campaign or candidacy of any candidate who has opposition in the election to be canvassed and is able to serve in the place of the Mayor.
  - (b) In the event that no member of the City Council is qualified or able to serve on the Board of Canvassers, the substitute member of the Board of Canvassers shall be the Supervisor of Elections or designee.

3. The Mayor or the appointed substitute for the Mayor shall serve as the Chair of the Board of Canvassers. The Chair shall have authority to designate an additional elector to serve as member of the Board of Canvassers in the absence of any member of the board.
  4. Any elector who is a candidate who has opposition in the election to be canvassed or an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed is disqualified from being appointed to serve as member of the Board of Canvassers.
- B. *Powers and duties.* The board shall meet immediately after the close of the polls to canvass the election returns of the inspectors and clerks, the absentee electors' ballots and provisional ballots to declare the results of the election. If it may be necessary, in order to come to a proper decision, the board shall have the power to examine witnesses and take testimony.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-39. Grouping of Candidates; Runoff Elections.**

- A. The Council shall declare each seat to be filled as one of five separate seats numbered I, II, III, IV and V. The candidates shall, at the time of qualifying, designate the seat in which they shall run.
- B. The candidates receiving the majority of votes cast in each seat shall be elected.
- C. In the event no candidate receives a majority of votes cast in a seat or seats, a runoff election shall be held between the two candidates in such seat or seats receiving the highest number of votes cast. In the event there is a tie for second place in a seat, the name of the candidate placing first in that seat and the names of the candidates tying for second shall be placed on the ballot for runoff. The candidate receiving the highest number of votes cast in such runoff election shall be elected. If there is a tie vote in the runoff election the candidates shall draw lots to determine which candidate is elected.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-40. Absentee voting.**

Absentee voting shall be conducted as provided for in Chapter 101, Florida Statutes, as amended.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-41. Applicability of General Laws of State to City Elections.**

The general law of the State on the subject of elections shall apply to and govern all City elections insofar as there is no conflict with the provisions of this Chapter or the provisions of the Charter of the City.

*[History: Ord 3-84; Ord. 01-07C; Ord. 2006-9D]*

**Sec. 2-42. Voting Systems.**

A. For purposes of this section, the following definitions shall apply:

*Alternative voting system* means a paper ballot system to be used when the required voting machines are not available from the Alachua County Supervisor of Elections.

*Paper Ballot* means that printed sheet of paper, containing the names of candidates, or any other item to be voted on by the electorate, on which sheet of paper an elector can cast his or her vote.

*Required voting machines* means those voting machines required for use in all Florida elections by Florida Law by September 2002.

*[History: Ord. 2002-05B; Ord. 2003-01; Ord. 2003-08; Ord. ]*

B. The City of Waldo shall use paper ballots as the accepted ballot form for absentee ballots for municipal elections. These ballots shall conform to the requirements of all appropriate Florida Statutes.

*[History: Ord. 2003-01]*

C. The City of Waldo shall use paper ballots as the accepted voting system for all municipal elections. Across the top of the ballot shall be printed "Official Ballot, Municipal Election of Waldo," and the date of the election. The following instructions shall be printed upon the ballot:

There are \_\_\_\_ seats open for election. Please vote for \_\_\_\_ candidates.

The number of seats in an election shall be designated by resolution. The candidates for election shall be listed alphabetically with a box to indicate the voter's choice.

*[History: Ord. 2003-08]*

D. The City of Waldo shall use paper ballots as the accepted alternative voting system for municipal elections when the required machines are not reasonably available from the Alachua County Supervisor of Elections. Across the top of the ballot shall be printed,

“Official Ballot, Municipal Election of Waldo,” and the date of the election. The following instructions shall be printed upon the ballot:

There are \_\_\_\_ seats open for election. Please vote for \_\_\_\_ candidates.

The number of seats in an election shall be designated by resolution. The candidates for election shall be listed alphabetically with a box to indicate the voter’s choice.

