

## CHAPTER ~~XII~~ 8. CODE ENFORCEMENT

### ~~12.00.00.~~ 8.00.00 GENERALLY

#### ~~12.00.01.~~ Purpose and Intent.

Walton County may enforce provisions of this Code and other ordinances according to the procedures set forth below. These procedures are in addition and supplemental to other means provided by law for obtaining compliance with local codes, and nothing herein shall prohibit the County from enforcing its codes by means other than as prescribed in this Section.

#### ~~12.00.02.~~ 8.00.01 Definitions.

For purposes of this Chapter, the following definitions shall apply:

1. "Abandoned property" shall mean all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels as defined in F.S. § 823.11.

~~1.~~ 2. "Code Enforcement Officer" means any designated employee or agent of Walton County whose duty it is to enforce codes and ordinances enacted by the County. Provided, however, nothing herein shall be construed to authorize any person designated as a Code enforcement Officer to perform any function or duties of a Law Enforcement Officer other than as specified. A Code Enforcement Officer shall not make physical arrests or take any person into custody and, except for Fire Inspectors, shall be exempt from requirements relating to the Special Risk Class of the Florida Retirement System, bonding and the Criminal Justice Standards and Training Commission, as defined and required by general law.

~~2.~~ 3. "County" shall mean the unincorporated areas of Walton County, or the administration of the County of Walton County, Florida, or any municipalities within Walton County that have entered interlocal agreements with the Board of County Commissioners for the provision of Code Enforcement Services.

4. "Dilapidated structure" shall mean any building which exhibits exterior or interior defects, whether or not such defects are manmade, as a result of the failure to make necessary repairs or as a result of age related deterioration or decay, such that said building threatens the public health, safety, or welfare.

5. "Junk" shall mean any junked or abandoned motor vehicle or parts thereof; any real property, fixture, personal property or other article having only nominal or salvage value which has been left unprotected from the elements; combustible and noncombustible waste

materials of any kind or character; trash, debris, waste, litter, or refuse; and any other discarded or abandoned personalty, including, but not limited to, iceboxes, refrigerators, deep-freeze lockers, clothes washers, clothes dryers, stoves and household furniture and furnishings. The term does not include reasonable natural debris accumulations in wooded areas or on lawns, such as shrubbery and lawn clippings, leaves and compost piles for normal, personal, noncommercial use.

6. “Junked or Abandoned Motor Vehicle” means a motor vehicle that is a self-propelled vehicle that is not a bicycle, motorized scooter, electric personal assistive mobility device, swamp buggy, racecar, moped, or vehicle operated upon rails or guideway, and meets any of the following conditions:

(a) It does not have a valid vehicle registration for the current year;

(b) Any part, equipment or piece thereof necessary for its operation is and remains removed therefrom for a period of at least 30 days;

(c) It is on the property of another without written permission of the owner of such property or premises;

(d) It is on property contrary to or in violation of any zoning law, regulation or ordinance;

(e) It is found at any location in the county and the owner or any person having custody or possession thereof cannot, after reasonable search and inquiry, be found or located;

(f) It is located in close proximity to a parcel of land with other junked or abandoned vehicles, and is not under the control or supervision of some person whose whereabouts can be ascertained upon reasonable search and inquiry; or

(g) For any other reason the motor vehicle appears, after reasonable inquiry and investigation, to be junked or abandoned.

7. “Law enforcement officer” shall mean any officer of the Florida Department of Law Enforcement, Florida Highway Patrol, county sheriff's department, municipal law enforcement departments, law enforcement department of any other political subdivision, law enforcement department of any college or university, department of natural resources, game and fresh water fish commission and any other officer sworn to uphold the law and having jurisdiction in the county.

8. “Litter” shall mean all waste materials, including, but not limited to, garbage, bottles, glass, crockery, cans, scrap metal, paper, plastic, rubber, waste building materials and disposable

packages or containers, and animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

~~3. "Law Enforcement Officer" means any person who is elected, appointed or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic or highway laws of the State.~~

9. "Overgrowth" means any herbaceous or woody plant life, including weeds, grasses, and shrubbery not being cultivated for ornamental purposes, which vegetation is more than 18 inches tall and is located in any residentially zoned district in the county.

~~4. "Repeat Violation" means a violation of a provision of a code or ordinance by a person previously found to have violated the same provision within five years prior to the current violation by the Code Enforcement Board or the Code Enforcement Board established by prior Walton County Ordinance or the County Court of Walton County, Florida.~~

## **12.01.00. COMPLIANCE INVESTIGATION AND MONITORING**

### **~~12.01.01. Inspections, Certifications and Warranties.~~**

~~A. *Generally.* Any code inspector may at any reasonable time enter and inspect, for the purpose of ascertaining the state of compliance with the provisions of this Code, any property, premises, or place on or at which any this Code is, or has been, occurring or placed. Owners and users of such property, premises or place shall give reasonable access to any representative of the County who requests entry for purposes of inspection and who presents appropriate credentials. No person shall hamper, obstruct, or interfere with any such inspection.~~

~~B. *Routine Inspections.* The following inspections shall be conducted (in addition to or in conjunction with inspections otherwise required under applicable Code provisions), for all development activities:~~

~~1. *Initial Inspection,* which shall be conducted by a code inspector prior to approval of any permit application.~~

~~2. *Erosion Control and Vegetation Inspection,* to ensure proper protection of vegetation, proper installation of erosion and se~~

~~diment controls, and effective control of erosion, shall be conducted:~~

~~(a) Prior to initiation of any development activity, where required as a condition of the permit, and~~

~~(b) Periodically after initiation of development activity.~~

~~3. *Warranty of Stormwater Management System.* The permittee, through certification by his qualified professional in the Permit Compliance Certification Report that the stormwater management system is in substantial conformance with the permitted stormwater management plan and permit (as described in subpart 3. supra herein), shall be deemed to warrant the improvements as follows:~~

~~(a) *Warranty Obligations.* Should the stormwater management system improvements fail or otherwise not function as represented in the application for the development permit, then the original permittee, even if title to the property has thereafter been transferred, shall be responsible for insuring and paying for the performance of any and all necessary maintenance activities, and for whatever additional modifications, replacements or new improvements which are necessary, to bring the stormwater management system into compliance with the requirements of this Code (as in effect at the time of approval of the initial permit for the facility) and with the representations made when applying for the initial permit.~~

~~(b) *Warranty Period.* If the warranted facilities are dedicated to a local governmental entity, the warranty period shall commence with the formal acceptance of such dedication of the facilities and shall run for a period of one year. If the warranted facilities are to be maintained other than by a local governmental entity, the warranty shall commence with the issuance of the notice of completion of the facility and shall run for a period of one year.~~

~~(c) *Warranty Enforcement.* A permittee's failure to comply with the warranty obligations imposed herein shall be a violation of this Code, and the permittee shall be subject to the enforcement and penalty provisions of this Section as well as any other remedies and penalties provided by this Code or~~

