


GAINESVILLE POLICE DEPARTMENT

GENERAL ORDER

| | | | |
|---|--|--|--------------------------|
|  | TITLE Civil Citations for Enforcement of City Ordinances | ACCREDITATION CALEA Chapters 1.2.6 | |
| | PROponent UNIT Operations Bureau | PRIOR REVISIONS: 07/06/16, 04/30/20, 09/17/24 ATTACHMENT: Attachment A -City of Gainesville Ordinances enforceable with a Civil Citation. | |
| NUMBER 40.21 | ISSUE DATE 07/01/1998 | REVISION DATE 01/23/2025 | TOTAL PAGES 11 |

I. **PURPOSE:** This procedure provides guidelines for issuing civil citations for violations of city ordinances.

II. **POLICY:** The purpose of issuing civil citations is to expedite compliance with city codes in situations where the offense is considered to be correctable prior to irreparable property damage, or is considered a nuisance, recurring, or is a serious threat to the public health, safety or welfare. The civil citation process is not designed to supplant existing remedial processes, but rather, it should be used to supplement long-range problem solutions. [CALEA 1.2.6]

III. **DEFINITION:**

Warning Notice: An “Alachua County Uniform Warning Notice to Correct Violation” which (except for exceptions listed in section IV, C, 3) must be issued to a violator prior to the issuance of an “Alachua County Uniform Code Citation” (civil citation).

A warning notice has a maximum enforcement period of 30 days after it is issued and each civil citation usually must be preceded by a valid warning notice.

Exception: Warnings for noise violations are good for one year from date of issuance.

Civil Citation: An “Alachua County Uniform Code Citation” may be used for citing violations of city ordinances.

The “Alachua County Uniform Code Citation” may not be used for citing violations of state statutes and may only be used for city ordinances listed in section VI

Reasonable Time Period: A judgmental decision regarding a time period that is reasonable to enable an offender to discontinue or correct the violation being committed. Depending on the circumstances, such reasonable time period may be immediately but, shall not exceed 30 days.

IV. **PROCEDURE:**

A. **City Departments Authorized to Issue Civil Citations:**

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| Department | Department Code |
|-------------------------------|-----------------|
| Gainesville Police | 001 |
| Gainesville Fire Rescue | 002 |
| Building, Codes and Standards | 003 |
| Code Enforcement | 004 |
| Solid Waste | 005 |

B. **Issuing Warning Notices/Civil Citations:** A warning notice/civil citation should only be issued to a person when, based upon personal investigation, the officer has probable cause to believe that the person has committed a civil infraction in violation of a city ordinance. [CALEA 1.2.6]

1. The officer/agent writing the warning notice does not have to be the officer/agent writing the civil citation (e.g., Code Enforcement can write the warning notice and the Police Department can write the civil citation).
2. Prior to issuing a warning notice or civil citation, the officer must call the teletype operator to determine if the subject has been previously warned or cited for the violation. This information is needed to determine if the subject will be issued a warning notice, a civil citation and if the violation is a first, second, third, etc. violation.
3. The civil citation process can be used for citing juveniles who violate applicable city ordinances.

C. **Issuing Warning Notices:**

1. **Initial Warning:** Prior to issuing a civil citation (and unless the violation comes under one of the listed exceptions) a warning notice must be issued to the person, advising that they have committed a violation of a city ordinance. [CALEA 1.2.6]

The officer shall establish a reasonable time period within which the person must correct or discontinue the violation.

2. **Completing the Form:**

- i. Date and Time Issued: Enter the date and time issued in the appropriate boxes.
- ii. Warning Notice Number: Each warning notice is pre-numbered. This number is used for tracking purposes and must be given to the radio dispatcher for entry into the Civil Citation Database.
- iii. Complete the Name Block: Include the violator's full name, DOB, driver's license #, social security #, etc. in these blocks.

- iv. Business Name and Address Blocks: The business name only applies if a business is involved.

The address information is for the person receiving the warning notice, not a business address.

- v. Location and Nature of Violation: Enter the location of the violation and describe the violation being committed. Enter the City Code being violated.

- vi. Corrective Action Necessary: Enter the corrective action which must be taken by the violator.

- vii. Failure to correct this Violation: Enter the time given to correct the violation, from zero amount of time to a maximum of 30 days.

Noise ordinance violations are usually given a 15-minute warning period.

- viii. Issuing Agency and Officer Information: Complete the agency and officer's information. The issuing officer's name and ID# must be clearly printed on the line next to "Official Issuing Notice."

- ix. Person Receiving Notice: The violator must sign the warning notice.

- 3. **Warning Notice Exceptions:** There are four exceptions to the warning notice requirement. Citations may be issued without warning in the following instances:

- i. The violation is a repeat violation of the same offense.
- ii. The officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare.
- iii. The violation, if continued, would be irreversible or irreparable.
- iv. The offense is for a violation of Chapter 28 (vehicles for hire) or a violation of Chapter 14.5, Article 3 (towing or immobilizing vehicles on private property).

- D. **Completing the Civil Citation:** Each form is pre-numbered and must be accounted for.
[CALEA 1.2.6]

- 1. **First Section:**

- i. Obtain a case report number and write it above the citation number.
- ii. If applicable, obtain the Warning Notice Number of the previously issued warning from the teletype operator, and write it above the citation number.
- iii. In City of block, enter Gainesville and check the City Ordinance block.
- iv. In Issuing Agency block, enter Gainesville Police.

v. In Department Code block, enter the Police Department code number 001.

