



## Cover Memorandum/Staff Report

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**File #:** 24-287

**Agenda Date:** 2/20/2024

**Item #:** 9.B.

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**TO:** Mayor and Commissioners  
**FROM:** Lynn Gelin, City Attorney  
**DATE:** February 20, 2024

**ORDINANCE 03-24:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 37, "DELRAY BEACH CODE ENFORCEMENT", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTIONS 37.37 THROUGH 37.39 TO ESTABLISH A CIVIL CITATION PROCEDURE PURSUANT TO FLORIDA STATUTE 162, PART II, AS AN ALTERNATIVE CODE ENFORCEMENT METHOD; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

**Recommended Action:**

Motion to Approve Ordinance 03-24.

**Background:**

This Ordinance proposes an alternative method of enforcement of the City's Code of Ordinances through the use of civil citations. Chapter 162 of the Florida Statutes authorizes the issuance of citations to a person or property owner when, based upon personal investigation, a code enforcement officer has reasonable cause to believe that a person has committed, or allowed to be committed, upon any property within the City of Delray Beach, Florida, a civil infraction in violation of the City Code of Ordinances.

Civil citations are similar to traffic tickets. The person alleged to have violated the City's Code is permitted to either pay the ticket (at a reduced rate) or contest the ticket. Contested tickets are scheduled before the County Court. The maximum fine for civil citations is \$500.

This alternative method of enforcement will authorize the City's code enforcement officers, which also includes law enforcement officers, to issue a citation for violations for offenses such as littering and walking dogs on the City's municipal beach.

**City Attorney Review:**

Approved as to form and legal sufficiency.