~~4. *Final Inspection.* This inspection shall be undertaken by an authorized code inspector when development activities permitted for a site have been substantially completed. The certifying professional who has provided the Permit Compliance Certification Report shall be present and shall accompany the code inspector during the final inspection. The code inspector shall inspect the work and shall either approve it, or notify the applicant in writing of each instance of noncompliance with the requirements of the approved permit. Any portion of the work which does not comply shall be promptly corrected by the permittee after issuance of the notice of noncompliance, within a time period which the inspector shall specify in such notice. If the noncompliance is not corrected within the specified time, the permittee shall be subject to the enforcement and penalty provisions of this Section, as well as any other remedies and penalties provided by this Code or otherwise provided by law.~~

~~**12.01.02. Issuance of Notice of Completion and Certificate of Occupancy.**~~

~~No notice of completion or certificate of occupancy shall be issued, nor any building or premises occupied, unless and until it has been determined, by County inspection and review of documentation provided by or on behalf of the owner, that:~~

- ~~1. All work, including installation of stormwater management facilities, landscaping and other permitted components have been installed in accordance with the approved permit and plans;~~
- ~~2. All tree protection or removal activity has been carried out according to the approved permit and plans;~~
- ~~3. All structures erected as part of the development activity are in compliance with the approved permit and plans, the building code, the safety regulations, and all other applicable regulations in this Code; and~~
- ~~4. That all required easements have been obtained, documented, and recorded in the public records.~~

~~The notice of completion and certificate of occupancy for the site shall be withheld pending correction of all items not in compliance. However, a temporary certificate of occupancy may be issued where a performance bond or other security has been approved by the County and provided by the permittee, or where only very minor compliance deficiencies are found, on the condition that such bonded uncompleted improvements and other minor deficiencies be satisfactorily installed or corrected within a reasonable length of time as shall be specified in writing by the County. A permanent certificate of occupancy and the notice of completion shall be issued only after such improvements are completed by the permittee and approved by an authorized code inspector.~~

*Staff Analysis Comment: This language has been relocated to Chapter 2 as it pertains to the Development Order inspection process.*

### **~~12.01.03- 8.01.00~~ Initiation of Code Enforcement Action Procedures.**

~~Whenever a code inspector has reason to believe that any provision of this Code is being violated, s/he may initiate enforcement proceedings as provided in this Code and by general law.~~

### **~~12.02.00. CIVIL CITATIONS~~**

#### **~~12.02.01. Applicability.~~**

~~Enforcement by issuance of a civil citation, as provided in this Section, shall be available for any violation of the provisions of this Code or of other County ordinance(s) regulating signs, rights-of-ways, zoning, and screening by Issuance of Citations.~~

**~~12.02.02~~, 8.01.01. Authority to Issue Citations.**

Any ~~Law Enforcement Officer and/or~~ Code Enforcement Officer is hereby empowered to issue citations with fines under the procedures set forth in this Section to any person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed or is committing a violation of a duly enacted Walton County Code or Ordinance.

**~~12.02.03~~. A. Penalties to be Assessed.**

Violations of codes and ordinances shall carry a fine as provided from time to time by resolution of the Board of County Commissioners. However, in no event shall a fine exceed \$500.00 per violation.

**B. Contents of Citation**

The citation shall be issued in a form prescribed by the County which 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 to believe the infraction has been committed;
5. The number or section of the code or ordinance violated;
6. The date of issuance of a Notice of Violation, or, if no Notice of Violation was issued prior to issuance of the citation, a statement reflecting the facts supporting a reasonable belief that the violation presents a serious threat to the public health, safety or welfare, or is irreparable or irreversible in nature;
7. The name and authority of the Code Enforcement Officer or Law Enforcement Officer issuing the Notice;
8. The procedure for the person to follow in order to pay the civil penalty or to contest the citation;
9. The applicable civil penalty if the person elects not to contest the citation;
10. A conspicuous statement advising the violator that if s/he fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, s/he shall be deemed to have waived any 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; and

11. A statement indicating the means of service of a copy of the citation upon the alleged violator.

**C. Service of Citation Upon the Alleged Violator.** A copy of a citation shall be provided to the alleged violator by either: hand-delivery by the issuing Officer; or delivery by certified mail, return receipt requested.

**D. Penalty for Refusal of a Citation.** 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 Section 775.082 of Section 775.083, Florida Statutes.

**E. Delivery to and Action by County Court.** 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. Upon a finding of a violation at a contested hearing in County Court, or upon the failure of an alleged violator to either pay the specified fine set out in a Citation or to appear in court to contest the citation, the County Court Judge shall have the authority to impose a civil fine not to exceed \$500.00 per violation cited.

**12.02.04. 8.01.02. Notice of Violation as Prerequisite to Issuance of Citation.**

**A. Generally.** Prior to issuing a citation, a Code Enforcement Officer shall provide, ~~by hand delivery or certified mail (return receipt requested),~~ a written notice to the person who has committed or is committing the violation consistent with Section 7.01.03 below, setting forth the nature of the violation and establishing a reasonable time period within which the person must correct the violation. Such time period shall ~~be no more generally be than~~ 30 days, but could be more or less depending on the nature of the violation and time expected to remedy.

~~However, a Code Enforcement Officer does not have to provide the violator with a reasonable time period to correct the violation prior to issuing a citation, and may immediately issue a citation as provided in the following subpart, if~~ Except, when 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 in nature-, the code enforcement officer shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing. A Citation may also be utilized either with or without Code Board notification, as an immediate enforcement action to immediately stop an action that if continued, may cause harm, injury, or risk to property, the environment, persons and wildlife, or is irreparable or irreversible in nature.

Additionally, If a Code Enforcement Officer determines or finds that a person or entity has previously received prior Notices of Violations, issuance of Red Tags, or any other documented written communication of a violation, and that violation has not been corrected within a

reasonable time period as specified in the Notification of Violation or other written communication, then a Citation may be issued immediately.

1. All notices required by this section must be provided to the alleged violator by:

(a) Certified mail, return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the County property appraiser's database. For property owned by a corporation, notices shall be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as below in Subsection B.;

(b) Hand delivery by the sheriff or other law enforcement officer, code officer, or other person designated by the local governing body;

(c) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.

2. In addition to providing notice as set forth in Subsection 1, at the option of the code enforcement board or the County, notice may be served by publication or posting, as follows:

(a) Newspaper of General Circulation Notice - 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 Chapter 50, F.S. for legal and official advertisements.

(i) Proof of publication shall be made as provided in ss. 50.041 and 50.051, F.S.

(b) Posting Notice - In lieu of publication as described in subparagraph (a), such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the front door of the County Courthouse in North Walton County or Courthouse Annex located in South Walton County, whichever is closest to the location of the violation.

(i) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(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 1.

(d) Evidence that an attempt has been made to hand deliver or mail notice as provided in Subsection 1, together with proof of publication or posting as provided in Subsection 2, shall be sufficient to show that the notice requirements have been met, without regard to whether or not the alleged violator actually received such notice.