[History: Ord. 2002-05B]

**Sec. 2-43. Recall.**

- A. *Recall Procedure.* Any citizen seeking to recall a Waldo City Councilman may do so by filing a “RECALL PETITION” with the Waldo City Clerk which complies with each provision of Section 100.361, Florida Statutes and each provision of this Section.
- B. *Filing Fee.* Before accepting any recall petition, the Clerk shall first collect and receive from the citizen seeking to file the petition a non-refundable fee of five hundred (\$500.00) dollars. Each petition shall contain only one name of a sitting Waldo City Councilman who is to be recalled. A separate filing fee shall be charged for each separate petition.
- C. *Review of Petitions.* Upon receiving a recall petition, the Clerk shall issue a receipt therefore and for the paid filing fee. The receipt shall describe the recall petition giving the name of the person sought to be recalled, the total number of pages of the recall petition, the total number of signatures which appear on the petition and the date and time the petition was filed in the Clerk’s office. The Clerk shall then count the number of words in the grounds for recall. If the number of words exceeds 200, then the Clerk shall file away the petition and make a report to the Council of the matter and it shall be at an end. If the number of words in the grounds for the petition shall be 200 or less, the Clerk shall transmit the petition to the Mayor for review.
- D. *Review by Mayor.* The Mayor shall review the petition presented by the Clerk. The Mayor shall review the petition to determine if the petition alleges any grounds as defined in Section 100.361(1)(b), Florida Statute. If any one of the grounds properly alleged, the Mayor shall return it to the Clerk with written directions that it be forwarded to the Supervisor of Elections for determination of the sufficiency of the signatures. If no ground is properly alleged, the Mayor shall return the petition to the Clerk with a written direction that the petition be filed away and the facts of the matter reported to the City Council. The Mayor shall review the grounds stated in the petition to determine if they properly allege a violation of any of the grounds of Section 100.361(1) (b), Florida Statutes. In making such determination the Mayor shall determine the date and time of the alleged ground is alleged with sufficient clarity and certainty as to reasonably put on the notice the subject Councilman of when the alleged ground was to have occurred. If

the date and time are so uncertain or if the date and time fall outside the current term of office of the subject Councilman, the Mayor shall determine that the ground is not properly alleged. The Mayor shall next examine the allegations of the factual basis of the alleged ground to determine whether or not the ground fairly puts the subject Councilman on notice of what it is that he is alleged to have done or failed to do. If the Mayor determines that the allegations of the facts to support the ground fail to fairly put the Councilman on notice, then he shall determine that ground is not properly alleged. The Mayor shall not consider his or her view of the truth or falsity of the facts of the a ground, but only whether or not the ground is properly alleged. Next the Mayor shall examine the alleged ground and determine if the ground, as alleged is in fact an allegation of a violation of any one of the seven grounds as provided for Section 100.361(1) (b), Florida Statutes. If the ground fails to allege a factual allegation which is one of the seven named grounds, the Mayor shall determine that said ground is not properly alleged. The Mayor may seek and rely upon the advice of the City Attorney in making the determination. The decision of the Mayor is final unless overruled by a Court of competent Jurisdiction. The Mayor shall use the standards as found in the decisions of the Florida Courts on the standards for indictments and information for criminal cases and the provisions of Florida Rules of Criminal Procedure, particularly rules 3.140 (b), 3.140 (d), 3.140 (e), 3.140(i), 3.140(k) and 3.140(o). Any words, phrases or sentences in the petition which are unnecessary, prejudicial, confusing, nonsense or which purport to be separate grounds for recall but are not properly alleged shall be stricken by the Mayor.

- E. *Offenses Relating to Petitions.* Any person who knowingly makes false, misleading or deceptive statements in an attempt to obtain signatures on a recall petition, or who changes or alters, with intent to create a fraudulent document, any words, phrases, sentences or writing on a recall petition after it has been signed by any person, or who covers, conceals, hides or otherwise hinders any person from seeing and reading the entire recall petition before signing it shall be guilty of a misdemeanor and punished by a term of imprisonment not to exceed sixty (60) days or by a fine not to exceed five hundred (\$500.00) dollars or by both such imprisonment and fine.

