



Ordinance 2026-04

AN ORDINANCE OF THE TOWN OF ESTO, FLORIDA; REPEALING AND REPLACING PREVIOUSLY ADOPTED ORDINANCES IN REGARD TO NUISANCES ON PRIVATE PROPERTY; ADOPTING DEFINITIONS; ADOPTING AN ALTERNATE CODE ENFORCEMENT SYSTEM PURSUANT TO CHAPTER 162, FLORIDA STATUTES; DESIGNATING A CODE ENFORCEMENT OFFICER; PROHIBITING ANONYMOUS COMPLAINT-BASED ENFORCEMENT; ESTABLISHING A SPECIAL MAGISTRATE PROCESS; ESTABLISHING A CODE ENFORCEMENT BOARD; ESTABLISHING A TOWN COUNCIL NUISANCE ABATEMENT BOARD TO SIT IN A QUASI-JUDICIAL CAPACITY PURSUANT TO SECTION 893.138, FLORIDA STATUTES; ADOPTING A CIVIL CITATION ENFORCEMENT MECHANISM WITH HEARING BEFORE THE HOLMES COUNTY COURT JUDGE PURSUANT TO SECTION 162.21, FLORIDA STATUTES; REGARDING DETERMINATION OF NUISANCE; COUNCIL AUTHORITY; PENALTIES FOR NON-COMPLIANCE AND VIOLATIONS; PROVIDING FOR LIEN AND FORECLOSURE PROCEDURES; PROVIDING FOR HOMESTEAD PROTECTIONS; PROVIDING FOR ELECTION OF REMEDIES AND NON-WAIVER; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Esto, Florida, is authorized by Florida law, including pursuant to the home rule powers granted by Article VIII, Section 2(b) of the Florida Constitution, and Chapter 162, Florida Statutes, to enact and enforce ordinances to address nuisances on private property, including: adopting an alternate code enforcement system utilizing a Special Magistrate or Code Enforcement Board pursuant to Section 162.03(2), Florida Statutes; adopting a civil citation enforcement mechanism pursuant to Section 162.21, Florida Statutes; establishing a Nuisance Abatement Board pursuant to Section 893.138, Florida Statutes; providing for liens, foreclosure, appeals, and penalties pursuant to Sections 162.09, 162.11, 162.22, 162.30, and 775.083, Florida Statutes; and repealing and replacing Ordinance No. 01-02/07-17 of the Town of Esto, Florida; and

WHEREAS, the Town Council of the Town of Esto, Florida, has determined that establishing multiple, alternative enforcement mechanisms, including a Special Magistrate process, a Code Enforcement Board, a Town Council Nuisance Abatement Board, and a civil citation mechanism, will provide the Town with the flexibility necessary to address a broad range of nuisance conditions through the most



appropriate enforcement tool available under applicable law, with such mechanisms being alternative and supplemental to one another as more fully provided in Section 9(c) of this ordinance; and

WHEREAS, the Town Council of the Town of Esto, Florida, has determined, after due deliberation and consideration, that the following repeal and replacement of Ordinance No. 01-02/07-17 of the Town of Esto, Florida, is appropriate and lawful, and better establishes procedures and penalties for the removal of nuisances within the corporate limits of the Town of Esto, Florida (the "Town"), through: a Code Enforcement Officer designated by the Town Council, with a prohibition on anonymous complaint-based enforcement; a Special Magistrate process, a Code Enforcement Board, and a Town Council Nuisance Abatement Board as alternate enforcement mechanisms; a civil citation mechanism with hearing before the County Court Judge of Holmes County; homestead protections pursuant to Section 4, Article X of the Florida Constitution; appeals by petition for writ of certiorari to the circuit court of Holmes County; and administrative, civil, and criminal penalties, all as more fully set forth in the operative sections of this ordinance; and

WHEREAS, the Town Council of the Town of Esto, Florida, finds that there are not only vacant lots and parcels in the Town, but also occupied parcels of land that are overgrown with weeds, vines, and other noxious growth, and have become a collection place for garbage, debris, junk, or other undesirable mess, and are likely to become the breeding place for rats, mosquitoes, flies, and other insects and rodents, and present unsafe conditions; and further finds that the Town contains properties exhibiting conditions including, but not limited to: odorous, putrid, or unwholesome matter; the emission of smoke, fumes, gases, and pollutants injurious to human health; unsecured privies, cesspools, and pits; accumulations of trash, scrap metal, and abandoned materials; unsafe, unsightly, abandoned, and partially destroyed buildings and structures constituting fire hazards or menaces to public health and safety; inoperable, wrecked, and abandoned motor vehicles; improperly maintained animal enclosures emitting noxious odors; undrained lots holding stagnant water; and places used for unlawful activity including the sale, delivery, manufacture, or cultivation of controlled substances, prostitution, dealing in stolen property, and criminal gang activity as defined by Section 874.03, Florida Statutes, as more



fully enumerated in Section 3 of this ordinance; and that the conditions located on such lots and parcels are unattractive within the Town; and

WHEREAS, the Town Council of the Town of Esto, Florida, further finds as a fact that the conditions described above materially affect: the safety of citizens and visitors to the Town; the general health and welfare of all persons within the Town; the health and safety of children who are attracted to such conditions and who are vulnerable to accidents and injuries; the quality of urban attractiveness and the overall aesthetic appearance of the Town; the protection of property values in the vicinity of such conditions and throughout the Town; the ability of the Town to attract new industry and to create new and better paying jobs, including the full economic development of the Town; the comfort, happiness, and emotional stability of owners and occupants of nearby property, as well as their full use, ownership, and enjoyment thereof; and the right of all residents to live in a peaceful, quiet neighborhood and to pursue happiness; and further finds that certain nuisance conditions, including those involving controlled substances, prostitution, stolen property, and criminal gang activity, present heightened public safety threats that warrant the availability of the Nuisance Abatement Board process pursuant to Section 893.138, Florida Statutes, in addition to the other enforcement mechanisms provided herein; and that the gravity and range of nuisance conditions within the Town require the availability of proportionate and flexible enforcement remedies, including administrative fines, civil citations, civil actions, criminal prosecution, and abatement at the owner's expense.

