

ATTACHMENT 1 – PROPOSED ORDINANCE NO. 2014-017

ORDINANCE NO. 2014-017

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, RELATING TO REAL PROPERTY CONDITIONS; AMENDING ORDINANCE NO. 83-082, AS AMENDED AND CODIFIED IN ARTICLE XV, CHAPTER 54 OF THE CODE OF ORDINANCES OF SARASOTA COUNTY, FLORIDA; AMENDING SECTION 54-471 TITLE AND APPLICABILITY; AMENDING SECTION 54-472 FINDINGS; AMENDING SECTION 54-473 PROHIBITED CONDITIONS, DECLARATION OF PUBLIC NUISANCE; AMENDING SECTION 54-474 EXEMPTIONS; AMENDING SECTION 54-475 DEFINITIONS; AMENDING SECTION 54-476 ENFORCEMENT AND NOTICE OF PROHIBITED CONDITIONS; RESTATING SECTION 54-477 HEARING; RESTATING SECTION 54-478 CONDITION MAY BE ABATED BY THE COUNTY, LIEN RIGHTS; RESTATING SECTION 54-479 CIVIL REMEDIES; RESTATING SECTION 54-480 REFERENCES TO OTHER AUTHORITIES; RESTATING SECTION 54-481 SEVERABILITY; RESTATING SECTION 54-482 ENFORCEMENT BY OTHER MEANS; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

All ~~striketrough~~ language shall constitute language removed from the Code, and all underlined language shall constitute language added to the Code.

SECTION 1. Section 54-471 of the Code of Ordinances of Sarasota County, Florida shall hereby be amended as follows:

Sec. 54-471. Title and Applicability.

This Ordinance shall be known as the Sarasota County Property Standards Ordinance. The prohibitions against Excessive Growth, ~~and Improper Outdoor Storage, and Graffiti~~ shall be applicable in the unincorporated areas of Sarasota County, Florida. In contrast, the prohibitions against Mosquito Breeding Areas shall be applicable in both the incorporated and unincorporated areas of Sarasota County, except to the extent that a municipality has adopted or adopts its own ordinance in conflict with this ordinance.

SECTION 2. Section 54-472 of the Code of Ordinances of Sarasota County, Florida shall hereby be amended as follows:

Sec. 54-472. Findings.

- (1) Urban development of the unincorporated areas of the County requires the control and regulation of excessive growth of vegetation and the accumulation of rubbish, trash, refuse or other debris. The excessive growth of vegetation and/or the accumulation of debris adversely affect and impair the value of neighboring properties, or otherwise threaten the health, safety, and welfare of the citizens of Sarasota County.
- (2) Dengue fever, a mosquito transmitted arbovirus, is now established in localized transmission cycles in the State of Florida. This disease has been determined to be locally transmitted in Broward, Miami-Dade, and Monroe Counties, which has lead to human cases in Sarasota County residents that traveled to these counties. This creates an undesirable health hazard to the residents of Sarasota County that can be mitigated.
- (3) Two commonly found domestic mosquitoes in urban and suburban areas in Sarasota County can transmit this disease *Aedes aegypti* and *Aedes albopictus*. These species primary habitats are man-made containers within residential neighborhoods and their property.
- (4) The health, safety, and welfare of the present and future residents of Sarasota County are dependent on minimizing the proliferation and maintenance of the above species larval habitats for disease transmission in peridomestic settings and environs.
- (5) The mosquito species in question are of serious concern and must be controlled.
- (6) The County of Sarasota wishes to encourage the removal and abatement of *Aedes aegypti* and *Aedes albopictus* habitats.
- (7) The mosquito species specifically targeted in this article are not all-inclusive of disease transmitting mosquitoes occurring within the County, Federal, State and local jurisdictions may regulate other mosquito species.
- (8) Graffiti is an aesthetic blight that adversely affects and impairs the value of neighboring properties, and otherwise threatens the health, safety, and welfare of the citizens of Sarasota County.

SECTION 3. Section 54-473 of the Code of Ordinances of Sarasota County, Florida shall hereby be amended as follows:

Sec. 54-473. Prohibited Conditions; Declaration of Public Nuisance.