*[History: Ord. 83-7]*

**Sec. 2-44 through 2-49 reserved.**

## **ARTICLE IV. FINANCE**

### **Sec. 2-50. Fire Department Capital Improvements Trust Fund**

- A. There shall be established and maintained a special trust fund of monies of the City of Waldo, Florida to be known as the Waldo Fire Department Capital Improvements Trust Fund. The fund shall consist of monies deposited from time to time as determined by the

Waldo City Council and from grants, donations, special events and such other activities or fund raising projects as the Council may approve. Said trust fund shall be maintained in a separate account or accounts from all other monies of the City. Monies from the said trust fund shall be expended only for capital improvements for the Waldo Fire Department as provided in this Section.

- B. The monies in the trust fund shall be held in trust and properly invested as determined by the Mayor in such investments as are allowed by general law for investment of municipal funds. It shall not be a proper investment to loan any part of the said trust fund to other accounts of the City unless a financial emergency shall exist as determined by the Mayor and a four fifths vote of the City Council. If such emergency shall be found to exist and a temporary loan, not to exceed 180 days, is made to another account of the City, a note evidencing such loan shall be executed by the Mayor in behalf of the City in favor of the said trust fund which note shall be of standard form and shall bear interest at a rate not less than that which is currently being earned by said trust fund. The monies from the said trust fund shall only be used to pay for capital improvements for the Waldo Fire Department. A capital improvement is any expenditure for the purchase, improvement, renovation, repair, replacement or modification of fire department equipment or supplies that is not of a routine or common operating expenditure.
- C. The Waldo Fire Chief, under the direction and supervision of the Mayor, shall submit a written report and proposed schedule for replacement of large equipment of the Fire Department. This report shall be made annually before the budget process begins. The report and schedule shall show the equipment and supplies on hand, including each fire truck, tanker, pumper and other vehicle and a general summary of other fire fighting and emergency equipment such as ladders, hoses, clothing, life saving equipment and such other matters as will assist in the budgeting process. The report and schedule will show the present condition of the equipment and the estimated life of the equipment and the estimated costs of replacement or repair. The report shall also show what new or additional equipment is needed and its projected costs.
- D. When the Fire Chief determines that an expenditure from the said trust fund is necessary, he shall make a written request to the Council which shall be signed as agreed to by the Mayor. The Council shall approve by majority vote such request before any monies are withdrawn from the said trust fund for expenditure. Any bank accounts, certificates of deposit or any other form of investment by which such trust funds are held shall require the signature of at least two persons from a group who shall consist of the Mayor, the chairman of the Council and the City Clerk.

*[History: Ord. 3-86]*



**Sec. 2-51. Audit Committee.**

- A. Pursuant to Section 218.391, Florida Statutes (2007), the City of Waldo Audit Committee is hereby established, and shall have the following members:
- (1) Chairman of the City Council.
  - (2) Mayor.
  - (3) City Manager.
- B. The primary purpose of the audit committee is to assist the City Council in selecting an auditor to conduct the annual financial audit required in Section 218.39, Florida Statutes. In carrying out this function, the Committee shall follow the auditor selection procedures and other requirements as set forth in Section 218.391, Florida Statutes.
- C. The audit committee may serve other audit oversight purposes as assigned to it from time to time by the City Council.
- D. The Audit Committee shall be chaired by the Chairman of the City Council, who shall be responsible for calling meetings of the Committee as necessary to fulfill its functions. A quorum shall consist of 3 members.
- E. All meetings of the Committee shall be noticed and open to the public. Minutes of each meeting shall be taken.