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

SECTION 1: NUISANCES ON PRIVATE PROPERTY.

(a) The following provisions pertain to the regulation of nuisances on private property lying within the corporate limits of the Town of Esto. Enforcement of this ordinance shall be governed by the procedures set forth herein and, to the extent not inconsistent herewith, by Chapter 162, Florida Statutes, as amended.



(b) It shall be unlawful for any person to create or cause a nuisance, as defined herein, to be created, or for the owner, tenant, occupant, caretaker, or person in possession of any lot, parcel, or tract of land in the Town to create a nuisance or to otherwise permit, allow, or suffer a nuisance to be created, or allow a nuisance to remain on such property after it has been declared a nuisance in the manner provided for herein.

(c) For purposes of this chapter, the owner, or owners, as well as any tenant, caretaker, occupant, or person in possession of any lot or parcel of land shall be liable for any condition that is determined to be a nuisance and this chapter shall be fully enforceable against any or all of such persons, jointly or severally.

(d) No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the property in the neighborhood in which such premises are located. This prohibition is in addition to, and not in limitation of, the provisions of subsections (a), (b), and (c) of this Section.

SECTION 2: DEFINITIONS.

(a) "Civil Citation" means a written notice issued by the Code Enforcement Officer to a person who has committed a civil infraction in violation of this ordinance, pursuant to Section 162.21, Florida Statutes, and Section 6 of this ordinance, which requires the person to pay a civil penalty or to appear before the County Court Judge of Holmes County to contest the citation.

(b) "Code Enforcement Officer" means the individual designated by the Town Council to investigate potential violations of this ordinance, to initiate enforcement proceedings, and to present cases before the Special Magistrate, the Code Enforcement Board, or any other enforcement body established by this ordinance, and to issue civil citations as authorized herein. No member of the Town Council shall serve as or exercise the powers of the Code Enforcement Officer. The Town Council may, by resolution, contract with Holmes County or another governmental entity for code enforcement officer services.



(c) "Nuisance" means any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial decrease in the value of other property in the neighborhood in which such premises are located, including but not limited to those conditions enumerated in Section 3 of this ordinance. A nuisance also consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(d) "Nuisance Abatement Board" or "NAB" means the Town Council of the Town of Esto, Florida, when convened in a quasi-judicial capacity pursuant to Section 893.138, Florida Statutes, and Section 5 of this ordinance, for the purpose of hearing and adjudicating nuisance complaints.

(e) "Owner" means any person, firm, corporation, partnership, association, or other legal entity having a legal or equitable interest in the real property at issue, including the holder of title, a mortgagee in possession, or any person who exercises control over the property.

(f) "Premises" means any lot, parcel, or tract of land, together with any structures, buildings, or improvements located thereon, situated within the corporate limits of the Town of Esto, Florida.

(g) "Repeat Violation" means a violation of the same provision of this ordinance by the same person or entity who has been previously found by the Special Magistrate, the Code Enforcement Board, or the Nuisance Abatement Board to have violated, or who has previously admitted to violating, that same provision, or for whom a civil citation for the same provision was previously issued and not successfully contested, within five (5) years prior to the current violation, regardless of whether the prior violation was corrected.

(h) "Special Magistrate" means the individual appointed by the Town Council by resolution, pursuant to Section 4(b) of this ordinance, who must be a member in good standing of The Florida Bar, and who is authorized to hold hearings, assess fines, and issue orders in code enforcement proceedings under



this ordinance. The Special Magistrate shall have the same status as an enforcement board under Chapter 162, Florida Statutes.

(i) "Town" means the Town of Esto, a municipal corporation organized and existing under the laws of the State of Florida.

SECTION 3: ENUMERATION OF NUISANCES.

A nuisance includes, but is not limited to, the maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things:

- (a) Any odorous, putrid, unsound, or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl;
- (b) The emission of smoke, dust, fumes, gases, mists, odors, or polluted air from any source that is injurious or dangerous to human health and safety;
- (c) Privies, vaults, cesspools, dumps, pits, or like places which are not securely protected from flies or rats or other insects and rodents, or which are foul or malodorous;
- (d) Filthy, littered, or trash-covered cellars, house yards, barnyards, stable-yards, factory yards, mill yards, vacant areas in rear of stores, vacant lots, houses, buildings, or premises;
- (e) Dead animals buried within the corporate limits;
- (f) Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the municipality;
- (g) Hauling any garbage, waste, or refuse matter through the streets, alleys, and public ways, except when the same is loaded and conveyed in such a way that none of the contents shall be spilled;



(h) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish, or any waste vegetable or animal matter in any quantity; provided, however, that nothing herein contained shall prevent the temporary retention of waste in receptacles, nor the dumping of non-putrefying waste in a place and manner approved by the municipality;

(i) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles;

(j) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials, when any of the articles or materials create a condition in which flies or rats or other insects or rodents may breed or multiply, or which may be a fire danger, or which are so unsightly as to depreciate property values in the vicinity;

(k) Any unsafe building, unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which buildings, billboards, or other structures are a fire hazard, or a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity;

(l) All places used or maintained as junk yards, or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked, or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to depreciate property values in the vicinity thereof;



(m) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens, or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when the places in which the animals are confined, or the premises on which the vegetable or animal matter is located are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom to the annoyance of inhabitants of the municipality, or are maintained and kept in such a manner as to be injurious to the public health; or the maintenance of livestock, cows, pigs, horses, mules, fowl, or rabbits within 100 feet of a public roadway, walkway, or public easement, if such property is classified as residential by the Holmes County Property Appraiser or is used primarily for residential purposes and the total lot size is less than one acre;