“Excessive growth,” Improper Outdoor Storage,” “Graffiti,” and “Mosquito Breeding Areas” on private lands are hereby declared to be public nuisances and are prohibited. No person shall allow the existence of, have, create, keep, maintain, or permit such public nuisances. Such nuisances shall constitute violations of this Ordinance and shall be remedied by the owner or owners of the property on which they occur. Further, they are subject to immediate abatement by the County as provided by this Ordinance. In the application and interpretation of this

Article, all provisions shall be considered minimal requirements and construed liberally to effectuate the purposes of this Article.

SECTION 4. Section 54-474 of the Code of Ordinances of Sarasota County, Florida shall hereby be amended as follows:

Sec. 54-474. Exemptions.

(1) Rural or Semi-Rural Future Land Use Exemption. Except for violations associated with Mosquito Breeding Areas and Graffiti, unplatted land within the unincorporated portions of the County designated as "Rural" or "Semi-Rural" on the Sarasota County Comprehensive Plan Future Land Use Map shall be exempt from the provisions of this Ordinance. This exemption shall not apply to land designated as "Rural" or "Semi-Rural" which is within a subdivision created by a plat recorded in the Public Records of Sarasota County, Florida.

(2) Junkyard, Wrecking Yard, and Sanitary Landfill Exemption. Except for during an Active Medical Advisory Alert, accumulations of materials constituting Improper Outdoor Storage and Mosquito Breeding Areas on legally zoned and permitted junk yards, automobile wrecking yards, or sanitary landfills as defined by Sarasota County Ordinance No. 75-38, as amended, are exempted from the provisions of this Ordinance.

SECTION 5. Section 54-475 of the Code of Ordinances of Sarasota County, Florida shall hereby be amended as follows:

Sec. 54-475. Definitions.

For the purposes of this Ordinance, the following terms shall have the meanings set forth below.

(1) Abandoned Property shall mean all tangible personal property that does not have an identifiable owner and which has been disposed of on private lands in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner.

(2) Abate or abatement shall mean the act of eliminating, nullifying, lessening, or diminution of the nuisance, including but not limited to measures taken to cut or trim excessive vegetation, remove the accumulation of material improperly stored outdoors, remove or obscure graffiti, or to control mosquito breeding.

(3) Active Medical Advisory/Alert shall mean a declaration of threat to human or animal health of specific geographic area and duration pursuant to section 388.45, Florida Statutes, related to the arbovirus transmission of infectious disease by Mosquitoes Capable of Carrying Disease, as determined by the State Health Officer.

(4) Artificial containers means any man-made containers, including, but not limited to, tires, swimming pools, cans, vases, buckets, boats, and bird baths.

(5) Board shall mean the Board of County Commissioners of Sarasota County, Florida.

(6) *Code Enforcement Officer or Officer* shall mean the individual or individuals designated by the Sarasota County Administrator to enforce the provisions of this Ordinance, including, but not limited to public health inspectors who enforce the prohibitions against Mosquito Breeding Areas.

(7) *County* shall mean Sarasota County, a political subdivision of the State of Florida.

(8) *Excessive Growth* shall mean the uncontrolled growth of vegetation that:

- (a) is not cultivated or regularly tended;
- (b) has reached a height in excess of twelve (12) inches;
- (c) is or may reasonably become infested by pests;
- (d) may create a fire or safety hazard;
- (e) may tend to decrease the value of neighboring properties;
- (g) tends to decrease the value of the property on which the prohibited excessive growth occurs.

Excessive growth includes vegetation having the characteristics described above and growing from private lands into or across public rights-of-way, utility easements, sidewalks, drainage ditches, swales, or streets. Excessive growth does not include the following provided they do not constitute a fire, safety, or health hazard:

- (a) Shrubs, trees, palms or bushes (natural or cultivated) that are used for landscape purposes or are not otherwise subject to conventional mowing;
- (b) Vegetation located on a lot which is either in a natural state or has not been mowed within the past five years;
- (c) Vegetation located more than two hundred (200) feet from the boundary line of another improved property, street, or public right-of-way;
- (d) Tended, natural landscaping;
- (e) The understory of hammocks that are protected through development regulations, conditions, or agreements, and vegetation within wetlands and stormwater retention lake littoral zones; or
- (f) Vegetation which extends across private property lines.

(9) *Graffiti* means any inscription, word, figure, design, painting, sticker, adhesive, writing, drawing or carving that is marked, etched, scratched, drawn, painted, or otherwise applied to

public or private property without the prior authorization of the owner of the property regardless of the graffiti content, or nature of the material used in the commission of the act, or the material of the property. This definition shall not include an inscription, word, figure, design, painting, sticker, adhesive, writing, drawing or carving is marked, etched, scratched, draw, painted or otherwise applied to public or private property with the prior authorization of the owner of the property, which instead constitutes a Sign as defined in and regulated by Appendix A of this Code.