*[History: Ord. 2011-03]*

**Sec. 2-52 through 2-59 reserved.**

## ARTICLE V. CODE ENFORCEMENT BOARD

### Sec. 2-60. Generally.

- A. It is the intent of this Article to promote, protect, and improve the health, safety, and welfare of the citizens of the City of Waldo, Florida, by authorizing the creation of an administrative board with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force and effect in Waldo, where a pending or repeated violation continues to exist.
- B. There is hereby established a Waldo Code Enforcement Board which shall have jurisdiction to hear and decide cases in which violations are alleged of any provisions of the ordinances or codes applicable in the City of Waldo, as they exist or may hereafter be added or amended.
1. All zoning codes and land use ordinances.
  2. All building codes and ordinances.
  3. All electrical codes and ordinances.
  4. All plumbing codes and ordinances.
  5. All gas codes and ordinances.
  6. All health and sanitation codes and ordinances.
  7. All animal control codes and ordinances.
  8. All housing codes and ordinances.
  9. All fire codes and ordinances.
  10. All city occupational license codes and ordinances.
  11. All street, sidewalk and grounds codes and ordinances.
  12. All codes and ordinances concerning abandoned or inoperative or wrecked vehicles.
  13. All litter and waste control codes and ordinances.

14. Any other ordinance, code, rule, or regulation of the City of a technical or health and safety nature.
- C. Notwithstanding the jurisdiction of the Waldo Code Enforcement Board to hear such matters, the City of Waldo reserves the right to seek enforcement of any codes, regulations or ordinances by any lawful means, including legal action in a Court of law.

[History: Ord. 94-1]

**Sec. 2-61. Definitions.**

As used in this ordinance, the term:

*Local governing body* means the Waldo City Council.

*Code inspector* means any authorized agent or employee of the City of Waldo whose duty it is to assure code compliance.

*Local governing body attorney* means the Waldo City Attorney.

*Enforcement board* means a Waldo Code Enforcement Board.

*Repeat violation* means a violation of a provision of a code or ordinance by a person whom the code enforcement board has previously found to have violated the same provision within 5 years prior to the violation.

[History: Ord. 94-1]

**Sec. 2-62. Organization.**

- A. The City of Waldo may appoint a code enforcement board and legal counsel for the enforcement board. The City of Waldo has a population of less than 5,000 persons and so establishes a five-member code enforcement board. The City may appoint up to two, alternate members for the code enforcement board to serve on the board in the absence of board members.
- B. Members of the enforcement board shall be residents of Waldo. Appointments shall be made in accordance with applicable law and this Article on the basis of experience or interest in the subject matter jurisdiction of the code enforcement board. The membership of each enforcement board shall, whenever possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor, and a realtor.
- C. The terms of office of the code enforcement board shall be continued from the Board as established under ordinance 4-86. Thereafter, any appointment shall be made for a term of three (3) years.

- D. A member may be reappointed upon approval of the local governing body.
- E. An appointment to fill any vacancy on the enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chairman, the enforcement board shall declare the member's office vacant, and the local governing body shall promptly fill such vacancy.
- F. The members shall serve in accordance with this Article and may be suspended and removed for just cause. The Mayor shall have authority to remove any member of the Board for cause. The Mayor shall have authority to rule on any challenges to qualifications or conflict of interest in any particular matter before the Board and may appoint a substitute member for such limited matter. Any member of the Board permanently removed for cause shall have the right to appeal- the removal by filing a written appeal to the Waldo City Council within 3 days of such removal. A majority vote of the Council shall be necessary to overturn the decision of the Mayor.
- G. The members of the enforcement board shall elect a chairman, who shall be a voting member from among the members of the board. The members shall also elect a vice-chairman who shall preside in the absence of the chairman. Chairmen and vice-chairmen shall serve for one year terms. Presence of three or more members shall constitute a quorum. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the local governing body or as are otherwise provided by law. The board may adopt such rules and regulations, not in conflict with this Article, to conduct its affairs as it deems necessary.
- H. The local governing body attorney shall be counsel to the enforcement board.

*[History: Ord. 94-1]*

**Sec. 2-63. Enforcement procedure; powers of board.**

- A. It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; however, no member of the board shall have the power to initiate such enforcement proceedings.
- B. Except as provided in subsections C and D, if a violation is found, the code inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in Florida Statute 162.12 to said violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided s. 162.12. 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 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 and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to s. 162.12 and section 2-66 of this Article. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state.
- D. If the code inspector has reason to believe a 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 and request a hearing.
- E. The enforcement board 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 sheriff of the county or police department of the municipality.
  - 3. Subpoena evidence to its hearings.
  - 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.