(n) Dead or diseased trees within the right-of-way of streets within the corporate limits;

(o) Undrained lots which hold or may hold stagnant water or any other nuisance;

(p) Any condition which allows the perpetuating of insects and rodents;

(q) Storage, accumulation, keeping, placing, or allowing to remain trash, garbage, scrap and wrecked, worn-out, broken or inoperative, or partially destroyed or disassembled personal or real property of any kind, including any junk or abandoned motor vehicles, tractors, trailers, machinery, and equipment;

(r) Any vehicle which is not properly registered, or is inoperable, wrecked, junked, or partially dismantled and remaining longer than thirty (30) days on private property; provided, however, that this does not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner for which an operational license has been obtained from the municipality, when necessary to the lawful operation of such business enterprise (such as a licensed salvage dealer, motor vehicle dealer, farm implement dealer or automobile repair shop), or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner, and so



long as the premises on which said vehicle is located is not a nuisance and is maintained in a healthful and safe condition;

(s) Lots, pieces of ground, and the adjoining streets and alleys with growth of weeds or noxious growth exceeding twelve (16) inches in height;

(t) Any place or premises that has been used:

- (1)** On more than two occasions within a 6-month period, as the site of violation of Florida Statute 796.07;
- (2)** On more than two occasions within a 6-month period, as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;
- (3)** On one occasion, as the site of the unlawful possession of a controlled substance, where such a possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;
- (4)** By a criminal gang for the purpose of conducting criminal gang activity as defined by Florida Statute 874.03;
- (5)** On more than two occasions within a 6-month period, as the site of violation of Florida Statute 812.019, relating to dealing in stolen property; or
- (6)** On two or more occasions within a 6-month period, as the site of violation of Section 499.0051, Florida Statutes.

Any place or premises described in subsections (1) through (6) of this Section 3(t) may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in Section 893.138, Florida Statutes.

**SECTION 4: SPECIAL MAGISTRATE.**

(a) ADOPTION OF ALTERNATE ENFORCEMENT SYSTEM. Pursuant to Section 162.03(2), Florida Statutes, the Town of Esto hereby adopts an alternate code enforcement system. The Town Council shall designate a Special Magistrate to hold hearings and assess fines against violators of this ordinance. The Special Magistrate shall have the same status as an enforcement board under Chapter 162, Florida Statutes.

(b) APPOINTMENT AND QUALIFICATIONS OF SPECIAL MAGISTRATE. The Special Magistrate shall be appointed by the Town Council by a simple majority vote and must meet the qualifications set forth in Section 2(h) of this ordinance. The Special Magistrate shall serve at the pleasure of the Town Council and shall receive such compensation as determined by the Town Council. No member of the Town Council shall serve as Special Magistrate.

(c) POWERS OF THE SPECIAL MAGISTRATE. The Special Magistrate shall have the power to:

- (1)** Adopt rules for the conduct of code enforcement hearings;
- (2)** Subpoena alleged violators and witnesses to hearings and take testimony under oath;
- (3)** Issue orders requiring violators to correct violations and to appear at hearings;
- (4)** Assess administrative fines as provided herein;
- (5)** Issue orders to the Town to make necessary repairs or abate nuisances where the violator has failed to comply, charging the cost to the violator;
- (6)** Reduce or waive fines for good cause shown.

(d) DESIGNATION OF CODE ENFORCEMENT OFFICER. The Town Council shall designate a Code Enforcement Officer by affirmative simple majority vote, consistent with the requirements of Section 2(b) of this ordinance. It shall be the duty of the Code Enforcement Officer to initiate enforcement proceedings under this ordinance.

Pursuant to Section 2(b) of this ordinance, the Town Council may contract with Holmes County or another governmental entity for code enforcement officer services.



(e) ANONYMOUS COMPLAINTS PROHIBITED. In accordance with Section 162.06(1)(b), Florida Statutes, the Code Enforcement Officer may not initiate enforcement proceedings for a potential violation by way of an anonymous complaint. Any person who reports a potential violation must provide his or her name and address to the Town before an enforcement proceeding may be initiated. This subsection does not apply where the Code Enforcement Officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare, or the imminent destruction of habitat or sensitive resources.

(f) INITIAL INSPECTION AND NOTICE OF VIOLATION.

- (1)** Upon personal investigation, if the Code Enforcement Officer finds a violation of this ordinance, the Code Enforcement Officer shall notify the violator in writing and give the violator a reasonable time, not to exceed thirty (30) days, to correct the violation. Such notice shall be in substantially the form attached hereto as Exhibit B (Notice of Violation).
- (2)** Should the violation continue beyond the time specified for correction, the Code Enforcement Officer shall refer the matter to the Special Magistrate and request a hearing. Written notice of such hearing shall be provided to the violator and, to the extent reasonably ascertainable, to the owner, occupant, mortgagee, lessee, and all other persons having an interest in the premises, by certified mail, return receipt requested, addressed to the address listed in the Holmes County Tax Collector's office for tax notices and in the Holmes County Property Appraiser's database for the subject property, or to the last known address of each such person if no such address is available in those records, and the local government may also provide additional notice to any other address it may find for the property owner, and by posting notice conspicuously on the property, at least ten (10) days prior to the hearing, in accordance with Section 162.12, Florida Statutes. Such notice shall be in substantially the form attached hereto as Exhibit C (Notice of Hearing).
- (3)** If the violation is corrected and then recurs, or if the violation is not corrected by the time specified, the case may be presented to the Special Magistrate even if the violation has been corrected prior to the hearing, and the notice shall so state.



(g) REPEAT VIOLATIONS. If a repeat violation is found, the Code Enforcement Officer shall notify the violator but is not required to provide additional time to correct the violation. The Code Enforcement Officer shall immediately refer the matter to the Special Magistrate and request a hearing. Notice shall be provided pursuant to subsection (f)(2) above.

