



# Ordinance 2025-03

*AN ORDINANCE OF THE TOWN OF ESTO, FLORIDA, PROHIBITING DAMAGE TO PUBLIC PROPERTY AND INFRASTRUCTURE; ESTABLISHING ENFORCEMENT MEASURES, PENALTIES, AND COST RECOVERY; PROVIDING FOR A PERMITTING PROCESS FOR AUTHORIZED USES; PROVIDING FOR AN APPEALS PROCESS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.*

**WHEREAS**, the Town of Esto seeks to protect public infrastructure, including roads, drainage systems, sidewalks, and other town-owned property from damage caused by individuals; and

**WHEREAS**, the Town Council finds it necessary to establish enforcement procedures and penalties for individuals who damage public infrastructure through negligent or intentional actions;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ESTO, FLORIDA:**

## **SECTION 1. PURPOSE AND INTENT.**

The purpose of this ordinance is to prevent damage to public infrastructure, provide enforcement mechanisms, and establish cost recovery provisions to ensure that individuals responsible for damage bear the financial burden of repairs.

## **SECTION 2. DEFINITIONS.**

For the purposes of this ordinance, the following definitions shall apply:

**Public Infrastructure:** Includes roads, sidewalks, drainage ditches, culverts, rights-of-way, street signs, traffic control devices, public utilities, parks, landscaping, and any other town-owned or maintained property.

**Damage:** Any destruction, defacement, obstruction, or impairment that negatively affects the function, safety, or condition of public infrastructure.

**Obstruction:** Any action that blocks, restricts, or interferes with the intended use of public infrastructure, including unauthorized placement of objects.



**Responsible Party:** Any person, business, or entity whose actions directly or indirectly cause damage to or obstruction of public infrastructure.

**Permit:** Official town approval for temporary use, alteration, or work on public infrastructure, granted under specific conditions.

### **SECTION 3. PROHIBITED CONDUCT.**

It shall be unlawful for any person to engage in any activity that causes or contributes to the damage, obstruction, or unauthorized alteration of public infrastructure, including but not limited to:

#### **1. Damage to Roads, Sidewalks, and Rights-of-Way**

- Driving, parking, or operating vehicles in a manner that damages roads, sidewalks, curbs, or public rights-of-way.
- Repeatedly entering or exiting a private property in a way that erodes, destabilizes, or damages town-maintained infrastructure.
- Dragging, pushing, or depositing materials (e.g., construction debris, gravel, mud) onto public roads or sidewalks.
- Using excessive vehicle weight or equipment that damages pavement, curbs, or other infrastructure.

#### **2. Drainage and Stormwater Violations**

- Blocking, filling, or altering drainage ditches, culverts, or stormwater management systems without prior town approval.
- Discharging chemicals, oils, wastewater, or other hazardous substances that could contaminate stormwater or damage infrastructure.
- Redirecting water onto public property in a way that causes erosion, flooding, or damage.

#### **3. Unauthorized Alterations to Public Property**

- Digging, excavating, or removing parts of roads, sidewalks, drainage systems, or other town infrastructure without proper authorization.





- Installing unauthorized objects (e.g., speed bumps, barriers, personal signs) on public property.
- Removing, damaging, or tampering with street signs, traffic control devices, or public utility infrastructure.

#### **4. Obstruction of Public Property**

- Blocking roads, sidewalks, or drainage systems with vehicles, equipment, dumpsters, or debris.
- Using public streets or rights-of-way for personal storage, long-term parking of boats, trailers, or commercial equipment without approval.
- Operating businesses, vending, or setting up temporary structures on town-owned property without authorization.

#### **5. Construction and Utility Violations**

- Performing construction or utility work in public rights-of-way without obtaining necessary permits.
- Failing to repair damage caused by construction, such as restoring sidewalks, roads, or landscaping disturbed by private projects.

#### **6. Damage to Public Parks, Landscaping, and Natural Resources**

- Driving or operating heavy machinery in parks, green spaces, or protected areas without approval.
- Removing, damaging, or defacing trees, shrubs, or landscaping maintained by the town.
- Dumping waste, chemicals, or construction materials in public spaces or waterways.

#### **7. Criminal Mischief and Vandalism**

- Defacing, spray painting, or damaging town property, including buildings, benches, signs, and monuments.
  - Tampering with public utilities, water meters, or electrical systems.
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## SECTION 4: PERMITTING PROCESS

1. **Permit Required:** Businesses or individuals needing to perform work on or temporarily obstruct public infrastructure must apply for a permit from the town.
2. **Application Process:** Applications must include details of the proposed work, duration, and mitigation measures to prevent damage.
3. **Permit Approval:** The town will approve or deny the permit based on safety, public impact, and compliance with local regulations.
4. **Conditions of Approval:** The town may impose conditions to minimize potential infrastructure damage, including requiring a bond or repair agreement.

