

**ORDINANCE NO. 2025-001**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CREATE A NEW SECTION OF THE TOWN CODE ENTITLED "MERITLESS CODE COMPLIANCE CALLS"; PROVIDING FOR A SERVICE CHARGE AS A PENALTY FOR MORE THAN THREE MERITLESS CODE COMPLIANCE CALLS; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** every resident retains the unbridled ability to contact Code Compliance to report perceived Code violations; and

**WHEREAS,** residents sometimes attempt to abuse this right by using Code Compliance to harass their neighbors; and

**WHEREAS,** deterring harassing Code Compliance calls will help Code Officers to respond faster to actual violations; and

**WHEREAS,** every time the Town's Code Compliance Department responds to a false code compliance call it hampers their ability to respond to actual violations and true emergencies; and

**WHEREAS,** limiting these harassing Code Compliance calls will help to take Code Compliance out of personal matters; and

**WHEREAS,** yielding residents to stop utilizing Code Compliance as a weapon to resolve personal disputes; and

**WHEREAS,** in creating a penalty for meritless Code Compliance calls, the Town can better service the entire community; and

**WHEREAS,** the Town finds that the adoption of this Ordinance is in the best interest of the public health, safety, and welfare of its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** That a Chapter entitled "Meritless Code Compliance Calls", of the Code of the Town of Southwest Ranches, Florida is hereby created to read as follows:

1. Meritless Code Compliance Calls: It shall be a violation of the Town's Code to utilize the Town's Code Compliance Department as a weapon to harass a property owner in the Town. Any individual who lodges more than three meritless Code Compliance calls against the same property owner within a twelve (12) month calendar period shall be required to pay a service charge.
2. For purposes of this Chapter, a "Meritless Code Compliance Call" shall be defined as a registered complaint aimed at a specific property or property owner(s) that is found by the Code Officer to have no validity. A registered complaint that is found to have merit by the Code Officer shall not be deemed to be a meritless Code Compliance call.

3. It is hereby found and determined that any meritless Code Compliance calls in excess of three within a twelve (12) month calendar period, made by the same complainant or a complainant that resides within the same household, which relate to the same property or property owner(s), shall be deemed to be a public nuisance, and an excessive burden on the Town. Should meritless code compliance calls require the Town to respond in excess of three (3) meritless calls in one calendar period, the complainant shall be charged a service charge as a penalty in the amount of \$250.00 for the next three (3) meritless calls, and all meritless calls thereafter will result in a \$500.00 penalty. The Town finds that meritless Code Compliance calls are a violation that is irreparable or irreversible in nature, and as such the Town's Special Magistrate may assess a fine greater than set forth herein, on its own volition, or if requested by the Town. Such violation shall be cited and enforced in accordance with the Town's Code Compliance Procedures.

**Section 3. Inclusion.** It is the intention of the Town Council that the provisions of this Ordinance become and be made a part of the Code of the Town of Southwest Ranches, and the sections of the Code may be renumbered to accomplish such intention.

**Section 4. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

**Section 5. Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such

unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

**Section 6. Effective Date.** That this Ordinance shall take effect immediately upon adoption.


**PASSED ON FIRST READING** this 16<sup>th</sup> day of October, 2024 on a motion made by Council Member Jablonski and seconded by Vice Mayor Kuczenski.

**PASSED AND ADOPTED ON SECOND READING** this 24<sup>th</sup> day of October, 2024 on a motion made by Council Member Jablonski and seconded by Council Member Hartmann.

Breitkreuz	<u>Yes</u>	Ayes	<u>5</u>
Kuczenski	<u>Yes</u>	Nays	<u>0</u>
Allbritton	<u>Yes</u>	Absent	<u>0</u>
Hartmann	<u>Yes</u>	Abstaining	<u>0</u>
Jablonski	<u>Yes</u>		

  
\_\_\_\_\_  
Steve Breitkreuz, Mayor

ATTEST:  
  
\_\_\_\_\_  
Debra Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:  
  
\_\_\_\_\_  
Keith M. Poliakoff, J.D., Town Attorney  
1001.073.2024