~~(9)~~ (10) *Immature mosquito* means a mosquito larva or pupa.

~~(10)~~ (11) *Improper Outdoor Storage* shall mean the accumulation of material or items stored or placed outside, including, but not limited to, wood, tires, automobile parts, trash, hazardous waste, abandoned property, unusable or discarded household items, inoperative or discarded machinery or equipment, motor vehicles and trailers, as defined by F.S. § 320.01, which are inoperative or which lack current license tags, vessels, as defined by F.S. § 327.02, which are dilapidated or derelict, appliances, solid waste, junk, construction or demolition materials, or any other material or items that may cause one or more of the following conditions:

- (a) create noxious odors;
- (b) provide a breeding place for or become infested by vermin;
- (c) contribute to any other unsanitary or unsafe condition;
- (d) create a fire, safety or health hazard;
- (e) in general appearance or condition, tend to decrease the value of neighboring properties; or
- (f) tends to decrease the value of the property on which the prohibited outdoor storage occurs.

~~(11)~~ (12) *Mosquito Breeding Area* means any site at which significant numbers (five or more) Immature Mosquitoes are present in Artificial Containers, Vegetative Plants, lakes, ponds, or other areas of standing water at any one time, or any collection of standing water in which mosquitoes are likely to breed, unless such collection of water is treated or discarded so as effectually to prevent such breeding.

~~(12)~~ (13) *Mosquitoes Capable of Carrying Disease* means those genera of mosquitoes ordinarily involved in the transmission of disease, including but not limited to *Culex*, *Culiseta*, *Anopheles*, and *Aedes*.

~~(13)~~ (14) *Outside* or *Outdoor* shall mean all areas not within a completely enclosed building. For the purposes of this definition, a completely enclosed building is a building separated on all sides from adjacent open space, or from other buildings or structures, by a permanent roof and by

exterior walls with window and/or door openings only. Said buildings must be constructed consistent with all applicable codes and regulations. Carports, tents, or temporary structures shall not constitute a completely enclosed building.

~~(14)~~ (15) *Owner* means the person, corporation, partnership, company, trust, estate, homeowners' association, or any combination or other business or legal entity, singular or plural, which is the record owner or owners as recorded on the tax rolls of Sarasota County.

~~(15)~~ (16) "Private Lands" shall mean all real property not owned by government entities.

~~(16)~~ (17) "Tended" shall mean controlled, managed, and maintained on a regular basis.

~~(17)~~ (18) *Vegetative Plant* means any growing plant, including, but not limited to, bromeliads, cattails, water lettuce, and water hyacinth.

SECTION 6. Section 54-476 of the Code of Ordinances of Sarasota County, Florida shall hereby be amended as follows:

Sec. 54-476. Enforcement; Notice of Prohibited Conditions.

(1) *Enforcement.* Code Enforcement Officers are directed and empowered to investigate and enforce the provisions of this Ordinance. They are authorized to inspect any property where a violation of this Ordinance is alleged to exist, and, further, Code Enforcement Officers are responsible for providing Notices of Public Nuisance to property owners found to be in violation of this Ordinance and for taking any other actions necessary to enforce this Ordinance. Notices of Public Nuisance shall provide a reasonable period of time within which violations of this Ordinance must be corrected. In determining a reasonable period of time for compliance, the Code Enforcement Officers shall consider the following: practicality and ease of correction; the owner's ability to correct the violation; the severity of the violation; the nature, extent, and probability of danger to the public; and other relevant factors. In the event of an Active Medical Advisory/Alert, the reasonable time period may be as short as 24 hours.