(h) IMMINENT THREATS - EMERGENCY PROCEDURE. If the Code Enforcement Officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible in nature, the Code Enforcement Officer shall immediately notify the Town Council. The Town Council may direct the Town Attorney to seek emergency relief in circuit court or may direct immediate abatement, charging costs to the violator. If the Town Council directs abatement without a court order, the Code Enforcement Officer shall provide written notice to the property owner as soon as practicable, describing the emergency condition and the action taken.

(i) CONDUCT OF HEARINGS.

- (1)** All hearings before the Special Magistrate shall be open to the public.
- (2)** At the hearing, each party shall have an opportunity to present evidence, call witnesses, and be represented by counsel. The Special Magistrate shall take testimony under oath.
- (3)** The Special Magistrate shall make findings of fact based on the evidence presented and shall issue a written order stating whether a violation exists and, if so, the time within which it must be corrected. Such order shall be in substantially the form attached hereto as Exhibit D (Form Order - Special Magistrate).
- (4)** If the violation has not been corrected by the time ordered, the Special Magistrate shall order the violator to pay an administrative fine as provided in subsection (j) hereof.

(j) ADMINISTRATIVE FINES.



- (1) The Special Magistrate may order the violator to pay an administrative fine of not less than twenty-five dollars (\$25.00) and not more than two hundred fifty dollars (\$250.00) per day for each day the violation continues past the date set for compliance.
- (2) For a repeat violation, the Special Magistrate may order a fine of not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00) per day for each day the repeat violation continues, beginning with the date the repeat violation is found.
- (3) If, after due notice and hearing, the Special Magistrate finds a violation to be irreparable or irreversible in nature, the Special Magistrate may order the violator to pay a fine not to exceed five thousand dollars (\$5,000.00) per violation, pursuant to Section 162.09(2)(a), Florida Statutes. In determining whether a violation is irreparable or irreversible, the Special Magistrate shall consider whether the harm caused by the violation cannot be undone or restored to its prior condition. The criteria set forth in subsection (4) below shall also apply in determining the amount of any fine imposed pursuant to this subsection.
- (4) In determining the amount of any fine, the Special Magistrate shall consider the following criteria:
 - (i) The gravity and nature of the violation;
 - (ii) Any actions taken by the violator to correct the violation;
 - (iii) Any previous violations by the violator;
 - (iv) The economic harm caused by the violation to the Town and neighboring property owners;
 - (v) The economic benefit gained by the violator through non-compliance;
 - (vi) Any mitigating or aggravating circumstances.
- (5) In addition to fines, the Special Magistrate may order the violator to reimburse the Town for all reasonable costs incurred in enforcing this ordinance, including reasonable attorney fees, costs of investigation, and costs of abatement or repair.

(k) PROPERTY TRANSFER DURING PROCEEDINGS. If the owner of property subject to an enforcement proceeding before the Special Magistrate transfers ownership of such property between the time the initial notice was served and the time of the hearing, such owner shall:



- (1) Disclose, in writing, the existence and nature of the proceeding to the prospective transferee;
- (2) Deliver to the prospective transferee a copy of all notices and other materials relating to the enforcement proceeding;
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with this ordinance and with any orders issued in the proceeding; and
- (4) File a notice with the Code Enforcement Officer of the transfer of the property, including the identity and address of the new owner and copies of all disclosures made, within five (5) days after the date of transfer.

A failure to make such disclosures before the transfer shall constitute a violation of this ordinance and may subject the transferor to administrative fines and penalties as provided herein, and shall not relieve the transferor of any obligations or liability arising from the enforcement proceeding. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the applicable enforcement body may, in its discretion, provide the new owner a reasonable period of time to correct the violation before the hearing is held.

(I) IMPOSITION OF LIEN.

- (1) A certified copy of any order imposing a fine, or a fine plus repair or abatement costs, may be recorded in the public records of Holmes County and shall thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. A certificate of lien shall be issued in substantially the form attached hereto as Exhibit E (Form Certificate of Lien).
- (2) Such certified copy, once recorded, shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and any subsequent purchasers, successors in interest, or assigns.
- (1) Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriff of Holmes County, including execution and levy against the



personal property of the violator; provided, however, that such order shall not be deemed to be a court judgment except for enforcement purposes.

- (2) A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first.
- (3) A lien arising from a fine imposed pursuant to this section runs in favor of the Town of Esto. After three (3) months from the filing of any such lien which remains unpaid, the Special Magistrate, the Code Enforcement Board, or the Nuisance Abatement Board, as applicable, may authorize the Town Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest.
- (4) No lien created pursuant to the provisions of this ordinance may be foreclosed on real property which is a homestead under Section 4, Article X of the Florida Constitution. The Town may obtain a money judgment for the amount of the lien plus accrued interest, but such judgment shall not be enforced by levy or execution against real property or personal property that is exempt under Section 4(a), Article X of the Florida Constitution.
- (5) If the order is complied with by the date specified, the Special Magistrate shall issue an order acknowledging compliance, which shall be recorded in the public records. A hearing is not required to issue an order acknowledging compliance.

(m) CIVIL ACTIONS AND ELECTION OF REMEDIES. The enforcement remedies provided in this ordinance are alternative and supplemental remedies as provided in Section 9(c) of this ordinance. The Town may enforce any violation of this ordinance by filing a civil action in circuit court pursuant to Section 162.30, Florida Statutes.

(n) CRIMINAL PENALTIES. Any person who knowingly and willfully violates any provision of this ordinance, after having been provided notice and an opportunity to correct the violation as required by this ordinance or applicable law, may be subject to criminal prosecution. A person convicted of violating this ordinance may be sentenced to pay a fine not to exceed five hundred dollars (\$500.00), and may be sentenced to a definite term of imprisonment not to exceed sixty (60) days in a facility as



authorized by law, pursuant to Section 162.22 and Section 775.083, Florida Statutes, and other applicable law.