**12.02.04. 8.01.03. Notice of Violation as Prerequisite to Issuance of Citation.**

Whenever a code inspector has reason to believe that any provision of this Code is being violated, s/he shall immediately prepare a written notice to be provided to the alleged violator which shall: describe the premises in violation; specify, in as much detail as possible, the violation; specify, in as much detail as possible, the corrective action necessary to bring the violation into compliance; and shall include a statement advising the alleged violator that:

A. A failure to correct the violation as specified in the notice will result in a hearing before the Code Enforcement Board as to the violation and, if a finding of violation is made by such Board, entry of an order requiring payment of a fine as provided by law;

B. If noncompliance is not corrected by the time specified in a notice of violation, or is corrected within such time but then recurs, the case may be presented to the Code Enforcement Board even if the violation has been corrected prior to the Board's hearing regarding the violation;

C. If the violation identified by the code inspector is a repeat violation, a hearing before the Code Enforcement Board may be requested immediately upon issuance of the notice of violation, and such repeat violation may be presented to the Code Enforcement Board even if it has been corrected prior to the Board's hearing regarding the matter; and

D. That no further permits or development orders shall be issued for the development of property upon which a violation is found by a code inspector to exist until such time as the violation has been corrected unless such permit is necessary to correct or remedy the violation.

E. *Corrective Action.* The person(s) in violation shall immediately upon receiving a notice of violation, conditions permitting, commence corrective action and shall have a reasonable time period after the receipt of the notice (as may be specified in the notice due to special circumstances in the particular case), to remove or abate the violation. The Code Officer shall

require that sediment controls which are breached due to development activity, rain, or other factors, be repaired within 24 hours of the breach. Whenever it is determined by the code inspector that a failure to conform to the requirements of a permit or a provision of this Code is resulting in danger or damage to life or property or poses a serious threat to the public health, safety, and welfare, or if the violation is irreparable or irreversible in nature, the inspector may require immediate corrective action and may immediately notify the Code Enforcement Board and request a hearing as to the violation. If the violation of which notice is given is a repeat violation, the code inspector shall provide the violator with notice of the violation but is not required to give the violator a reasonable time to correct the violation prior to notifying the Code Enforcement Board and requesting a hearing.

*F. Persons To Whom Notice May Be Directed.* A notice of violation may be directed not only to the person owning the land upon which the noncompliance is occurring, but also: to the person actually performing the physical labors (such as clearing, tree or vegetation removal, or other specific development activity) connected with the particular Code violation; to the person responsible for the construction or maintenance of required stormwater management facilities (if reasonably related to the violation); or to any person actually physically committing the violation.

*G. Permissible Required Remedial Action.* Remedial actions which may be required in a notice of violation may include any steps deemed by the Code Officer to be reasonably necessary to accomplish the intent and purpose of this Code and to prevent or correct any significant adverse impacts from the violation. When there is an immediate threat to the public health, welfare, or safety, or when there is a history of repeat violations by the property owner, permittee, or developer, such remedial actions may include a requirement that a qualified person designated and retained by the County be onsite during the performance of all, or certain specified, required remedial actions. Where the presence of a County-retained individual is required, the property owner shall be charged and shall pay to the County a reasonable hourly rate for the time required on the site. If the charge is not paid within 30 days after submission of the written bill to the property owner, then the County may file a lien against any property owned by the property owner in the amount of the bill plus costs incurred by the County, including legal fees, in relation to such lien and its enforcement

**B. H. Contents of Notice of Violation.** A Code Enforcement Officer ~~or Law Enforcement Officer~~ shall issue a Notice of Violation in a form prescribed by the County which 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 to believe the infraction has been committed;
5. The number or section of the code or ordinance violated;
6. The time period within which, and the specific date by which, the violation must be corrected; Enforcement Officer issuing the Notice; and
8. A statement advising the person that if the violation remains uncorrected by the date specified in the Notice, a Citation will be issued requiring the violator to pay a civil penalty of up to \$500.00 per violation.

**~~12.02.05. Issuance of Citation.~~**

~~A. Generally. If, upon personal investigation, a Code Enforcement Officer finds that a person who has been served with a Notice of Violation has not corrected the violation within the time period specified in the Notice, or if the violation found by a Code Enforcement Officer is one which is reasonably believed to present a serious threat to the public health, safety or welfare, or to be irreparable or irreversible in nature, a Code Enforcement Officer may issue a citation to the person who has committed or is committing the violation.~~

~~B. The citation shall be issued in a form prescribed by the County which 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 to believe the infraction has been committed;~~
- ~~5. The number or section of the code or ordinance violated;~~
- ~~6. The date of issuance of a Notice of Violation, or, if no Notice of Violation was issued prior to issuance of the citation, a statement reflecting the facts supporting a reasonable belief that the violation presents a serious threat to the public health, safety or welfare, or is irreparable or irreversible in nature;~~
- ~~7. The name and authority of the Code Enforcement Officer or Law Enforcement Officer issuing the Notice;~~
- ~~8. The procedure for the person to follow in order to pay the civil penalty or to contest the citation;~~
- ~~9. The applicable civil penalty if the person elects not to contest the citation;~~

~~10. A conspicuous statement advising the violator that if s/he fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, s/he shall be deemed to have waived any 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; and~~

~~11. A statement indicating the means of service of a copy of the citation upon the alleged violator.~~

~~C. **Service of Citation Upon the Alleged Violator.** A copy of a citation shall be provided to the alleged violator by either: hand delivery by the issuing Officer; or delivery by certified mail, return receipt requested.~~

~~D. **Penalty for Refusal of a Citation.** 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 Section 775.082 of Section 775.083, Florida Statutes.~~

~~E. **Delivery to and Action by County Court.** After issuing a citation to an alleged violator, a Code or Law Enforcement Officer shall deposit the original citation and one copy of the citation with the County Court. Upon a finding of a violation at a contested hearing in County Court, or upon the failure of an alleged violator to either pay the specified fine set out in a Citation or to appear in court to contest the citation, the County Court Judge shall have the authority to impose a civil fine not to exceed \$500.00 per violation cited.~~

## ~~12.03.00 CODE ENFORCEMENT BOARD PROCEEDINGS~~

### ~~12.03.01. Applicability.~~

~~Enforcement by proceedings before the Walton County Code Enforcement Board, as provided in this Section, shall be available for any violation of the provisions of this Code or any other County ordinance(s) regulating development activities.~~

### ~~12.03.02. Authority.~~

~~Pursuant to Chapter 162, Florida Statutes, any Code Inspector Enforcement Officer is authorized to initiate enforcement proceedings as provided below in relation to any failure to comply with any provision of this Code relating to and regulating development activity. Each such instance of noncompliance shall be considered before, and acted upon by, the Walton County Code Enforcement Board, as provided herein and in Chapter X 1 of this Code. No member of the Code Enforcement Board may initiate enforcement proceedings.~~

### ~~12.03.03. Notice of Violation.~~

~~A. *Issuance Generally.* Whenever a code inspector has reason to believe that any provision of this Code relating to development activity is being violated, s/he shall immediately prepare a written notice to be provided to the alleged violator which shall: describe the premises in violation; specify, in as much detail as possible, the violation; specify, in as much detail as possible, the corrective action necessary to bring the violation into compliance; and shall include a statement advising the alleged violator that:~~