(2) *Notice Procedure.* If a Code Enforcement Officer determines that a public nuisance exists in violation of this Ordinance, the Code Enforcement Officer shall serve a Notice of Public Nuisance on the owner of record interest in the Official Records of Sarasota County. Additionally, Notice of a Public Nuisance shall be served on any mortgagee of record interest in the Official Records of Sarasota County, and any other persons of record interest in the Official Records of Sarasota County, where the costs of abatement are expected to exceed \$1,000 for an individual abatement action or as a cumulative aggregate for repeated abatement actions over a one year period. In the event that the cost of repeated abatement actions exceed \$1,000, a new Notice of Public Nuisance shall be served on the owner of record interest in the Official Records of Sarasota County, any mortgagee of record interest in the Official Records of Sarasota County, and any other persons of record interest in the Official Records of Sarasota County, to provide a new point of entry to challenge the abatement actions. All notices shall be provided by one of the following methods:

(a) Notice may be given to the owner of record interest in the Official Records of Sarasota County, mortgagee of record interest in the Official Records of Sarasota County, and any other persons of record interest in the Official Records of Sarasota County, by certified mail, return receipt requested to the address listed for the owner of record interest in the Official Records of Sarasota County, or to the address listed for the mortgagee of record interest in the Official Records of Sarasota County, or other person of record interest in the Official Records of Sarasota County, in the applicable mortgage or other recorded interest for the subject property in the Official Records of Sarasota County. Additionally, notice to the owner of record interest in the Official Records of Sarasota County shall be given by posting the property where the violation occurs in the event that the certified mail, return receipt requested, is returned as unclaimed or refused, and by sending a notice by first class mail, with a properly executed proof of mail or affidavit confirming the first class mailing.

(b) Notice may be given to the owner of record interest in the Official Records of Sarasota County, mortgagee of record interest in the Official Records of Sarasota County, and any other persons of record interest in the Official Records of Sarasota County by hand delivery by the Sheriff or other law enforcement officer, by Code Enforcement Officer or other person authorized to serve process under Chapter 48, Florida Statutes.

(c) Notice may be give to the owner of record interest in the Official Records of Sarasota County by leaving the owner's notice at the owner's usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice, or in the case of a commercial premises, leaving the notice with the manager or other person in charge, or

(d) Notice may be given to a mortgagee of record interest in the Official Records of Sarasota County, or other person of record interest in the Official Records of Sarasota County, by leaving the mortgagee's or other person of record interest's notice at the following:

1. if the mortgagee of record interest in the Official Records of Sarasota County, or other person of record interest in the Official Records of Sarasota County, is a natural person, then by leaving the notice at the residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice,
2. if the mortgagee of record interest in the Official Records of Sarasota County, or other person of record interest in the Official Records of Sarasota County, is a corporation, limited liability corporation, partnership or any other business entity, then by leaving the notice with a registered agent, or the normal place of business of the mortgagee of record interest in the Official Records of Sarasota County, or other person of record interest

of the Official Records of Sarasota County, with the manager or other person in charge.

If notice cannot be made in the manner as set forth above, notice may be served by publication or posting the property where the nuisance occurs in the same manner as set forth in section 162.12(2), Florida Statutes. Evidence that the Code Enforcement Officer has complied with these notice procedures shall constitute proper notice under this Ordinance. It shall not be a defense for the owner of the property of record interest in the Official Records of Sarasota County to claim lack of service on a mortgagee of record interest in the Official Records of Sarasota County, or other person of record interest in the Official Records of Sarasota County, nor shall it be a defense for a mortgagee of record interest in the Official Records of Sarasota County, or other person of record interest in the Official Records of Sarasota County, to claim a lack of notice on the property owner of record interest in the Official Records of Sarasota County. Further, where a property owner of record interest in the Official Records of Sarasota County, mortgagee of record interest of the Official Records of Sarasota County, or other person of record notice in the Official Records of Sarasota County, otherwise has actual notice of the public nuisance and hearing, then there is proper notice under this Ordinance.

(3) Form of Notice. The Notice of Public Nuisance provided pursuant to this section shall:

- (a) Be in writing;
- (b) Contain the name and address of the property owner;
- (c) Describe the property on which the public nuisance exists by address, Sarasota County Property Appraiser's parcel i.d. number, or legal description;
- (d) Contain a statement of the conditions existing on the property that constitute a public nuisance (i.e., a description of the Improper Outdoor Storage, Excessive Growth, Graffiti, or Mosquito Breeding Area);
- (e) A statement that the conditions constitute a violation of the Sarasota County Code of Ordinances;
- (f) Advise the property owner of record interest of the Official Records of Sarasota County that if the violation is not corrected and abated within a specified reasonable period of time, Sarasota County may cause the violation to be corrected and abated, the cost of which may be imposed as a lien upon the property;
- (g) Contain a statement that within the period of time for compliance, the property owner of record interest of the Official Records of Sarasota County may request a hearing to show that the condition alleged does not exist or that such condition does not constitute a public nuisance in violation of this Ordinance. Failure to file a hearing request within said period of time shall constitute a waiver of a hearing;

- (h) Contain the name and business address of the Code Enforcement Officer; and
- (i) Contain the name and address of any mortgagee of record interest in the Official Records of Sarasota County, or other person of record interest in the Official Records of Sarasota County, where the costs of abatement are expected to exceed \$1,000 for an individual abatement action or as a cumulative aggregate for repeated abatement actions over a one year period, or which actually exceed \$1,000.

