

Prepared by: Building and City Clerk's Office

## ORDINANCE NO. 2013-24

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, CHAPTER 2, ADMINISTRATION, ARTICLE VI, CODE ENFORCEMENT, DIVISION 2, CODE ENFORCEMENT BOARD, SECTION 2-331, NOTICES; TO CONFORM TO FLORIDA CHAPTER 2013-193 REGARDING SECTION 162.12, FLORIDA STATUTES AS AMENDED; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the city's code provides for a code enforcement board and code enforcement inspectors, who are duly authorized agents or employees of the city whose duty is to ensure compliance with this code; and

**WHEREAS**, the city's code provides that all notices shall be provided to alleged violators; and

**WHEREAS**, recent changes to state law implemented amendments to Florida Statute 162.12 – Notices; and

**WHEREAS**, the city desires to amend this section to be consistent with the provision as specified by the Florida Statute 162.12 amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:**

**SECTION 1.** The Whereas clauses above are ratified and confirmed as true and correct.

**SECTION 2.** Chapter 2, Administration, Article VI, Code Enforcement, Division 2, Code Enforcement Board, Section 2-331, Notices, is amended to read as follows:

**Sec. 2-331. Notices.**

(a) All notices required by this division shall be provided to the alleged violator by:

- (1) Certified mail, return receipt requested, ~~provided if such notice is sent under this subsection to the owner of the property in question at~~ to the address listed in the tax collector's office for tax notices, and at any other address provided to the city by such owner and is returned as unclaimed or refused, or to the address listed in the county property appraiser's database. The city may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may 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

*The City of Venice Code of Ordinances is amended as follows  
with ~~strike through text~~ identifying deletions and underlined text indicating additional language.*

postmarked date of mailing, notice may be provided by posting as described in subsection (b)(2); and by first class mail directed to the addresses furnished to the city with a properly executed proof of mailing or affidavit confirming the first class mailing;

- (2) Hand delivery by a city police officer, the sheriff or other law enforcement officer, code inspector, or other person designated by the city manager-;
- (3) 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
- (4) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement board ~~clerical staff or the city~~, notice may ~~also~~ be served by publication or posting, as follows:

- (1) a. Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Sarasota County. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements.

b. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

- (2) a. In lieu of publication as described in subsection (b)(1)a., such notice may be posted at least ten 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 city hall.

b. 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.

- (3) ~~(c)~~ Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a) of this section.

~~(cd)~~ Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this division have been met, without regard to whether or not the alleged violator actually received such notice.

**SECTION 3. Severability.** If for any reason a provision of this ordinance or the application thereof to any person, group of persons, or circumstances is held invalid, the invalidity shall not

effect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the ordinance are severable.

**SECTION 4. Effective Date.** This Ordinance shall take effect immediately upon its adoption as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 13TH DAY OF AUGUST, 2013.**

First Reading: July 23, 2013

Final Reading: August 13, 2013

Adoption: August 13, 2013

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John W. Holic, Mayor

ATTEST:

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Lori Stelzer, MMC, City Clerk

Approved as to form:

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David Persson, City Attorney