- ~~1. A failure to correct the violation as specified in the notice will result in a hearing before the Code Enforcement Board as to the violation and, if a finding of violation is made by such Board, entry of an order requiring payment of a fine as provided by law;~~
- ~~2. If noncompliance is not corrected by the time specified in a notice of violation, or is corrected within such time but then recurs, the case may be presented to the Code Enforcement Board even if the violation has been corrected prior to the Board's hearing regarding the violation;~~
- ~~3. If the violation identified by the code inspector is a repeat violation, a hearing before the Code Enforcement Board may be requested immediately upon issuance of the notice of violation, and such repeat violation may be presented to the Code Enforcement Board even if it has been corrected prior to the Board's hearing regarding the matter; and~~
- ~~4. That no further permits or development orders shall be issued for the development of property upon which a violation is found by a code inspector to exist until such time as the violation has been corrected.~~

~~B. *Corrective Action.* The person(s) in violation shall immediately upon receiving a notice of violation, conditions permitting, commence corrective action and shall have seven calendar days after the receipt of the notice (or such other period of time as may be specified in the notice due to special circumstances in the particular case), to remove or abate the violation. The inspector shall require that sediment controls which are breached due to development activity, rain, or other factors, be repaired within 24 hours of the breach. Whenever it is determined by the code inspector that a failure to conform to the requirements of a permit or a provision of this Code is resulting in danger or damage to life or property or poses a serious threat to the public health, safety, and welfare, or if the violation is irreparable or irreversible in nature, the inspector may require immediate corrective action and may immediately notify the Code Enforcement Board and request a hearing as to the violation. If the violation of which notice is given is a repeat violation, the code inspector shall provide the violator with notice of the violation but is not required to give the violator a reasonable time to correct the violation prior to notifying the Code Enforcement Board and requesting a hearing.~~

~~C. *Persons To Whom Notice May Be Directed.* A notice of violation may be directed not only to the person owning the land upon which the noncompliance is occurring, but also: to the person~~

~~actually performing the physical labors (such as clearing, tree or vegetation removal, or other specific development activity) connected with the particular Code violation; to the person responsible for the construction or maintenance of required stormwater management facilities (if reasonably related to the violation); or to any person actually physically committing the violation.~~

~~D. *Permissible Required Remedial Action.* Remedial actions which may be required in a notice of violation may include any steps deemed by the inspector to be reasonably necessary to accomplish the intent and purpose of this Code and to prevent or correct any significant adverse impacts from the violation. When there is an immediate threat to the public health, welfare, or safety, or when there is a history of repeat violations by the property owner, permittee, or developer, such remedial actions may include a requirement that a qualified person designated and retained by the County be onsite during the performance of all, or certain specified, required remedial actions. Where the presence of a County-retained individual is required, the property owner shall be charged and shall pay to the County a reasonable hourly rate for the time required on the site. If the charge is not paid within 30 days after submission of the written bill to the property owner, then the County may file a lien against any property owned by the property owner in the amount of the bill plus costs incurred by the County, including legal fees, in relation to such lien and its enforcement.~~

~~**12.03.04. 8.01.04. Issuance of Further Permits Prohibited While Violation Exists.**~~

~~No further permits or development orders shall be issued for the development of property upon which an active or unresolved violation is found by a code inspector to exist until such time as the violation has been corrected, except, in cases where such permit or development order is necessary to remedy the violation.~~

~~**12.03.05. 8.01.05. Stop Work Orders.**~~

~~A. *Issuance Generally.* A code inspector, upon presenting relevant information to and receiving approval of the Director of the department to which he is assigned, may immediately issue a Stop Work Order in any of the following circumstances:~~

- ~~1. When clearing or other development of land is being implemented without an appropriate approved permit;~~
- ~~2. When continuation of a development activity, pending correction of a code violation, would present an apparent danger to life or property;~~
- ~~3. Whenever tree or vegetation protection measures have not been properly implemented or maintained, and danger to protected trees or vegetation exists or appears imminent;~~

4. Upon failure of the permittee to post a placard on the site indicating existence of an approved permit for the development activity;
5. Upon failure of the permittee to insure that a copy of the approved permit and plans for the development activity are available on site; or
6. Whenever remedial work required by a notice of violation pursuant to subpart E. above is not completed within the time period specified in such notice.
7. In relation to the occurrence of any violation of the provisions of those sections specified as citable offenses in section 12.02.04 of this Code.

B. *Contents.* The Stop Work Order shall specify the circumstances which have resulted in issuance of such Order, and shall direct: that all work be stopped other than such corrective work as is deemed by the inspector to be necessary to bring the project into compliance; or that specific work (identified by functional nature, such as clearing, grading, roadway construction, building erection, or utility construction) be stopped until corrective work is accomplished. Remedial work may be required ~~as described in subpart B.3. herein.~~

C. *Applicability.* A Stop Work Order may apply to the entire project, or to any geographical portion(s) of the project if individually specified within the Order. A Stop Work Order shall be directed to the permittee for the development activity, or to the property owner in the event that no proper permit has been issued. A Stop Work Order may also be directed: to the person actually performing the physical labors (such as clearing, tree or vegetation removal, or other specific development activity) connected with the violation; to the person responsible for the construction or maintenance of required stormwater management facilities; or to any person actually physically committing the Code violation.

D. *Effect of Failure to Comply With Directives of Stop Work Order.* A person violating the requirements of a Stop Work Order shall be subject to the enforcement and penalty provisions of this Section, as well as any other remedies and penalties provided by this Code or otherwise provided by law. The Stop Work Order shall include a statement reflecting this penalty potential, and shall be served upon the property owner and alleged violator(s) as provided in subpart 12.03.09 herein.

**~~12.03.06.~~ 8.01.06. Notice of Compliance.**

When a code inspector has verifying, by inspection, that corrective action and remedial steps required under a notice of violation or a stop work order have been satisfactorily completed, a notice of compliance shall be issued which shall reflect compliance with, and which shall cancel, the notice of violation and the stop work order (if issued).

**~~12.03.07.~~ 8.01.07. Initiation of Enforcement Proceedings.**

Enforcement by proceedings before the Walton County Code Enforcement Board, as provided in this Section, shall be available for any violation of the provisions of this Code or any other County ordinance(s) regulating development activities.

Pursuant to Chapter 162, Florida Statutes, any Code Inspector Enforcement Officer is authorized to initiate enforcement proceedings as provided below in relation to any failure to comply with any provision of this Code relating to and regulating development activity. Each such instance of noncompliance shall be considered before, and acted upon by, the Walton County Code Enforcement Board, as provided herein and in Chapter X 1 of this Code. No member of the Code Enforcement Board may initiate enforcement proceedings.

A code inspector shall notify the Code Enforcement Board and request a hearing, and may also initiate any other enforcement action authorized by law, in the event that: a violation is not eliminated within the time specified in a notice of violation; a violation is corrected within the time specified, but recurs; a violation constitutes a repeat violation by the same permittee or developer; or if development activity is continued in violation of a stop work order. If the code inspector has reason to believe a violation, or the condition causing the violation, presents a serious threat to the public health, safety, and welfare, or if the violation is irreparable or irreversible in nature, the inspector shall make a reasonable effort to notify the violator and may immediately notify the Code Enforcement Board and request a hearing. In any such case, the violation may be presented to the Code Enforcement Board even if it has been corrected prior to the time of the Board's hearing as to the matter. In making the request for a hearing before the Board, the code inspector shall submit to the secretary of the Code Enforcement Board a brief statement of the violation(s) and the basis for the request for hearing in the particular case.

