



Pinellas County

Staff Report

File #: 17-1336A, **Version:** 1

Subject:

Ordinance amending the Pinellas County Code regarding Code Enforcement by Special Magistrates; Chapter 2, Article VIII, Sections 2-618 through 2-630.

Recommended Action:

Conduct a public hearing of the proposed ordinance amending the County Code regarding Code Enforcement by Special Magistrates.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community.

Summary:

The proposed ordinance amending the County Code regarding Code Enforcement by Special Magistrates seeks to refine the County's regulatory framework and more closely aligning it with the mission, vision, values and strategic plan objectives. The amendments can be generally categorized in three sections; 1) providing additional or clarifying definitions, 2) expanding upon the selection criteria and duties of the Special magistrates, and 3) modifying procedures.

As the proposed amendments were drafted, further consideration was given to which terms should be included in the definitions section to enhance the purpose, intent, and the overall understanding of the ordinance.

The general intent behind the selection and duties section is to specify the hiring process, qualifications, compensation, scheduling and conflict of interest provisions. The additional structure should make it easier for the County to attract and retain qualified Special Magistrate candidates. It should also allow the County the ability to establish alternate and/or replacement magistrates should the need arise. While the proposed amendments elaborate on the regulatory framework, it should be noted that the recommendation and appointment of Special Magistrates will be addressed under a separate agenda item.

The third component addresses modifications to the procedures, with a focus on enhancing the service delivery model. In order to align this service delivery with the County's mission statement the County has placed an emphasis on compliance. Examples of this can be referenced in Section 2-622 where the amended language provides the County with discretion to extend first-time violators a reasonable amount of time to address the violation or Section 2-625 where the enforcing department has the ability to immediately address public health and safety violations. Another notable change enumerated in the ordinance are the fine and lien reduction criteria and processes established in Section 2-629. The section provides the citizen a couple different options when they wish to pursue a reduction. For example, the ordinance allows for a public hearing with the Special Magistrates

(Reduction upon motion) or a negotiation process with the enforcing department (Reduction upon joint motion). The current process has resulted in fine or lien accruals that have served as an impediment or disincentive to the rehabilitation, transfer, or sale of properties. The proposed amendments, along with some associated policy changes, seeks to improve this set of circumstances and allow many of the properties that are heavily encumbered by fine and/or liens to return to the market place and once again become contributing structures to the communities in which they are located.

Background Information:

The ordinance establishing Code Enforcement by Special Magistrates was initially implemented in January 2007. Since the adoption, several County departments have processed enforcement actions through the Special Magistrate program. The proposed amendments seek to refine the Code through experience gained from the ten years since its inception. Further consideration was given to input received from citizens, best management practices, and applicable law.

Fiscal Impact:

The proposed amendments will help implement the County's new service delivery model that provides an emphasis on educating and informing Pinellas County citizens about applicable code regulations with a focus on compliance. The revenues in the current fiscal year should not be impacted by this requested change. The FY17 budget anticipated amount of revenue is \$465,500. Year to date the division has taken in \$437,264.48.

As previously mentioned, the Special Magistrate program began in 2007, more specifically FY 2007/2008. Since that time, a large number of liens have begun to accumulate daily fines. In many cases the lien amounts have exceeded the value of the property and serve as a disincentive or impediment to the sale or improvement of the property. The proposed amendments would restructure the administrative division procedures and the fine or lien reduction criteria. As a result, amendments to the lien reduction portion of the ordinance, as well as modifications to the associated methodology, should result in a higher percentage of lien negotiations and settlements. Consequently, the County should experience a higher closure rate.

Staff Member Responsible:

Blake Lyon
Director of Development Review Services and Code Enforcement

Partners:

N/A

Attachments:

Chapter 2 Article VIII Proposed Amendments
Affidavit of Publication - Notice of Public Hearing