



CITY OF TAMPA

Pam Iorio, Mayor


Office of the City Attorney

Chip Fletcher
City Attorney

MEMORANDUM

DATE: March 27, 2009

TO: The Honorable Chair and Members of City Council

FROM: Ernest Mueller, Assistant City Attorney 

SUBJECT: Proposed Changes to Chapter 23.5 City Code, Civil Citations

In the attached proposed Ordinance, you will find the following the proposed changes to Chapter 23.5:

1. The definition of Repeat Violation is being amended to include persons who have been found guilty by reason of default.
2. Class I Violation is being amended to include Section 22-1, 19-26 and 19-27. There is also a provision that all other sections of the Tampa City Code that are not specifically set forth in the fines schedule will be a Class I Violation.
3. Class III Violation is being amended to include several sections of Chapter 22.
4. Class IV Violation is being amended to include several provisions from Chapter 22, sections from Chapter 25 and sections from Chapter 27, including the demolition by neglect and serving of alcohol at premises without a permit.

If you have any questions or wish to discuss this further, I can be reached at (813) 274-8451.

Attachment
EM/lm

ORDINANCE NO. 2009-_____

1
2
3 AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING
4 THE DEFINITION OF REPEAT VIOLATION; AMENDING SECTION
5 23.5-5, SCHEDULE OF VIOLATIONS AND PENALTIES TO ADD
6 TAMPA CITY CODE SECTIONS FROM CHAPTERS 19, 22, 25, AND
7 27 TO ALLOW ENFORCEMENT OF THOSE SECTIONS BY THE
8 CIVIL CITATION PROCESS; TO DESIGNATE AS A CLASS I
9 VIOLATION ANY VIOLATION OF THE TAMPA CITY CODE NOT
10 ALREADY SET FORTH IN THE SCHEDULE OF FINES AND
11 PENALTIES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN
12 CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN
13 EFFECTIVE DATE.

14
15 **WHEREAS**, the City Council passed an ordinance significantly amending Tampa
16 City Code Chapter 23.5 to improve the City’s ability to issue civil citations for violations
17 of the Tampa City Code; and

18
19 **WHEREAS**, Section 23.5-5. Schedule of Violations and Penalties was created as
20 part of the amendments to City Code Chapter 23.5; and

21
22 **WHEREAS**, it is the desire of Tampa City Council to amend Section 23.5-5 to
23 amend the definition of Repeat Violation; and

24
25 **WHEREAS**, it is the desire of Tampa City Council to amend Section 23.5-5 to
26 include violations from Tampa City Code Chapter 19 regarding rental certificates so that
27 the violations can be enforced by the civil citation process; and

28
29 **WHEREAS**, it is the desire of Tampa City Council to amend Section 23.5-5 to
30 include violations from Tampa City Code Chapter 22 – Streets and Sidewalks and
31 Chapter 25 – Transportation, regarding the use of rights of way so that the violations can
32 be enforced by the civil citation process; and

33
34 **WHEREAS**, it is the desire of Tampa City Council to amend Section 23.5-5 to
35 include violations from Tampa City Code Chapter 27 – Zoning, regarding demolition by
36 neglect and regarding serving alcohol at a premises without a permit so that said
37 violations can be enforced by the civil citation process; and

38
39 **WHEREAS**, it is the desire of Tampa City Council to amend Section 23.5-5 to
40 designate, as a Class I violation, any violation of the Tampa City Code not already
41 specifically set forth in the Schedule of Fines and Penalties so that the violations can be
42 enforced by the civil citation process; and

43
44 **WHEREAS**, The City Council of the City of Tampa has determined that the
45 following amendments promote and protect the general health, safety and welfare of the
46 residents of the City of Tampa; and

1 WHEREAS, duly noticed public hearings as required by law were held by the
2 City Council of the City of Tampa, at which public hearings all residents and interested
3 persons were given an opportunity to be heard.

4
5 **NOW, THEREFORE,**

6
7 **BE IT ORDAINED BY THE CITY COUNCIL**
8 **OF THE CITY OF TAMPA, FLORIDA:**

9
10 **Section 1.** That **“Sec. 23.5-3. Definitions.”** Is hereby amended by adding the
11 underlined language and deleting the stricken language as follows:

12
13 **“Sec. 23.5-3. Definitions.**

14
15 *Repeat violation* means a violation of a provision of a code or ordinance by a
16 person who has received a citation and; ~~either~~ (1) paid the fine for; ~~or~~ (2) contested the
17 citation and found guilty of; or (3) been found guilty by reason of default for violating the
18 same provision of the code within three (3) years prior to the violation, notwithstanding
19 that the violations occurred at different locations.”