(o) APPEALS. Any aggrieved party may appeal any order of the Special Magistrate to the circuit court of Holmes County by petition for writ of certiorari, pursuant to Section 162.11, Florida Statutes. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Special Magistrate. Such appeal must be filed within thirty (30) days of the execution of the order.

SECTION 5: TOWN COUNCIL NUISANCE ABATEMENT BOARD.

(a) AUTHORITY AND PURPOSE. Pursuant to Section 893.138, Florida Statutes, and the home rule powers of the Town of Esto under Article VIII, Section 2(b) of the Florida Constitution, the Town Council is hereby authorized to convene as a Nuisance Abatement Board ("NAB") to hear and adjudicate complaints regarding nuisances described in Section 3 of this ordinance, specifically including, but not limited to, the nuisances enumerated in Section 3(t) pertaining to drug-related, prostitution-related, stolen-property-related public nuisances, and criminal gang activity. When convening as the NAB, the Town Council shall sit in a quasi-judicial capacity and shall provide all substantive and procedural due process required by law. The NAB is a separate and alternative enforcement mechanism that does not supersede or replace the Special Magistrate system established in Section 4 or the civil citation mechanism established in Section 6. The Town's election to utilize the NAB, or any other enforcement mechanism, is governed by Section 9(c) of this ordinance.

(b) COMPOSITION; DISQUALIFICATION. The NAB shall consist of the members of the Town Council who are not disqualified from participation. A Town Council member shall be disqualified from sitting on the NAB in any matter in which that member:

- (3)** Has a financial interest in the property or matter at issue;
- (4)** Has a pre-determined position on the specific case such that the member cannot act impartially; or



- (1)** Is otherwise disqualified under applicable law.

A disqualified member shall recuse themselves and shall not participate in deliberations or voting in that matter. The remaining qualified members shall constitute a quorum for purposes of that hearing, provided at least three (3) qualified members are present; if fewer than three (3) qualified members are available, the matter shall be referred to the Special Magistrate for adjudication under Section 4 of this ordinance. The Town Attorney, or designee, shall serve as legal counsel to the NAB and shall not simultaneously act as advocate for the Town in proceedings before the NAB; the Code Enforcement Officer, or such outside counsel as may be retained by the Town for that purpose, shall present the Town's case in NAB proceedings.

(c) INITIATION OF COMPLAINT; NOTICE. Any employee, officer, or resident of the Town of Esto may bring a nuisance complaint before the NAB. The Code Enforcement Officer may also bring a complaint before the NAB. No anonymous complaint shall be accepted. Any person who submits a complaint must provide their name and address. All complaints shall be submitted on the form attached hereto as Exhibit A (Complaint Form). The Town Clerk shall maintain a register of all complaints filed with the NAB and shall provide the respondent written notice of the complaint and the hearing date, time, and location by certified mail, return receipt requested, addressed to the respondent's last known address, and by posting notice on the property, at least fifteen (15) days prior to the scheduled hearing. The fifteen (15) day notice period provided herein is an intentional exercise of the Town's home rule authority pursuant to Article VIII, Section 2(b) of the Florida Constitution, exceeds the minimum three (3) day notice period required by Section 893.138(4), Florida Statutes, and shall be the applicable standard for all NAB proceedings under this ordinance.

(d) CONDUCT OF HEARINGS. All hearings before the NAB shall be open to the public. The NAB may consider any relevant evidence, including evidence of the general reputation of the place or premises. The owner of the premises, occupant, mortgagee, lessee, or any person having an interest in the property shall have the opportunity to appear and present evidence in their defense and to be represented by counsel. Testimony shall be taken under oath. The NAB shall make findings of fact based on the evidence presented. If a complaint has been filed and the nuisance condition is corrected



and then recurs, or if the condition is not corrected by the time specified in any notice, the case may be presented to the NAB even if the condition has been corrected prior to the hearing. The NAB's deliberations and vote shall be conducted on the record. A written order shall be issued memorializing the NAB's findings and any relief granted, in substantially the form attached hereto as Exhibit D (Form Order - Nuisance Abatement Board). A majority vote of the qualified members present shall be required for any action. The NAB shall maintain a record of each proceeding sufficient to support appellate review.

(e) ORDERS AND REMEDIES. If the NAB finds that a nuisance exists, it may enter an order:

- (5) Requiring the owner or responsible party to adopt such procedures as may be appropriate under the circumstances to abate the nuisance within a specified period of time;
- (6) Immediately prohibiting the use or occupancy of the place or premises, or any part thereof, that constitutes a nuisance;
- (1) Immediately prohibiting the conduct, operation, or maintenance of any business or activity on the premises that is conducive to the nuisance; or
- (2) Authorizing the Town to abate the nuisance at the owner's expense, with costs to be assessed as a lien as provided in Section 4(l) of this ordinance.

An order entered pursuant to this subsection shall expire after one (1) year or at such earlier time as stated in the order. The total administrative fines imposed by the NAB pursuant to this section shall not exceed the maximum amount permitted by Section 893.138, Florida Statutes, as amended from time to time. An order of the NAB may be enforced in circuit court as authorized by Section 893.138, Florida Statutes.

(f) LIEN; HOMESTEAD LIMITATION. Costs of abatement ordered by the NAB that are not timely paid shall be assessed as a lien against the property in accordance with the procedures set forth in Section 4(l) of this ordinance, including the homestead protections set forth in Section 4(l)(6).



(g) APPEALS. Any aggrieved party, including the Town, may appeal a final order of the NAB to the circuit court of Holmes County by petition for writ of certiorari, pursuant to the home rule powers of the Town under Article VIII, Section 2(b) of the Florida Constitution and consistent with the enforcement framework of Section 893.138, Florida Statutes. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the NAB. The NAB shall maintain a record of each proceeding sufficient to support appellate review. An appeal must be filed within thirty (30) days of the execution of the final order.

SECTION 6: CIVIL CITATION ENFORCEMENT.