*[History: Ord. 94-1]*

**Sec. 2-64. Administrative fines; liens.**

- A. The enforcement board upon notification by the code inspector that an order of the enforcement board has not been complied with by the set time or, upon find 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 for compliance or, in the case of a repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. In addition, if the violation is a violation described in 2-63 D above, the 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 the reasonable cost of the repairs along with the fine imposed pursuant to this section.

- B. A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation.
- C. In determining the amount of the fine, if any, the 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.
- D. The enforcement board may reduce a fine imposed pursuant to this section.
- E. A certified copy of an order imposing a fine 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 levy against the personal property, 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. After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s.4, Art. X, of the State Constitution.

*[History: Ord. 94-1; 2013-01]*

**Sec. 2-65. Appeals.**

An aggrieved party, including the local governing body, may appeal a final administrative order of the enforcement board 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 enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

*[History: Ord. 94-1]*

**Sec. 2-66. Notices.**

- A. All notices required by this part shall be provided to the alleged violator by certified mail, return receipt requested.
- B. In addition to providing notice as set forth in subsection A, at the option of the code enforcement board notice may also be served by publication or posting, as follows:
  - 1. Such notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under Florida Statutes chapter 50 for legal and official advertisements.
  - 2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.
  - 3. If there is no newspaper of general circulation in the county where the code enforcement board is located, three copies of such notice shall be posted for at least 28 days in three different and conspicuous places in such county, one of which shall be at the front door of the courthouse in said county.
- 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 A. Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection A, together with proof of publication or posting as provided in subsection B, shall be sufficient to show that the notice requirements of this part have been met.

*[History: Ord. 94-1]*

**Sec. 2-67. Provisions of act supplemental.**

It is the legislative intent of Florida Statutes 162.01-162.12 to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in sections 162.01-162.12 shall prohibit a local governing body from enforcing its codes by any other means.

*[History: Ord. 94-1]*

**Sec. 2-68. Alternative enforcement of municipal codes or ordinances; penalties.**

- A. As used in this section “code enforcement officer” means any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality.

- B. The City of Waldo designates 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 city. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or fire safety inspectors. Designation as a code enforcement officer does not provide the code enforcement officer with the power arrest or subject the code enforcement officer to the provisions of ss. 943.085–943.255. Nothing in this section amends, alters, or contravenes the provisions of any state administered retirement system or any state-supported retirement system established by general law.
- C. 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 and that the county court will hear the charge.
- D. Prior to issuing a citation, a code enforcement officer shall provide notice to that the person has committed a violation of a 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. If, upon personal investigation, a 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. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue 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.
- E. A citation issued by a code enforcement officer shall be in a form prescribed by the City and shall 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 in order 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 in court 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.
  11. A place to sign the citation.
- F. 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 county court.
- G. The City of Waldo is authorized to enforce codes and ordinances under the provisions of this section and enacts this section establishing procedures for the implementation of such provisions, including a schedule of violations and penalties to be assessed by code enforcement officers. If the City chooses to enforce codes or ordinances under the provisions of this section, this section establishes procedures for implementation of this section and provides:
1. That a violation of a code or an ordinance is a civil infraction.
  2. A maximum civil penalty not to exceed \$500.
  3. A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.
  4. For the issuance of a citation by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.
  5. For the contesting of a citation in county court.
  6. Such procedures and provisions as are necessary to provide for the enforcement of a code or an ordinance under the provisions of this section.
- H. Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. 775.082 or F.S. 775.083.
- I. The provisions of this section shall not apply to the enforcement pursuant to F.S. 553.79 and F.S. 553.80 of building codes adopted pursuant to F.S. 553.73 as they apply to

construction , provided that a building permit is either not required or has been issued by the county or the municipality. For the purposes of this subsection, “building codes” means only those codes adopted pursuant to F.S. 553.73.

- J. The provisions of this section are additional and supplemental means of enforcing county or municipal codes or 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 section shall prohibit the City from enforcing its codes or ordinances by any other means.

*[History: Ord. 94-1]*