**~~12.03.08.~~ A. Notice of Code Enforcement Board Hearing.**

Upon receiving a code inspector's request for hearing, the Code Enforcement Board shall, through its clerical staff, schedule a hearing for consideration of the alleged violation.

Written notice of the Code Enforcement Board hearing shall be provided to the alleged violator(s) in the manner provided ~~in subpart 12.03.09 herein.~~ Such notice of such hearing shall be hand delivered or mailed as provided in s. 162.12, F.S. to said violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in s. 162.12, F.S. 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. Such notice shall advise the violator(s) of:

1. ~~¶~~The basic nature and location of the alleged violation;
2. ~~¶~~The basis for the request for hearing made by the code inspector;
3. ~~and ¶~~The date, time and place of the scheduled hearing as to the alleged violation.
4. If applicable, ~~¶~~the notice shall also state that the violation will be presented to the Code Enforcement Board for hearing even if it has been corrected prior to the time of the Board's hearing as to the matter.

#### **~~12.03.09. C.~~ Service of Notices and Orders.**

~~Notices of violation, and stop work orders, shall be provided consistent with the notice requirements found in Section 162.12, F.S. notices of Code Enforcement Board Hearing, and orders of the Code Enforcement Board shall be served upon the directed, by either: certified mail, return receipt requested; hand delivery by the sheriff or other law enforcement officer or a code inspector; or by leaving a copy of the notice or order at the usual place of residence of the violator (or other person to whom the notice or order is directed) with any person residing therein who is above 15 years of age and informing such person of the contents of the notice or order.~~

~~In addition to providing a notice or order by the means just stated, the code inspector (in relation to a notice of violation or stop work order), or the Code Enforcement Board (in relation to a notice of Code Enforcement Board Hearing or an order of such Board), may also elect to serve the violator by either:~~

1. ~~Posting a copy of the notice or order for a period of at least ten days in at least two locations, one of which shall be the property upon which the violation is alleged or has been found to exist and the other of which shall be at the front door of the Courthouse of Walton County. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the dates and places of its posting; or~~
2. ~~Publishing notice at least once during each week for four consecutive weeks in a newspaper of general circulation in Walton County. The newspaper shall meet such requirements as are prescribed under Chapter 50, F.S., for legal and official advertisements. Proof of publication shall be made as provided in Section 50.041 and 50.051, F.S.~~

~~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 the first paragraph of this subpart. Evidence that an attempt has been made to hand deliver or mail notice as provided in the first paragraph herein, together with proof of publication or posting as provided in the preceding paragraph herein, shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.~~

**~~12.03.10.~~ D. Subpoenas for Hearings.**

After a case is set for hearing, the secretary to the Code Enforcement Board shall issue subpoenas as requested by the Director of the department of planning and zoning, the chief building official, and the alleged violator. All requests for subpoenas should be made in writing at least 15 days prior to the scheduled hearing date. Subpoenas may be served by the sheriff of Walton County. The County shall pay all costs of issuing and serving up to and including three subpoenas requested by any party. Should a party request more than three subpoenas, that party shall pay all costs incurred in issuing and serving those in excess of three.

**~~12.03.11.~~ E. Procedure for Code Enforcement Board Hearing.**

Hearings before the Code Enforcement Board (also referred to herein as "the Board") shall be conducted as follows: secretary shall read the statement of violation(s) and the request for hearing as to each case at the beginning of presentation of each particular case.

2. The alleged violator shall be asked if he wishes to contest the charges. If he does not wish to contest the charges, the County and the violator will nevertheless each be given an opportunity to present testimony and evidence in the record relating to action necessary for elimination of the violation (if not already eliminated by the time of the hearing) and to the penalty to be imposed upon the violator.
3. The County shall present its case and the alleged violator shall present his/her case. The County's case shall be presented by an attorney representing the County or by a member of the administrative staff of the County. The alleged violator's case may be presented by an attorney or by any other representative chosen and retained by the alleged violator.
4. Both parties may call witnesses. All witnesses shall be sworn, and all testimony shall be under oath and recorded. The Code Enforcement Board shall at a minimum take testimony from the code inspector, and from the alleged violator if s/he is present at the hearing.
5. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
6. Both parties may cross examine witnesses and present rebuttal evidence.
7. The Board and its attorney may call and may question any witness.
8. The board may, at any hearing, order the reappearance of a violator or a witness at a future (or continued) hearing as to the particular case.
9. After all evidence has been submitted, the chair shall close presentation of evidence in the particular case.

10. The Board shall issue findings of fact as to each case, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted to the Board by law. Issuance of the findings of fact and order shall be by motion approved by a majority of those members present and voting, but at least four members of the Board must vote in order for the action to be official. The order shall include a notice that it must be complied with by a specified date, and shall state further that if it is not so complied with, a fine of up to a specified amount (see subpart Q. herein) shall be imposed for each date the violation continues and that the cost of repairs may also be imposed against the violator if continuation of the violator presents a serious threat to the public health, safety, and welfare. The specified date for compliance shall be no more than 60 days from the date of the conclusion of the hearing as to the case.

11. In a case involving a finding of a repeat violation or a violation of a stop work order, the Board shall set forth relevant findings of fact as provided above, and may by its order immediately impose a fine upon the violator in a specified amount for each day the violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector and continuing until such time as the violation has been shown to the satisfaction of a code inspector to have been eliminated. In a case involving a finding of a repeat violation or a violation of a stop work order having been committed, but having been eliminated prior to the date of the Board's hearing as to the case, the Board may immediately enter an order setting forth its findings of fact and imposing a fine upon the violator in a specified amount for each day the violation has continued (as provided in subpart Q. herein), beginning with the date the repeat violation is found by a code inspector to have occurred and continuing through the date the violation has been shown, by evidence and testimony presented at hearing, to have been eliminated.

12. Whenever the Code Enforcement Board has found that a violation has been committed in relation to which there is reason to believe that continuation of the violation or condition causing the violation presents a serious threat to the public health, safety, and welfare, the Board shall immediately notify the County through its administrator of such findings. The County may make all reasonable repairs which are required to bring the property into compliance and may charge the violator with the reasonable cost of the repairs. Upon the County's request and notification to the Code Enforcement Board of the amount expended by the County for repairs, the Board shall include such cost in an order imposing a fine against the violator as provided in subpart P. herein.

**~~12.03.12.~~ F. Orders Requiring Compliance.**

A. *Issuance.* The order of the Board on each case, as described in the foregoing subpart, shall be reduced to writing within ten days after the case has been heard. Such written order shall be

mailed to the violator(s) by certified mail, return receipt requested, or by other service as provided in subpart K. herein, and shall be provided promptly to the Director of the department of planning and zoning County.

B. *Recording.* A certified copy of the Board's order requiring compliance by a date certain may be recorded in the public records of the County and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns.

