



# MEMORANDUM

Office of the City Attorney

Legistar No. 991278

Phone: 334-5011/Fax 334-2229  
Box 46

TO: Mayor and City Commission

DATE: June 12, 2000

FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-64

An ordinance of the City of Gainesville, Florida, amending section 2-391.1 of the Code of Ordinances related to notice requirements for the code enforcement process; deleting out-of-date notice provisions and providing that notice must comply with state law; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

At its meeting of April 10, 2000, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance changing the service requirements for the code enforcement process, as provided in Chapter 162, Florida Statutes.

Prepared by:



Patricia M. Carter,  
Sr. Assistant City Attorney

Approved and  
Submitted by:



Marion J. Radson,  
City Attorney

MJR:PMC:sw

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5-12-00

ORDINANCE NO. \_\_\_\_\_  
0-00-64

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**An ordinance of the City of Gainesville, Florida, amending section 2-391.1 of the Code of Ordinances related to notice requirements for the code enforcement process; deleting out-of-date notice provisions and providing that notice must comply with state law; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

**WHEREAS**, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

**Section 1.** Section 2-391.1 of the Code of Ordinances, City of Gainesville, is amended to read as follows:

**Sec. 2-391.1. Notices.**

All notices required by this division shall comply with F.S. § 162.12.

~~(a) — All notices required by this division shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body; or by 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.~~

1 (b) — In addition to providing notice as set forth in subsection (a), at the option of the  
2 code enforcement board, notice may also be served by publication or posting, as follows:

3 (1) — ~~Newspaper publication.~~

4 a. — Such notices shall be published once during each week for four  
5 consecutive weeks (four publications being sufficient) in a newspaper of  
6 general circulation in the county where the code enforcement board is  
7 located. The newspaper shall meet such requirements as are prescribed  
8 under F.S. Ch. 50, for legal and official advertisements.

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

11 (2) — ~~Posting of notice.~~

12 a. — If there is no newspaper of general circulation in the county where  
13 the code enforcement board is located, three copies of such notice shall be  
14 posed for at least 28 days in three different and conspicuous places in such  
15 county, one of which shall be at the front door of the courthouse in said  
16 county.

17 b. — Proof of posting shall be by affidavit of the person posting the  
18 notice, which affidavit shall include a copy of the notice posted and the  
19 date and places of its posting.

20 3. — Notice by publication or posting may run concurrently with, or may  
21 follow, an attempt or attempts to provide notice by hand delivery or by mail as  
22 required under subsection (a).

23 Evidence that an attempt has been made to hand deliver or mail notice as provided in

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5-12-00

1 ~~subsection (a), together with proof of publication or posting as provided in subsection (b)~~  
2 ~~shall be sufficient to show that the notice requirements of this part have been met,~~  
3 ~~without regard to whether or not the alleged violator actually received such notice.~~

4 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of  
5 this Ordinance shall become and be made a part of the Code of Ordinances of the City of  
6 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be  
7 renumbered or relettered in order to accomplish such intentions.

8 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
9 or unconstitutional by any court of competent jurisdiction, then said holding shall in no  
10 way affect the validity of the remaining portions of this ordinance.

11 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
12 such conflict hereby repealed.

13 **Section 5.** This ordinance shall become effective immediately upon final adoption.

14 PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

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PAULA M. DeLANEY  
MAYOR

ATTEST:

Approved as to form and legality

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

28 This Ordinance passed on first reading this \_\_\_ day of \_\_\_\_\_ 2000.

30 This Ordinance passed on second reading this \_\_\_ day of \_\_\_\_\_, 2000.

32 carter:ordinances:service reqts for code enf