## SECTION 5. ENFORCEMENT AND PENALTIES.

### A. Designation of Code Enforcement Officer

The Town of Esto shall designate a Code Enforcement Officer to administer and enforce this ordinance. The Code Enforcement Officer may investigate potential violations and issue civil citations when reasonable cause exists to believe that a violation has occurred.

### B. Issuance of Citations

**With Notice:** Except as provided in the following paragraph regarding immediate citations, prior to issuing a citation, the Code Enforcement Officer shall issue a Notice of Violation to the responsible party. The notice shall state the nature of the violation and provide a reasonable timeframe, not to exceed thirty (30) days, for correction.

**Without Notice:** In cases where a violation presents an imminent threat to public health, safety, or welfare, or where the violation is irreparable or irreversible, the Code Enforcement Officer may issue a civil citation without prior notice.



### **C. Citation Content**

Each citation shall include the following:

- Date and time of issuance;
- Name and address of the responsible party;
- Date and location of the violation;
- Factual basis for the violation;
- Reference to the specific section of this ordinance violated;
- Name and authority of the issuing officer;
- Instructions on how to pay the civil fine or contest the citation;
- Civil fine amount;
- Statement advising that failure to act may result in a default judgment and lien.

### **D. Civil Penalties**

Violations of this ordinance shall constitute civil infractions and be subject to the following penalties:

- First Violation: \$50
- Second Violation (within 12 months): \$150
- Third and Subsequent Violations: \$250 per occurrence
- Each day the violation continues shall constitute a separate offense.

### **E. Appeals**

Any person receiving a citation may:

- Pay the fine within thirty (30) days of issuance, or





- File a written request with Holmes County Court to contest the citation within thirty (30) days.
- Failure to act within the time allowed shall be deemed a waiver of the right to contest, and a judgment may be entered accordingly.

#### **F. Cost Recovery**

In addition to civil fines, the responsible party shall reimburse the Town for the full cost of repairs, cleanup, or restoration of damaged public property. Unpaid balances may be recorded as liens and collected through non-ad valorem assessments or other lawful means. The Town may institute a civil action in a court of competent jurisdiction to recover actual expenses, compensatory and punitive damages, including reasonable attorney's fees, costs and expenses, for any damage caused to Town-owned property located within the Town limits as a result of violations of this Ordinance.

#### **G. Continuing Violations**

Each day that a violation continues after notice has been given shall be deemed a separate violation and may be cited and fined accordingly.

#### **H. Legal Remedies**

The Town may also seek injunctive relief or other civil remedies as permitted by law to prevent or remediate damage to public infrastructure.

### **SECTION 6. EXCEPTIONS.**

This ordinance shall not apply to town employees, contractors, or utility providers performing authorized maintenance, construction, or emergency repairs.

**SECTION 7: CONFLICTS AND SEVERABILITY**

Any ordinance or part of an ordinance in conflict with this ordinance is repealed to the extent of the conflict. If any section of this ordinance is found to be invalid, the remaining sections shall remain in effect.

**SECTION 8: EFFECTIVE DATE**

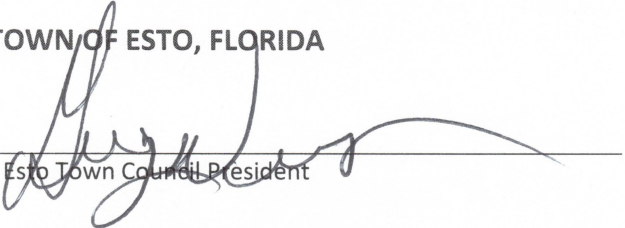
This ordinance shall take effect immediately upon adoption by the Town Council.

**PASSED** on first reading the 15th day of April, 2025.

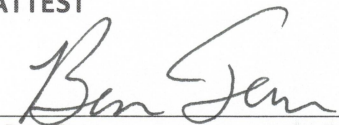
**ADVERTISED** in the Holmes County Advertiser on May 14, 2025.

**PASSED AND ADOPTED** on the second reading on May 20, 2025.

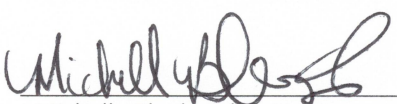
**TOWN OF ESTO, FLORIDA**

  
\_\_\_\_\_  
Esto Town Council President

**ATTEST**

  
\_\_\_\_\_  
Ben Tew  
Esto Town Clerk

**APPROVED TO FORM AND CORRECTNESS**

  
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Michelle Blankenship Jordan  
Town Attorney