(a) AUTHORITY; SUPPLEMENTAL ENFORCEMENT. Pursuant to Section 162.21, Florida Statutes, the Town of Esto hereby adopts a civil citation enforcement mechanism as an additional and supplemental means of enforcing this ordinance. This mechanism may be used concurrently with, or in the alternative to, the enforcement procedures set forth in Sections 4 and 5 of this ordinance, consistent with Section 9(c) of this ordinance. The election to proceed by citation under this section shall be at the discretion of the Code Enforcement Officer. The provisions of this section may be used for the enforcement of any code or ordinance, or for the enforcement of all codes and ordinances, as provided in Section 162.21(8), Florida Statutes.

(b) ISSUANCE OF CITATION. The Code Enforcement Officer is authorized to issue a civil citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of this ordinance. Prior to issuing a citation, the Code Enforcement Officer shall provide written notice to the person that the person has committed a violation and shall establish a reasonable time period, not to exceed thirty (30) days, within which the person must correct the violation. If, upon personal investigation, the Code Enforcement Officer finds that the person has not corrected the violation within the time period specified, the Code Enforcement Officer may issue a civil citation to the person who has committed the violation. The Code Enforcement Officer is not required to provide a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if:



- (1) A repeat violation is found;
- (2) The Code Enforcement Officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare; or
- (3) The violation is irreparable or irreversible in nature.

(c) ANONYMOUS COMPLAINTS PROHIBITED. The prohibition on initiating enforcement proceedings based on anonymous complaints, and the imminent-threat exception thereto, set forth in Section 4(e) of this ordinance apply equally to the investigation and issuance of civil citations under this section.

(d) FORM AND CONTENT OF CITATION. A civil citation issued pursuant to this section shall be in a form prescribed by the Town and shall contain, at a minimum:

- (7) The date and time of issuance;
- (8) The name and address of the person to whom the citation is issued;
- (9) The date and time the civil infraction was committed;
- (10) The facts constituting reasonable cause;
- (11) The number or section of this ordinance violated;
- (12) The name and authority of the Code Enforcement Officer;
- (13) The procedure for the person to follow in order to pay the civil penalty or to contest the citation;
- (14) The applicable civil penalty if the person elects to contest the citation;
- (15) The applicable civil penalty if the person elects not to contest the citation; and
- (16) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived the right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(e) DEPOSIT WITH HOLMES COUNTY CLERK OF COURT; COUNTY COURT HEARING. After issuing a civil citation to an alleged violator, the Code Enforcement Officer shall deposit the original citation and one (1) copy of the citation with the Clerk of the County Court of Holmes County. The alleged violator may



elect to pay the civil penalty set forth in the citation or may elect to contest the citation before the County Court Judge of Holmes County. If the person contests the citation, the matter shall be set for hearing before the County Judge, who shall hear the matter pursuant to the procedures applicable to civil infractions in county court. If the person fails to pay the civil penalty within the time allowed, or fails to appear in county court to contest the citation, the person shall be deemed to have waived the right to contest the citation and judgment may be entered against the person for an amount up to the maximum civil penalty. Any person who willfully refuses to sign and accept a citation issued by the Code Enforcement Officer shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, Florida Statutes.

(f) PROSECUTION BY TOWN ATTORNEY. The Town Attorney shall prosecute all civil citations issued under this Section in the County Court of Holmes County. The Town Attorney may also retain outside counsel to assist in such prosecution as the Town Council may authorize by affirmative simple majority vote.

(g) SCHEDULE OF CIVIL PENALTIES. The Town Council shall, by resolution, adopt and may amend from time to time a schedule of civil penalties applicable to violations of this ordinance for which a citation may be issued. Such schedule shall designate specific penalties for specific violations. Civil penalties assessed by citation under this section shall conform to the limits set forth in Section 162.21(3), Florida Statutes, as amended from time to time, including the graduated penalty structure therein: not more than fifty dollars (\$50.00) for a first violation; not more than one hundred dollars (\$100.00) for a second violation of the same provision within twelve (12) months; not more than two hundred fifty dollars (\$250.00) for a third violation of the same provision within twelve (12) months; and not more than five hundred dollars (\$500.00) for each additional violation of the same provision within twelve (12) months. For a repeat violation, the civil penalty shall not be less than two hundred fifty dollars (\$250.00) per citation. All civil penalties collected pursuant to this section shall be remitted to the Town of Esto.

SECTION 7: CODE ENFORCEMENT BOARD.



(a) AUTHORITY AND PURPOSE. Pursuant to Section 162.03(2), Florida Statutes, and the home rule powers of the Town of Esto under Article VIII, Section 2(b) of the Florida Constitution, the Town Council is hereby authorized, in the alternative to the Special Magistrate process established in Section 4 and the civil citation mechanism established in Section 6, to appoint a Code Enforcement Board ("CEB") to hold hearings, make findings of fact, issue orders, and assess fines against violators of this ordinance. The CEB shall have the same status as an enforcement board under Chapter 162, Florida Statutes, and shall exercise all powers granted to enforcement boards thereunder. The Town's election to utilize the CEB shall not constitute a waiver of, or preclude the Town from pursuing, any other enforcement remedy available under this ordinance or applicable law.

(b) COMPOSITION AND QUALIFICATIONS. The CEB shall consist of five (5) members appointed by the Town Council by resolution. Each member of the CEB shall be a qualified elector of the Town of Esto at the time of appointment and shall remain a qualified elector throughout their term of service. No member of the Town Council, no employee of the Town, and no person who holds any other elected or appointed office of the Town shall serve as a member of the CEB. No member of the Town Council shall exercise any power or authority of the CEB. Members shall serve without compensation unless the Town Council, by resolution, establishes a per-diem or other compensation. The Town Council shall, to the extent practicable, appoint members who collectively represent a cross-section of the community, including representation from business, property ownership, and the general public.