20
21 **Section 2.** That **“Sec. 23.5-5. Schedule of Violations and Penalties.”** is
22 hereby amended by adding the underlined language as follows:

23
24 **“Sec. 23.5-5. Schedule of Violations and Penalties.**

25
26 (a) Violations of the following sections of the Tampa City Code are considered Class
27 I violations and will carry a fine of:

- 28 \$ 75.00 for a first offense,
29 \$150.00 for a second offense
30 \$300.00 for a third offense
31 \$450.00 for a fourth or subsequent offense
32

33
34 **City Code Section**

35

36 <u>19-26</u>	19-231(6)	19-232	27-272(Vendor- All Types)
37 <u>19-27</u>	19-231(9)	19-233	
38 19-46	19-231(10)	19-235	
39 19-47	19-231(11)	19-236	
40 19-49	19-231(12)	19-237	
41 19-50	19-231(13)	19-238	
42 19-56	19-231(15)	<u>22-11</u>	
43 19-76	19-231(17)	27-129	
44 19-77	19-231(18)	27-148	

45

1 In addition to the code sections set forth above, any other section or provision of
2 the Tampa City Code that is not specifically set forth in the other Classes of the
3 Schedule of Violations and Penalties shall be a Class I violation.
4

5 (b) Violations of the following sections of the Tampa City Code are considered Class
6 II violations and will carry a fine of:

7
8 \$150.00 for a first offense,
9 \$300.00 for a second offense
10 \$450.00 for a third or subsequent offense
11

12 **City Code Section**

13
14 19-52 19-231(4)
15 19-54(a) 19-231(5)
16 19-57 19-231(7)
17 19-79 19-231(8)
18 19-231(1) 19-231(16)
19 19-231(2)
20 19-231(3)
21

22 (c) Violations of the following sections of the Tampa City Code are considered Class
23 III violations and will carry a fine of:

24
25 \$300.00 for a first offense
26 \$450.00 for a second or subsequent offense
27

28 **City Code Section**

29
30 19-54(b) 22-116 22-230
31 19-55 22-135 22-234
32 22-8 22-211 25-48(d)
33 22-58(d) 22-224
34

35 (d) Violations of the following sections of the Tampa City Code are considered Class
36 IV violations and will carry a fine of \$450.00 each and every offense.
37

38 **City Code Section**

39
40 13-43 22-9 22-60 25-48(a) 27-194
41 13-45 22-58(a) 22-67 25-48(c) 27-220
42 19-48 22-58(b) 22-101 25-61 27-246.1
43 19-53 22-58(c) 22-191 25-63 27-521
44

1 (e) Violations of 26-97 as well as any subsequent emergency or other amending
2 ordinances related to irrigation and other outdoor water use are considered Class W
3 violations and will carry a fine of:

4
5 \$100.00 for a first violation
6 \$200.00 for a second violation
7 \$450.00 for a third or subsequent violation”
8

9 **Section 3.** That should a court of competent jurisdiction declare any part of
10 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by
11 such determination as to the invalid part.
12

13 **Section 4.** That all ordinances, parts of ordinances, or resolutions in conflict
14 herewith are hereby repealed to the extent of any conflict.
15

16 **Section 5.** That this ordinance shall take effect immediately upon becoming a
17 law.
18

19 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
20 TAMPA, FLORIDA, ON _____.
21

22 ATTEST:
23

24 _____
25 CHAIRMAN/CHAIRMAN PRO-TEM
26 CITY COUNCIL
27

28
29 _____
30 CITY CLERK/DEPUTY CITY CLERK
31

32 APPROVED BY ME ON _____
33

34
35 _____
36 PAM IORIO, MAYOR
37

38 APPROVED AS TO LEGAL
39 SUFFICIENCY BY:
40

41
42 _____ E/S _____
43 ERNEST MUELLER
44 ASSISTANT CITY ATTORNEY
45

46 K:/Debbie/Chapter23.5/March 2009 fine schedule changes 4