**~~12.03.13.~~ G. Post-Order Compliance Inspection and Affidavit.**

As soon as reasonably possible after the date for compliance set forth in a Code Enforcement Board order requiring compliance has passed, a code inspector shall conduct an inspection for the purpose of determining whether the order has been complied with. Upon completion of such inspection, the code inspector shall promptly file an affidavit of compliance or noncompliance, as appropriate in each particular case, with the secretary of the Code Enforcement Board. A copy of such affidavit shall be sent to the violator by certified mail, return receipt requested, within at least three days after the date it is filed with the secretary of the Board. Upon filing of an affidavit of compliance with the Code Enforcement Board order in any case other than a one of a type specified in the following subpart herein, the secretary of the Board shall close the file and report such affidavit and action to the Board. In addition, if the Code Enforcement Board order requiring compliance in such a case has been recorded in the public records, the secretary shall so advise the Board and the Board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing shall not be required for issuance of such an order acknowledging compliance.

**~~12.03.14.~~ H. Orders Imposing Fine.**

A. 1. *Issuance.* Upon filing of an affidavit of noncompliance with the Code Enforcement Board order in any case, or filing of an affidavit of compliance: in a case involving a repeat violation, a violation of a stop work order, or a violation which has been corrected by the County because it presented a serious threat to the public health, safety, and welfare; the secretary shall provide a copy of such affidavit and related order and documentation to the Code Enforcement Board. The Board may, upon such notice and without further hearing, issue an order imposing a fine upon the violator as allowed by law and, where the County has performed repairs to correct the violation so as to eliminate a serious threat to the public health, safety and welfare, may also impose upon the violator a fine in the amount of the reasonable cost of such repairs. A copy of the order imposing a fine shall be provided to the violator(s) in the manner specified in subpart K. herein.

~~B.~~ 2. *Amount of Fine.* The Code Enforcement Board may, upon finding that a violation of the Code has been committed, order the violator to pay a fine in an amount not to exceed \$250.00 per day for a first violation for each day the violation continues past the date set by the Board for compliance. Whenever the Board finds a repeat violation of the Code has been committed, it may order the violator to pay a fine in an amount not to exceed \$500.00 per day for such repeat violation for each day the violation continues or has continued, beginning with the date the repeat violation is found to have occurred by the code inspector and continuing until such date as the violation is/was eliminated. Whenever the Code Enforcement Board finds that a violation which is irreparable or irreversible in nature has been committed, it may impose a fine not to exceed \$5,000.00 per violation. In determining the amount of the fine to be imposed, if any, the Code Enforcement Board shall consider the following factors:

- ~~1.~~ (a) The gravity of the violation;
- ~~2.~~ (b) Any actions taken by the violator to correct the violation; and
- ~~3.~~ (c) Any previous violations committed by the violator.

~~C.~~ 3. *Costs of Repairs.* In addition to the fines specified above, whenever the Code Enforcement Board has found a violation has been committed as to which there was reason to believe that continuation of the violation or condition causing the violation presents a serious threat to the public health, safety, and welfare, and the County has expended funds for repairs to correct the violation, the Code Enforcement Board may charge the violator with the reasonable cost of such repairs as part of the fine imposed in its order issued in the case.

~~D.~~ 4. *Recording and Effect.* 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 in a Code Enforcement Board order shall continue to accrue until the violator comes into compliance (as indicated in an affidavit of compliance filed by a code inspector with the Code Enforcement Board), or until judgment is rendered in a suit to foreclose on the lien relating to the violation, whichever occurs first. A lien arising from a fine imposed by Code Enforcement Board Order runs in favor of the County, and the County may execute a satisfaction or release of lien.

~~12.03.15.~~ **H. Enforcement of Orders Imposing Fine and Related Lien; Costs.**

When the fine imposed under a Code Enforcement Board Order remains unpaid after three months from filing of such Order (as described above), the Code Enforcement Board may

authorize the County attorney to foreclose on the lien. No lien created by filing of a Code Enforcement Board order imposing fine may be foreclosed on real property that is a homestead under section 4, article X of the State Constitution. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. The County shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

#### **~~12.04.00. OTHER PENALTIES AND REMEDIES FOR CODE VIOLATION~~**

##### **~~12.04.01. Withholding of Permits.~~**

~~No building permit or other development permit or order shall be issued for a site unless and until all other required development permits have been secured, nor while any violation of this Code exists on the site (other than as may be issued of necessity for commencement of activities to correct such violation of this Code).~~

##### **~~12.04.02. I. Code Enforcement Board Proceedings; Publication.~~**

Any code violation may be punished in accordance with the findings of the Code Enforcement Board, as provided in ~~Section 10.13.02~~ Chapter 1 of this Code. Each day any violation continues shall constitute a separate offense. In addition, when a violation has been found to exist by the Code Enforcement Board, such Board may recommend to the Board of County Commissioners, and the Board of County Commissioners may require, that the violator publish in a newspaper of daily publication and circulation in the County an advertisement to notify the general public of the following:

1. The nature of the violation committed;
2. The date and location of the occurrence of the violation;
3. The remedial work required to be performed to mitigate the violation; and
4. The name and address of the violator, and of the property owner if different. If a permit was issued to a business, or no permit was issued and the violation occurred on property owned by a business, the advertisement shall identify not only the name of the business, but the names of the business owners, all general partners if a partnership, all shareholders if a corporation, and all chief operating officers. If the business is a corporation with more than 20 stockholders, then only stockholders holding more than 20 percent of the outstanding stock shall be required to be identified.

**~~12.04.03.~~ 8.01.08. Sanctions for Failure to Obtain Permit.**

A. *Activities Otherwise Permittable.* When tree or vegetation removal, clearing, or other development activity has been undertaken without an appropriate approved permit, but is of a nature for which a permit could have been issued pursuant to this Code had an appropriate application been submitted, the violator shall be required to obtain approval of an after-the-fact permit for which such applicant shall pay an application fee of up to five times the normal rate, as determined by the Director of the ~~department of planning and zoning~~ Planning and Development Services Department based upon the severity of the violation, the extent of damage, and the applicant's record of previous Code violations. In addition, as a condition of the permit, the applicant shall prepare and submit an environmental analysis and immediately complete all remedial work as deemed necessary by the Director to stabilize the site and mitigate all damage to the site and adjacent properties.

B. *Non-Permittable Activities.* When tree or vegetation removal, clearing, or other development activity has been undertaken without an appropriate approved permit, and is of a nature for which a permit would not be approvable pursuant to this Code, the violator shall be required to submit to the Director, for approval, a restoration and mitigation plan which shall serve as a permit for such restoration and mitigation activities in lieu of a permit for development on the subject property. The restoration and mitigation plan shall be processed as a less than minor development permit application per the requirements of Chapter ~~X~~ 1 of this Code. Each proposed restoration and mitigation plan required for the removal or destruction of existing preservation areas and subsequent work shall be based upon an environmental analysis, prepared by an environmental professional, of the site and adjacent affected properties, a copy of which shall be submitted with the plan proposal. The applicant shall pay an application fee of up to five times the normal rate, as determined by the Director of the Planning and Development Services Department based upon the severity of the violation, the extent of damage, and the applicant's record of previous Code violations. The restoration and mitigation plan shall be consistent with the general intent and standards of this Code, and shall, for purposes of enforcement only, be treated as a permit for development. The violator shall be required to immediately complete all remedial work deemed necessary by the Director ~~of the department of planning and zoning~~ Planning and Development Services Department to stabilize the site and avoid any additional damage to the site and adjacent property.