SECTION 7. Section 54-477 of the Code of Ordinances of Sarasota County, Florida shall hereby be amended as follows:

Sec. 54-477. Hearing.

(1) Within the period of time for compliance specified in the Notice of Public Nuisance, the property owner of record interest in the Official Records of Sarasota County shall either abate the nuisance or file a written request with the Code Enforcement Officer for a hearing before a Hearing Officer to show that the condition alleged in the notice does not exist or that such condition does not constitute a public nuisance in violation of this Ordinance. This request shall be effective when received by the Code Enforcement Officer. Once such a request is made, the Office of the County Attorney shall coordinate prosecution of the action with the Code Enforcement Officer. The Office of the County Attorney shall have discretion to prosecute, dismiss, or settle the case after consulting with the Code Enforcement Officer.

(2) The Code Enforcement Special Magistrates, appointed pursuant to Sarasota County Ordinance No. 93-006, as amended, are hereby designated Hearing Officers for the purposes of this Ordinance.

(3) Hearing procedures shall be as follows:

(a) Any attorney appearing on behalf of the property owner of record interest in the Official Records of Sarasota County, mortgagee of record interest in the Official Records of Sarasota County, or any other person of record interest in the Official Records of Sarasota County, shall file a Notice of Appearance with the Office of the County Attorney at least three business days prior to the hearing.

(b) The hearing shall be held as soon as possible but not more than 21 calendar days after expiration of the time period specified in the Notice of Public Nuisance, unless a continuance is agreed to by both parties.

(c) The Hearing Officer shall have the authority to accept or reject any settlement agreement reached between the parties, and shall have continuing jurisdiction to enforce the terms of the settlement agreement through any appropriate order.

(d) All testimony presented at the hearing shall be under oath administered by the Hearing Officer. The County shall record the hearing. A copy of the audio recording shall be available to the public consistent with Chapter 119, Florida Statutes. However, any failure in the recording of the hearing, because of a mechanical failure in equipment or otherwise, shall not be grounds for a new hearing.

(e) NO STENOGRAPHIC RECORD BY A CERTIFIED COURT REPORTER IS MADE OF THE HEARING. ACCORDINGLY, ANY PERSON WHO MAY SEEK TO APPEAL BY CERTIORARI ANY DECISION INVOLVING THE MATTERS NOTICED FOR HEARING WILL BE RESPONSIBLE FOR MAKING A VERBATIM RECORD OF THE TESTIMONY AND EVIDENCE AT THIS HEARING UPON WHICH ANY APPEAL IS TO BE BASED.

(f) Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Hearsay statements may be allowed, and any objections to hearsay shall go to the weight of the evidence. However, in no event may a Hearing Officer make a ruling solely on hearsay statements. At the hearing, the County shall have the burden of proving, by a preponderance of the evidence presented, that the determination or action under review was justified in accordance with this article.

(g) At the conclusion of the hearing or shortly thereafter, the Hearing Officer shall issue findings of fact, based on evidence of record, and conclusions of law in an order affording the proper relief. The order shall be filed with Board Records after issuance and shall be deemed rendered upon the date of said filing. A copy of the order shall be personally served on the property owner of record interest in the Official Records of Sarasota County, mortgagee of record interest in the Official Records of Sarasota County, or person of record interest in the Official Records of Sarasota County, or their legal counsel or mailed by certified mail, return receipt requested.

(h) The order of the Hearing Officer shall be final, subject, however, to review in the Circuit Court via petition for writ of certiorari filed within thirty (30) days the decision was rendered as provided by Article V, Section 5(b) of the Florida Constitution, and Florida Rules of Appellate Procedure 9.030(c)(3) and 9.100.

(i) The order of the Hearing Officer shall not be interpreted as a continuing obligation on the part of the County to make further abatement or to maintain the property and does not create any liability against the County for damages to the property if such abatement was completed in good faith.

