

ORDINANCE NO. 239

AN ORDINANCE AMENDING SECTIONS 14-3 OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. JOE, FLORIDA, WHICH DEALS WITH PUBLIC NUISANCE; AMENDING PARAGRAPH (c) PROVIDING FOR CIVIL PENALTIES FOR OWNERS OF KEEPERS OF ANIMALS RUNNING AT LARGE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA:

Section 14-3 of the Code of Ordinances is hereby amended by adding to paragraph (c) as follows:

(c) A civil penalty of not more than \$100 for a first offense; but any person who elects not to appear in court shall have a civil penalty of \$25 for a first offense of such civil infraction. Second offenses within six month of a first offense shall be civil infraction with a penalty of not less than \$50, and a third offense within one year shall be a penalty of \$100; and any person found guilty after a court hearing shall have up to \$100 assessed for such infraction. The chief of police or other authorized officer shall issue a citation or notice to appear stating that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge. The citation must contain:

1. The date and time of issuance;
2. The name and address of the person;
3. The date and time the civil infraction was committed;
4. The facts constituting probable cause;
5. The ordinance violated;
6. The name and authority of the officer;
7. The procedure for the person to follow in order to pay the civil penalty, to contest the citation or to appear in court as required;
8. The applicable civil penalty if the person elects to contest the citation;
9. The applicable civil penalty if the person elects not to contest the citation;

10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he or she shall be deemed to have waived his or her 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;

If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required, the court may issue an order to show cause upon the request of the governing body of the municipality. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE: This ordinance shall become effective as provided by law.

THIS ORDINANCE ADOPTED this 18th day of August, 1997.

**CITY COMMISSION OF THE CITY
OF PORT ST. JOE, FLORIDA**

Mayor-Commissioner

ATTEST:


City Clerk