**~~12.04.04.~~ 8.01.09 Revocation of Permit.**

A. *By Director.* Following notice in writing provided to the permittee (by certified mail, return receipt requested, or by hand delivery by the sheriff or other law enforcement officer or a code inspector), and after having provided the permittee an opportunity to respond to the notice within ten calendar days of his/her receipt of the notice, the Director of the department of

planning and zoning may revoke any permit issued by the County for development activities if the Director finds that the approval of the permit was based on incorrect information furnished by the applicant for the permit. However, based upon such a finding, the Director may in his discretion make reasonably necessary modifications to the conditions of a permit in lieu of revoking it.

#### **8.01.10 Withholding of Permits.**

No building permit or other development permit or order shall be issued for a site unless and until all other required development permits have been secured, nor while any violation of this Code exists on the site (other than as may be issued of necessity for commencement of activities to correct such violation of this Code).

#### **8.01.11 Code Enforcement Fund Established**

There shall be an account established in the fiscal records of the County for the deposit of fines received by the clerk of the court under this chapter and for those imposed by the code enforcement board. This fund shall be established at the first of the fiscal year following adoption of this chapter.

##### **A. Use of funds collected.**

Funds credited to this account shall be used only to defray the costs of enforcement and the operation of the code enforcement board. Such costs include, but are not limited to compensation of counsel for the code enforcement board, a court reporter to record verbatim testimony at code enforcement board hearings, training expenses, equipment and supplies that may be required to support code enforcement efforts in the County.

##### **B. Authorization of expenditures.**

Expenditure of funds from this account shall be managed and approved by the assistant administrative supervisor under procurement regulations that are established by the County Board of Commissioners.

#### **8.01. 12 Repeat invalid complaints.**

A. It is found and determined that the county has limited staff and resources and, therefore, cannot investigate properties that have received multiple complaints that have been determined to be invalid by the code inspector or code enforcement board.

B. It shall be unlawful for any person to willfully and knowingly provide false or misleading information to code enforcement on matters pertaining to the enforcement of this chapter.

C. The county may not investigate a complaint for six months if the county has received two complaints within one year determined to be invalid by the code inspector or code

enforcement board regarding the same property without a change in ownership of said property.

## **8.02.00 Property Safety and Maintenance**

### **8.02.01 Junk and Litter**

It is found and determined that a large amount of junk has and is accumulated in the County and that accumulations of junk constitute a menace to the public health, safety and welfare of the citizens of the county and mar and detract from the natural beauty of the County. The intent of this Section is to alleviate this menace by providing for the prohibition of junk as herein set forth. The Board of County Commissioners authorizes the use of any and all means, including the use of County funds and the Code Enforcement procedures described in this Chapter, to abate junk should the junk threaten public health, safety or welfare.

#### **A. Prohibited Conditions**

1. No owner or occupant shall cause or permit junk, litter, or junked or abandoned motor vehicles to remain in or upon any yard, garden, lawn, open outbuilding or open area of any private property in the county within residential and mixed use zoning districts, for a period in excess of 30 days, other than in an enclosed litter receptacle or in connection with a business enterprise or activity, lawfully situated and zoned, and possessing a license or permit to store such junk upon its premises.
2. No person shall drop, deposit, discard or otherwise dispose of any abandoned property in or upon any public property in the county, except in litter receptacles or in an area lawfully established and maintained as a garbage or waste disposal site, sanitary landfill or junkyard. Any article of abandoned property bearing a person's name or address or registered in a person's name, found on public property in a place other than as authorized, shall be presumed to be the property of such person and it shall be presumed that such person placed or caused to be placed such article of abandoned property where found. When a violation of this section is observed by any person, and the abandoned property is dumped or disposed of on public property has been ejected from a vehicle, the owner or operator of such vehicle shall be presumed to be the person who ejected such abandoned property. These presumptions shall be rebuttable by presentation of competent evidence to the contrary.

### **8.02.02. Overgrowth**

It is hereby found and determined by the Board of County Commissioners that weeds, grasses, shrubbery, brush, and noxious materials of any kind tend to be breeding places or havens for snakes and vermin of all kinds and character, or tend to be breeding places for mosquitoes, or tend to create a fire hazard and endanger the lives and property of the citizens of the county, or tend to create a nuisance or other unsightly or unsanitary condition that can threaten the

public health, safety and welfare. It is the intent of this article to provide for the prohibition of the excessive accumulation of weeds, grasses and shrubbery as herein set forth.

A. Prohibited Conditions

The excessive accumulation of weeds, grasses, and shrubbery, except for intentionally designed native landscapes, upon any lot or parcel of land improved or unimproved within the unincorporated areas of the County for any residential or mixed use zoning district, which exceeds 18 inches in height, to the extent that such portion of the lot or parcel of land is or may reasonably become infested or inhabited by rats or other vermin, or may furnish a breeding place for mosquitoes, or may reasonably cause disease or create a fire hazard, is declared to be a public nuisance and is hereby prohibited.

B. Applicability

This article shall not be construed to require mowing, clearing or other maintenance of lots, or portions of lots, encumbered by a conservation easement, natural community preservation areas, shoreline buffers, Wetland Protection Zones, Coastal Dune Lake Protection Zone, or any other such area required to remain in a natural vegetative state or where mowing, clearing or other maintenance conflicts with the requirements of a special development zone, buffer zone, or environmental constraints.

### **8.02.03. Dilapidated Structures**

Dilapidated structures are a blighting factor which deteriorates property and can cause the property to become a threat to public health, safety and welfare. Dilapidated structures can also depreciate the value of the property and the value of the adjacent and surrounding properties. The Board of County Commissioners finds that dilapidated structures are a public nuisance. It is the intent of this article to provide for the prohibition of dilapidated structures as herein set forth. The Board of County Commissioners further authorizes the use of any and all means, including the use of county funds to abate dilapidated structures should the dilapidated structure threaten public health, safety or welfare.

A. Prohibited Conditions

Dilapidated structures, including real property, personal property or fixtures, on any lot or parcel of land, or other real property in the county, whether improved or unimproved, constitute a public nuisance and are prohibited, and every owner of real property in the county has a duty to keep his or her property free of any nuisance at his or her expense.

### **8.02.04. International Property Maintenance Code**

The most recent edition of the International Property Maintenance Code as published by the International Code Council is hereby adopted by reference. However, should any provision of the International Property Maintenance Code be in direct conflict with any provision of this Land Development Code, the Land Development Code shall prevail.

Staff Analysis Note: This is a major policy change that would allow for enforcement of interior conditions requirements.

### **8.03.00 DETECTION AND ELIMINATION OF INAPPROPRIATE DISCHARGES INTO THE STORMWATER SYSTEM**

#### **8.03.01. Purpose, Intent.**

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Walton County through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable, as required by federal and state law. This chapter is not intended to burden or hamper normal agricultural activities which are consistent with Best Management Practices recommended by the USDA Natural Resources Conservation Service. This chapter establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are to regulate the contribution of pollutants to the MS4 through stormwater discharges by any user, prohibit un-permitted connections and discharges to the MS4, and to establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.

