

ORDINANCE NO. 912

**AN ORDINANCE AMENDING ORDINANCE 909, PROVIDING FOR THE AMENDMENT OF THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 11 "CODE ENFORCEMENT", ARTICLE I "ENFORCEMENT", SECTION 11-2 "COMPLAINTS" TO REPLACE THAT SECTION IN ITS ENTIRETY WITH A REVISED SECTION 11-2 "COMPLAINTS"; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS, MOTIONS, RESOLUTIONS, AND ORDINANCES; SEVERABILITY; AND FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of DeFuniak Springs, Florida has determined it to be in the best interests of the City to amend the City Code to provide for a more effective and comprehensive solution to code enforcement, and;

**WHEREAS**, the City Council, in furtherance of that effort adopted Ordinance 909 on July 13, 2020, and;

**WHEREAS**, the City Council has further determined that Ordinance 909 should be amended in part to provide for two substantive changes to the manner in which Code Complaints are handled,

**NOW THEREFORE**, be it ordained by the City Council of the City of DeFuniak Springs, Florida, that City's Code of Ordinances is hereby amended by amending a section of Ordinance 909, to replace Chapter 11 "Code Enforcement", Article I "Enforcement", Section 11-2 "Complaints" in its entirety with a revised Section 11-2 "Complaints", that shall hereafter read as follows:

**Section 11-2: Complaints.** Code violation complaints may be initiated by either a duly appointed code enforcement officer of the City or by any other person in accordance with the following terms:

- (a) **Code Enforcement Initiated Complaints.** Code Enforcement Officers of the City shall be empowered, as part of their routine duties, to initiate a complaint in

under this Chapter when such complaint has been personally observed by said officer in the performance of that officer's duties. A complaint initiated in this matter shall be made in writing, and shall state the date, time, location, nature of the violation, and all other relevant information to the complaint, and shall be deemed received when signed and dated by the code enforcement officer. Code enforcement officers shall not arbitrarily or capriciously initiate complaints and shall endeavor to do so in a manner that is not selective enforcement or discriminatory. The mere fact that a complaint is initiated by a code enforcement officer, shall not give rise to the presumption; nor shall the fact that any similar complaint has been or could be filed or not filed by the same or any other code enforcement officer give rise to a presumption that said complaint is arbitrary, capricious, a practice of selective enforcement, or discriminatory. The ability to initiate complaints shall be discretionary to each code enforcement officer, subject to any other ordinance, resolution, or policy directive issued by the City regarding initiation of complaints by code enforcement officers.

- (b) **Complaints Initiated by All Other Persons.** The City shall accept complaints, including anonymous complaints, and shall process all complaints in a consistent and uniform manner, without respect to whether the complainant is anonymous.

Complaints may be made by telephone, email, written correspondence, or in person; and complainants may include the name(s), mailing address, phone number and other valid contact information of the complainant, except where the complainant wishes to remain anonymous. Anonymity of a complainant shall not, in and of itself, form the basis of a defense to a violation of the Code. Anonymous complaints shall not,

without independent corroboration by lawful means of investigation by a code enforcement officer, form the basis upon which a warrant for entry onto property is sought or obtained.

- (c) Receipt of a complaint shall be deemed to be the date upon which code enforcement commences. Upon receipt, the code enforcement officer shall take immediate action in a timely manner as set forth herein or by other duly adopted policy of the City.

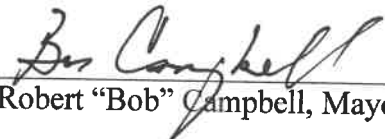
**Repeal of Conflicting Provisions, Motions, and Ordinances.** The adoption of this Ordinance shall repeal and supersede any and all prior conflicting provisions of City law or policy, including those made by prior motion of the City Council, Resolution of the City Council, or Ordinance, whether specifically named herein or not.

**Severability.** Any provisions of this Ordinance that is deemed to be unlawful shall be deemed severed upon such a determination with all remaining provisions continuing in full force and effect.

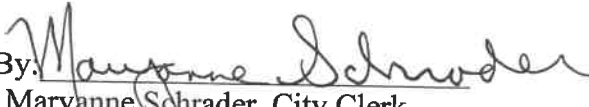
**THIS ORDINANCE SHALL TAKE EFFECT UPON ADOPTION.**

Adopted this 26th day of October 2020.



  
Robert "Bob" Campbell, Mayor

ATTEST:

By:   
Maryanne Schrader, City Clerk