(c) INITIAL APPOINTMENTS; STAGGERED TERMS. Upon the initial constitution of the CEB, the Town Council shall appoint the five (5) members as follows to establish staggered terms: (1) Two (2) members shall be appointed to an initial term of one (1) year, expiring at the end of the first year following the effective date of this section; and (2) Three (3) members shall be appointed to an initial term of two (2) years, expiring at the end of the second year following the effective date of this section. Following the expiration of the respective initial terms, all subsequent appointments shall be for full two (2) year terms. The designation of which initial appointees shall serve one-year terms and which shall serve two-year terms shall be determined by the Town Council at the time of appointment and shall be memorialized in the resolution of appointment. No member shall serve more than three



(3) consecutive full two-year terms; provided, however, that service for an initial one-year term shall not count as a full term for this purpose.

(d) TERMS OF SERVICE. Following the expiration of initial terms as set forth in subsection (c) above, each member of the CEB shall serve a term of two (2) years. Members may be reappointed by the Town Council, subject to the consecutive term limitation set forth in subsection (c). Each member shall serve until their successor is duly appointed. Holdover service beyond the expiration of a term, pending appointment of a successor, shall not count as an additional term.

(e) VACANCIES. A vacancy on the CEB shall occur upon: (1) the death, resignation, or removal of a member; (2) a member ceasing to be a qualified elector of the Town of Esto; (3) a member being absent from three (3) or more consecutive regularly scheduled CEB hearings without excuse approved by a majority of the remaining members; or (4) a member being convicted of a felony or any crime involving moral turpitude. Upon the occurrence of a vacancy, the Town Council shall appoint a qualified elector of the Town of Esto to fill the unexpired portion of the vacant term as soon as practicable, but in no event later than sixty (60) days after the vacancy arises, by resolution duly adopted at a regular or special meeting of the Town Council. A member appointed to fill a vacancy shall serve only for the remainder of the unexpired term and shall be eligible for reappointment thereafter, subject to the consecutive term limitations of subsection (c). Service in filling a vacancy for less than one (1) full year of an unexpired term shall not count as a full term for purposes of the consecutive term limitation. Pending appointment of a replacement, the remaining members of the CEB shall constitute a quorum for purposes of conducting hearings, provided that no fewer than three (3) members are available and qualified to sit.

(f) REMOVAL. Members of the CEB serve at the pleasure of the Town Council and may be removed by a majority vote of the full Town Council for cause, including but not limited to misconduct, neglect of duty, incompetence, or conduct unbecoming a public officer. Prior to removal for cause, the member shall be provided written notice of the grounds for removal and an opportunity to be heard before the Town Council. Nothing herein shall prevent the Town Council from removing a member without cause upon a two-thirds (2/3) vote of the full Town Council.



(g) OFFICERS; QUORUM; VOTING. The CEB shall elect a Chair and Vice-Chair from among its members at the first meeting of each calendar year, or upon the creation of the CEB. Three (3) members of the CEB shall constitute a quorum. No action of the CEB shall be taken without an affirmative vote of at least three (3) members present at a duly noticed hearing. A member who has a conflict of interest in any matter before the CEB shall disclose such conflict on the record and shall recuse themselves from deliberation and voting on that matter. If recusals reduce the number of available members below three (3) for a particular matter, that matter shall be referred to the Special Magistrate for adjudication under Section 4 of this ordinance.

(h) POWERS AND PROCEDURES. The CEB shall follow the same procedural requirements applicable to the Special Magistrate as set forth in Section 4 of this ordinance, including but not limited to: the requirements for notice of violation and opportunity to cure under Section 4(f); the procedures for repeat violations under Section 4(g); the emergency procedures under Section 4(h); the conduct of hearings under Section 4(i); the assessment of administrative fines under Section 4(j), subject to the same minimum and maximum fine amounts; the property transfer disclosure requirements under Section 4(k); and the lien and foreclosure procedures under Section 4(l), including the homestead protections set forth therein. Orders of the CEB shall be in substantially the form attached hereto as Exhibit D (Form Order - Code Enforcement Board). All hearings before the CEB shall be open to the public. The Town Attorney, or designee, shall serve as legal counsel to the CEB and shall not simultaneously act as advocate for the Town in proceedings before the CEB. The Code Enforcement Officer, or such outside counsel as may be retained by the Town, shall serve as the Town's advocate in proceedings before the CEB.

(i) ALTERNATIVE REMEDY; ELECTION OF PROCEEDINGS. The CEB is an alternative enforcement mechanism and does not supersede or replace the Special Magistrate system established in Section 4, the Nuisance Abatement Board established in Section 5, or the civil citation mechanism established in Section 6. The Town's election to utilize the CEB, or any other enforcement mechanism, is governed by Section 9(c) of this ordinance. Once a matter has been initiated before the CEB and the respondent has



received notice, the Town shall not transfer the matter to the Special Magistrate without providing the respondent written notice of such transfer.

(j) APPEALS. Any aggrieved party may appeal any order of the CEB to the circuit court of Holmes County by petition for writ of certiorari, pursuant to Section 162.11, Florida Statutes. Such appeal must be filed within thirty (30) days of the execution of the order. An appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the CEB. The CEB shall maintain a record of each proceeding sufficient to support appellate review.

(k) ACTIVATION BY RESOLUTION; PROVISIONS HELD IN RESERVE. Notwithstanding any other provision of this Section 7, the Code Enforcement Board established herein shall not be operative upon the effective date of this ordinance. The provisions of this Section 7 are hereby held in reserve and shall become operative only upon the adoption of a subsequent resolution by the Town Council, by affirmative simple majority vote, expressly activating the Code Enforcement Board (the "Activating Resolution"). Until such Activating Resolution is adopted, all code enforcement proceedings under this ordinance shall be conducted through the Special Magistrate process established in Section 4, the Nuisance Abatement Board established in Section 5, or the civil citation mechanism established in Section 6, as applicable. The Activating Resolution shall specify an effective date, which shall be no sooner than sixty (60) days following adoption, to allow for the recruitment and appointment of qualified members pursuant to subsections (b), (c), and (d) of this Section. The Town Council may, by subsequent resolution adopted by affirmative simple majority vote, deactivate the Code Enforcement Board at any time; provided, however, that any matter then pending before the Code Enforcement Board shall be transferred to the Special Magistrate for adjudication under Section 4, with written notice of such transfer provided to all parties of record. The holding in reserve of the Code Enforcement Board provisions shall not affect the validity or enforceability of any other provision of this ordinance.