#### **8.03.02. DEFINITIONS**

The following terms shall have the stated meanings for the purpose of this section:

*Best Management Practices (BMPs):* Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage, as established by Walton County.

*Clean Water Act:* The federal Water Pollution Control Act (33 U.S.C. § 1551 et seq.), as amended.

*Hazardous materials:* Any material, including any substance, waste, or combination thereof, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Illicit connections:* An illicit connection is defined as either a drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system; or any connections to the storm drain Walton system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

*Inappropriate discharge:* Any direct or indirect non-stormwater discharge to the storm drain system.

*Industrial activity:* Activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 152.26(b)(15).

*Municipal separate storm sewer system (MS4):* The system of conveyances, including sidewalks, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, owned and operated by Walton County and designed or used for collecting or conveying stormwater, but not used for collecting or conveying sanitary sewage.

*National pollutant discharge elimination system (NPDES) stormwater discharge:* A permit issued by the United States Environmental Protection Agency, or by a state under authority delegated pursuant to 33 USC § 1342(b), that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Non-stormwater discharge:* Any discharge to the storm drain system that is not composed entirely of storm water.

*Person:* Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

*Pollutant:* Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to

pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm drainage system: Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to: any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater management plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Unpermitted connections: An unpermitted connection is defined as any drain or conveyance, whether on the surface or subsurface, that allows an inappropriate discharge to enter the storm drain system, including but not limited to, any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection was previously allowed, permitted, or approved by an authorized enforcement agency, prior to the adoption of this chapter, or any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an enforcement agency.

Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

### **8.03.03. DISCHARGE PROHIBITIONS**

The commencement, conduct or continuance of any unauthorized discharge to the storm drain system is prohibited. Therefore, no person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants. The following discharges are exempt from this chapter:

(A) water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

(B) Discharges or flow from firefighting and other discharges specified in writing by Walton County as being necessary to protect public health and safety.

(C) Discharges associated with dye testing after a verbal notification to Walton County prior to the time of the test.

(D) Any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Florida Department of Environmental Protection or the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### **8.03.04. PROHIBITION OF UNPERMITTED CONNECTIONS**

The construction, use, maintenance, or continued existence of unpermitted connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, unpermitted connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(A) It is a violation of this chapter if a person connects a line conveying sewage to the MS4 or allows such a connection to continue.

(B) Inappropriate connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of Walton County.

(C) Upon receipt of written notice of violation from Walton County and within a reasonable time period, the owner of property subject to the violation shall locate and identify any drain or conveyance that has not been documented in plans, maps, or equivalent, that is connected to the storm sewer system, to include any outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point, and provide such documentation of the location and identification to the County.

#### **8.03.05. WATERCOURSE PROTECTION**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

#### **8.03.06. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

The operator of any facility required to have an industrial or construction activity NPDES stormwater discharge permit shall submit a copy of the Notice of Intent (NOI) to the Walton County along with the required Stormwater Pollution Prevention Plan (SWPPP) at the same time the operator submits the original Notice of Intent to the FDEP or EPA, as applicable. Any person subject to such permit shall comply with all provisions of the permit and provide proof of compliance to the County prior to any discharge into the MS4. It shall be considered a violation of this chapter if a person subject to such permit does not submit a copy of the Notice of Intent or proof of compliance with the permit to Walton County prior to any discharge. The copy of the Notice of Intent and Stormwater Pollution Prevention Plan may be hand-delivered or mailed to Walton County at:

Walton County Public Works Department, Notice of Intent to Discharge Stormwater Attention: Director of Public Works Walton County Florida 117 Montgomery Circle Walton County, FL. 32435.

#### **8.03.07. COMPLIANCE MONITORING**

The owner of facilities subject to regulation under this chapter shall allow Walton County to enter and inspect as often as may be necessary to determine compliance at the facility with the provisions of this chapter. Unreasonable delays in allowing or refusal to allow the County to access a permitted facility is a violation of a stormwater discharge permit and of this chapter. All owners of regulated facilities shall:

(a) Make the necessary arrangements to allow access to the County if there are security measures in force at the facility that require proper identification and clearance;

(b) Allow the county ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of an NPDES permit, and the performance of any additional duties as defined by state and federal law;

(c) Allow the county to set up on any permitted facility such devices necessary, in the sole discretion of the county, to conduct monitoring and sampling of the facility's stormwater discharge.

(d) Install monitoring equipment as required by the county;

(e) Maintain all sampling and monitoring equipment in a safe and proper operating condition at the operator's expense, to include the calibration of equipment to measure stormwater flow and quality;

(f) Remove and keep clear, at the operator's expense, any temporary or permanent obstruction to safe and easy access to the facility upon the written or oral request of the County.

#### **8.03.08. SEARCH WARRANT FOR COMPLIANCE MONITORING**

If an owner or operator of a facility subject to the provisions of this chapter refuses access to any part of the premises, the county may apply for the issuance of a search warrant from any court of competent jurisdiction. The county must demonstrate probable cause that there may be a violation of this chapter or a need to inspect and sample discharge from the facility to verify compliance with this chapter or to protect the overall public health, safety, and welfare of the community.

#### **8.03.09. USE OF BEST MANAGEMENT PRACTICES**

Walton County shall adopt and identify best management practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an unpermitted discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

#### **8.03.10. NOTIFICATION OF SPILLS**

Any person responsible for a facility or operation or responsible for emergency response for a facility or operation who becomes aware of or receives information of any known or suspected release of materials that result or may result in unauthorized discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, shall take all necessary steps, pursuant to the County's BMPs, to discover, contain, and cleanup such discharge. In the

event of such a discharge of hazardous materials, said person shall immediately notify the appropriate emergency response agencies via emergency dispatch services.

In the event of a release of non-hazardous materials, said person shall notify the county in person or by phone or facsimile, no later than 5:00 p.m. on the next business day. If notification is made in person or by phone, the person responsible for the facility or operation shall confirm that notification by sending a written notice addressed and mailed to Walton County within seven business days of the phone or in person notice.

If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five years.

### **8.03.11. VIOLATIONS, ENFORCEMENT, PENALTIES**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Violations of the provisions of this chapter may be enforced pursuant to this Chapter of the Walton County Land Development Code, or otherwise as provided by law.

Whenever Walton County finds that a person has violated a prohibition or failed to meet a requirement of this chapter, Walton County Code Enforcement may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (A) The performance of monitoring, analyses, and reporting;
- (B) The elimination of illicit connections or discharges;
- (C) That violating discharges, practices, or operations shall cease and desist;
- (D) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; (e) Payment of a fine to cover administrative and remediation costs; and
- (E) The implementation of source control or treatment BMPs.
- (F) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of Walton County to seek cumulative remedies.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the county by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory action(s), such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Any person that has violated or continues to violate this chapter shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$375.00 per day and/or imprisonment for a period of time not to exceed one year.

The authorized enforcement agency may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.