

ORDINANCE NO. 2017-298

2
3 AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF
4 HILLSBORO BEACH, FLORIDA, AMENDING CHAPTER 4 ENTITLED
5 "BUILDINGS AND BUILDING REGULATIONS" BY SPECIFICALLY
6 CREATING SECTION 4-8 ENTITLED "UNLICENSED CONTRACTORS";
7 PROVIDING FOR THE ADOPTION BY THE TOWN OF PROVISIONS OF
8 SECTION 489.127 OF THE FLORIDA STATUTES RELATING TO
9 UNLICENSED CONTRACTORS; DESIGNATING THE TOWN'S POLICE
10 DEPARTMENT ACTING IN THE CAPACITY OF CODE ENFORCEMENT
11 OFFICERS TO ENFORCE THE PROVISIONS OF SAID STATUTE PURSUANT
12 TO ITS TERMS; PROVIDING FOR CODE ENFORCEMENT PROCEDURES
13 AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR
14 CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN
15 EFFECTIVE DATE.

16
17 WHEREAS, Florida Statute 489.127 sets forth certain prohibitions relating to contractors or to
18 those who engage in the business or act of contracting; and
19

20 WHEREAS, Florida Statute 489.127 provides that a municipality may designate its code
21 enforcement officers to enforce the provisions of subsection (1) and Section 489.132 (1), Florida Statutes,
22 against person who engage in activity for which a municipal certificate of competency or a license or state
certification or registration is required; and

25 WHEREAS, Section 489.127 (5) sets forth the specific manner in which a code enforcement
26 officer may act in regard to the enforcement of said sections and the penalties which may be imposed for
27 a violation.
28

29 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN
30 OF HILLSBORO BEACH, FLORIDA THAT:
31

32 Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and
33 correct and are hereby made a part of this Ordinance.
34

35 Section 2. Chapter 4 of the Code of Ordinances entitled "Buildings and Building
36 Regulations" is amended to create Section 4-8 which shall read as follows:
37

38 **Section 4-8. UNLICENSED CONTRACTORS**
39

40 A. Adoption and enforcement of F.S. § 489.127.
41

42 The Town Commission hereby adopts the provisions of F.S. §§ 489.127(1) and 489.127(5),
43 incorporating the specific prohibitions, the manner of code enforcement and penalties set
44 forth in said sections.
45
46

1
2 B. Designation of code enforcement to enforce F.S. §§ 489.127(1) and 489.132(1).

3
4 The Town Commission hereby authorizes its police officers acting in the capacity of code
5 enforcement officers to enforce the provisions of F.S. §§ 489.127(1) and 489.132(1) against
6 persons who engage in activity for which a municipal certificate of competency or license or
7 state or Broward County certification or registration is required.

8
9 C. Code enforcement procedures and penalties.

10
11 The Town Commission hereby adopts in its entirety the provisions of F.S. § 489.127(5)
12 setting forth the procedures for code enforcement as set forth therein and hereby specifically
13 adopting the penalties set forth therein. Specifically, the civil penalty which shall be levied by
14 the town shall be \$500.00 for a violation of any of the prohibitions adopted herein. The
15 monies collected shall be retained by the Town and may be set aside in a specific fund to
16 support future enforcement activities against unlicensed contractors. Each day a willful,
17 knowing violation continues shall constitute a separate offense. Further, pursuant to the
18 provisions of F.S. § 489.127(5)(f), if the Special Magistrate finds that a violation exists, the
19 Special Magistrate may order the violator to pay a civil penalty of not less than the amount
20 set forth on the citation, but not more than \$1,000.00 per day for each violation.

21
22 Section 3. If any section, subsection, sentence, clause or provision of this Ordinance is held
23 invalid, the remainder of this Ordinance shall not be affected by such invalidity.

24
25 Section 4. That all ordinances or parts of ordinances and all resolutions or parts of
26 resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

27
28 Section 5. It is the intention of the Town Commission of the Town of Hillsboro Beach, that the
29 provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Town of
30 Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered, re-lettered and the word
31 "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish
32 such intention.

33
34 Section 6. This Ordinance shall be effective immediately upon passage and adoption by the
35 Town Commission of the Town of Hillsboro Beach.

36
37 PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO
38 BEACH, FLORIDA, ON FIRST READING, THIS 11 DAY OF July, 2017.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH,
FLORIDA, ON SECOND AND FINAL READING, THIS 13 DAY OF SEP, 2017.

1
2
3
4
5
6
7
8
9
10
11
12

By: Deborah L. Tarrant
Deborah L. Tarrant, Mayor

ATTEST:
By: Ma Lh