SECTION 8: ENFORCEMENT OF ORDINANCE.



(a) PRIVATE CIVIL ACTIONS. Any person who, by reason of another's violation of any provision of this ordinance, suffers special damage to himself or herself different from that suffered by other property owners throughout the Town generally, may bring an action in circuit court to enjoin or otherwise abate an existing violation.

(b) RESPONSIBILITY FOR ENFORCEMENT. The Code Enforcement Officer shall be primarily responsible for the administration and enforcement of this ordinance. The Holmes County Sheriff's Office and its sworn personnel may assist the Code Enforcement Officer in carrying out enforcement activities and may independently enforce applicable criminal provisions of this ordinance. Nothing herein shall be construed to limit the authority of law enforcement officers to respond to violations that constitute criminal offenses under Florida law.

(c) NOTICE OF NONCOMPLIANCE. All persons owning, leasing, occupying, or having charge of any premises within the corporate limits of the Town of Esto upon which a violation of any provision of this ordinance shall have been determined to exist by the Special Magistrate, the Code Enforcement Board, the Nuisance Abatement Board, or the County Court of Holmes County in a civil citation proceeding under Section 6, as applicable, shall be notified in writing by the Town Clerk of such determination in accordance with the notice procedures set forth in this ordinance. If the applicable enforcement body's order or judgment specifies a time period for correction, such time period shall control. Nothing in this subsection shall be construed to require additional notice beyond that provided in Sections 4, 5, 6, or 7 of this ordinance, as applicable.

(d) EFFECT OF FAILURE TO ABATE AFTER NOTICE. Upon failure of any such person owning, leasing, occupying, or having charge of any premises, to remove or abate any nuisance found to be existing upon said premises within the time period specified in the order or judgment of the Special Magistrate, the Code Enforcement Board, the Nuisance Abatement Board, or the County Court of Holmes County in a civil citation proceeding under Section 6, as applicable, pursuant to Sections 4, 5, 6, or 7 of this ordinance, the Code Enforcement Officer shall report the same to the applicable enforcement body and shall appear at all hearings conducted by that body to testify and present photographs showing the nuisance or nuisances involved.



(e) IMPOSITION OF LIEN. If owner, occupant, mortgagee, or lessee fails to comply with the order of the Special Magistrate, the Code Enforcement Board, or the Nuisance Abatement Board, as applicable, within the time specified in the order, the Town may cause such nuisance to be removed or abated as the facts may warrant, and shall, with the assistance of the Town Attorney, cause the reasonable costs and expenses incurred to be assessed as a lien against the land on which the nuisance existed, in accordance with all procedures, interest, foreclosure authorization, and homestead protections set forth in Section 4(l) of this ordinance.

(f) PENALTIES FOR VIOLATIONS. Administrative fines, criminal penalties, lien procedures, civil citations, proceedings before the Nuisance Abatement Board, and all other enforcement remedies available to the Town of Esto for violations of this ordinance are set forth in Sections 4, 5, 6, and 7 of this ordinance. The Town's election among available remedies is governed by Section 9(c) of this ordinance. The Town reserves all rights and remedies provided by applicable law, including but not limited to Florida Statutes Sections 162.09, 162.12, 162.21, and 893.138.

SECTION 9: GENERAL PROVISIONS.

(a) SEVERABILITY. If any section, provision, or clause of any part of this ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this ordinance, as applied to any particular situation or set of circumstances, shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

(b) CONFLICT. All previously adopted ordinances or portions of said ordinances in conflict herewith are, to the extent of such conflict, hereby repealed; provided, however, that any enforcement action or proceeding commenced under any prior ordinance before the effective date of this ordinance shall not be affected by such repeal and may be continued and concluded under the provisions of the prior ordinance as if it had not been repealed, or, at the Town's election, under the provisions of this ordinance.



(c) ELECTION OF REMEDIES; NON-WAIVER. The enforcement remedies provided in this ordinance, including proceedings before the Special Magistrate (Section 4), the Nuisance Abatement Board (Section 5), civil citations (Section 6), the Code Enforcement Board (Section 7), civil actions in circuit court, and criminal prosecution, are intended to be alternative and supplemental remedies. The Town may utilize any remedy, or any combination of remedies, it determines to be appropriate for the circumstances. The Town's election to pursue any one remedy shall not constitute a waiver of, or preclude the Town from pursuing, any other available remedy under this ordinance or applicable law.

SECTION 10: EFFECTIVE DATE.

Upon its adoption by the Town Council of the Town of Esto and upon approval and signature of the Presiding Officer of the Town Council and the Town Clerk, this ordinance shall be effective ten (10) days after its enactment, or as otherwise provided by law.

PASSED on first reading on June 16, 2026.

ADVERTISED in _____ on _____.

PASSED AND ADOPTED on the second reading on _____.

TOWN OF ESTO, FLORIDA

Esto Town Council President

ATTEST

APPROVED TO FORM AND CORRECTNESS

Esto Town Clerk

Town Attorney



Exhibits

- Exhibit A* *Complaint Form*
- Exhibit B* *Notice of Violation and Opportunity to Correct*
- Exhibit C* *Notice of Hearing (Special Magistrate / Code Enforcement Board /
Nuisance Abatement Board)*
- Exhibit D* *Form Order (Special Magistrate / Code Enforcement Board / Nuisance
Abatement Board)*
- Exhibit E* *Form Certificate of Lien*