SECTION 8. Section 54-478 of the Code of Ordinances of Sarasota County, Florida shall hereby be amended as follows:

Sec. 54-478. Condition May Be Abated By County; Lien Rights.

(1) If the property owner of record interest in the Official Records of Sarasota County neither abates the nuisance nor requests a hearing within the reasonable period of time set forth in the Notice of Public Nuisance, or if a hearing has been requested, held, and concluded adverse to the property owner, the Code Enforcement Officer is authorized to cause the condition to be abated at the expense of the property owner of record interest in the Official Records of Sarasota County. The County, in order to abate a Mosquito Breeding Area and consistent with section 388.181, Florida Statutes, shall have the power to do all things necessary for such abatement including but not limited to the following on any lot, tract, or parcel of land:

(a) apply pesticides or larvicides in accordance with label directions;

(b) use integrated pest management techniques such as the introduction of mosquito fish in any lake, pond, pool, or other body of water, whether natural or artificial; or

(c) drain any lake, pond, pool, or other body of water, whether natural or artificial.

(2) After causing the condition to be abated, the Code Enforcement Officer shall submit a bill to the property owner of record interest in the Official Records of Sarasota County for all expenses incurred in abating the condition, and include a copy of the Notice of Public Nuisance and a copy of the decision of the hearing officer, when applicable. The bill shall be for actual abatement costs, including related administrative expenses. It shall be payable within thirty (30) days, after which a special assessment lien will be immediately made upon the property. Notice of such lien shall be filed in the Office of the Clerk of the Circuit Court and recorded in the Public Records of Sarasota County, Florida, and shall accrue interest at the legal rate from the time of such recording. Such liens shall be prior to all other liens except taxes and shall be of equal dignity with special assessments made for other public purposes. The owner of the assessed property shall be personally liable for the amount of the lien and the cost of collection provided for in this Ordinance. Such lien shall be in favor of Sarasota County and may be satisfied at any time by payment thereof, including accrued interest. Upon such payment, the County shall deposit the monies in the appropriate code enforcement related fund and prepare a satisfaction and release of lien, which shall be recorded in the Public Records of Sarasota County, Florida.

SECTION 9. Section 54-479 of the Code of Ordinances of Sarasota County, Florida is hereby amended as follows:

Sec. 54-479. Civil Remedies.

The County may bring a civil action to collect the delinquent unpaid assessments and shall also be entitled to recover court costs and reasonable attorneys' fees for trial and appellate services. Prior to any such legal action, the County shall provide the property owner of record interest in the Official Records of Sarasota County with written notice that a failure to pay the assessment within thirty (30) days will result in legal action and that the owner will also be liable for court costs and attorneys' fees. The County may either foreclose the lien or sue the property owner of record interest in the Official Records of Sarasota County personally.

SECTION 10. Section 54-480 of the Code of Ordinances of Sarasota County, Florida is hereby amended as follows:

Sec. 54-480. References to Other Authorities.

Where a statute or another ordinance is referenced herein it shall mean the most recently adopted version of said statute or ordinance.

SECTION 11. Section 54-481 of the Code of Ordinances of Sarasota County, Florida is hereby amended as follows:

Sec. 54-481. Severability.

It is hereby declared to be the intent of the Board of County Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance be deemed severable, and if any phrase, clause, sentence, paragraph, or Section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

SECTION 12. Section 54-482 of the Code of Ordinances of Sarasota County, Florida is hereby amended as follows:

Sec. 54-482. Enforcement By Other Means.

(1) Notwithstanding the enforcement provisions contained herein, this Ordinance may also be enforced pursuant to according to Chapter II, Article VIII, of the Sarasota County Code of Ordinances and Chapters 162 or 388, Florida Statutes, or by any other remedy at law or in equity, including injunctive relief.

(2) Any person who obstructs or resists any Code Enforcement Officer or any person authorized by the Code Enforcement Officer in the discharge of his duties shall be in violation of this Ordinance and prosecuted in the same manner as misdemeanors are prosecuted, punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed sixty (60) days or by both such fine and imprisonment.

SECTION 13: This Ordinance shall take effect following the filing of this Ordinance with the Secretary of State of Florida.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County,
Florida, this ____ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By:

Chairman

ATTEST:

KAREN E. RUSHING, Clerk of Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners of
Sarasota County, Florida

By: _____