2. Second Section:

- i. Enter Date and Time of Violation (do not use military time).
- ii. Enter the full Name of the Violator, valid mailing address, telephone number and physical description of the violator. Citations should not be issued to a person who does not have a valid mailing address to provide for the citation. The officer should consider other resolutions if the subject cannot provide a valid mailing address.
- iii. Under Identification, enter the offender's driver's license data, social security information or any identification which can be validated by the enforcement officer on-scene, an officer cannot accept a Community ID Card not issued by a state or governmental agency.
- iv. Complete the Vehicle Information, if applicable, and Location of the Violation. Check the Incorporated block.

3. Third Section:

- i. In Code / Section No. block, enter the appropriate municipal code by title and reference number.
- ii. In Description of Violation blocks, enter a detailed description of the actions or activities that constitute a violation of the code, being as comprehensive and descriptive as space will allow in describing the actions that violate the code by using the code's verbatim language whenever possible.
- iii. In Offense block, check whether this violation is the 1st, 2nd, 3rd, 4th or other (meaning a higher number of citations). This information can be obtained from the teletype operator.
- iv. In Class of Violation block, enter the class of the violation, according to the code (see item F of this procedure).
- v. Next to Requires Mandatory Court Appearance, check ☐ Yes or ☐ No.
 - a. If yes, write the appropriate preset court date on the line next to "court will notify" (strike through court will notify) and the Fine Amount in the penalty block if the violation is not a mandatory court appearance.
 - b. Mandatory Court Date: If the citation requires a mandatory court date, enter the appropriate date and make note. The citing officer must also appear at the hearing on the assigned date and time. Subpoenas will not be issued for the officer's appearance.

- c. Court dates for civil citations are set by the subject's last name:
A-K, 1st Monday of each month; L-Z, 2nd Monday of each month.
Cases are heard in traffic court at 0900 hours. Officers are responsible for notifying complainants and/or witnesses to appear at the scheduled time.

4. **“NOTICE” Section:** Section 162.21 is always checked unless a violation involves an animal. When animals are involved, Section 828.27 is checked.

5. **Fourth Section:**

- i. Have the offender sign the citation under Signature of Individual,
- ii. Enter the date and time of issuance.
- iii. Under Signature of Officer and ID#, enter officer's signature and ID number.
- iv. Enter time and check [] AM [] PM, and enter the month, day and year.
- v. The officer shall print his/her name and his/her title in the appropriate marked spaces.

NOTE: The enforcement officer must inform the offender that failure to pay the civil penalty within the time allowed, or failure to appear in court to contest the citation, constitutes a waiver of his/her right to contest the citation and a judgment may be entered against him/her for the maximum civil penalty of five hundred dollars (\$500.00).

E. **Refusal to Identify or Sign a Civil Citation:** Any person who willfully refuses to identify him/herself, sign and/or accept a civil citation issued by an authorized city enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083 of Florida Statutes.

1. If the offender refuses to provide the appropriate information or signature, for a citation, the officer shall affect a physical arrest. The offender should be charged under:

- i. Florida Statute 843.01 or Florida Statute 843.02 (Resisting Officer With or Without Violence) for willfully refusing to give information necessary to complete a warning notice/civil citation.

- ii. Florida Statute 162.21(6), for refusing to sign a civil citation.

2. The officer must complete the warning notice/civil citation and write “Refused” on the defendant's signature line.

F. **Records Section Responsibilities:** The Records Section will be responsible for maintaining the civil citation files and forwarding the citations to the City Attorney's Office.

1. **Transmittal Form:** The Records Section shall submit the original civil citation (white and blue sheets), a copy of the warning notice, and a “transmittal form” to the City Attorney’s Office. The “transmittal form” shall contain the following information:

- i. Citation number;
- ii. Date issued;
- iii. Offender name;
- iv. Officer name and ID number;
- v. Issuing agency

2. **City Attorney’s Office Review:**

- i. The City Attorney’s Office must review all civil citations before they are submitted to the County Court System.
- ii. After appropriate review, the City Attorney’s Office will submit the original warning notice, the civil citation, and the transmittal form to the Clerk of the Court, Civil Infraction Division.
- iii. If the City Attorney’s Office denies process of the citation through the court system, the issuing agency will be notified why the citation was refused and the citation will be returned to the agency’s Records Section.

The Records Section will then notify the citing officer why the City Attorney’s Office did not think the citation was prosecutable and refused for court submittal.

G. **Communications Section Responsibilities:** The Communications Section will be responsible for retrieving information needed to maintain the Department’s computer files for tracking warning notices and civil citations.

- 1. This information must be readily available for members to determine if a violator has been issued a warning notice or previously cited for the violation.
- 2. Maintaining the database for civil citations and warning notices will be a joint effort between the Police Department, Gainesville Fire and Rescue, and Code Enforcement.

V. **Civil Citation Schedule of Violation Classes and Penalties:** See Department Intranet for fines. Several civil citations may be written over a period of time for the same offense.

There are no time constraints for the same offense when determining first, second, third, fourth, etc., offense. The total number of the same offense is based on civil citations issued and not convictions.

- VI. **City Ordinances Enforceable by Civil Citations:** See Attachment A for all City of Gainesville Ordinances enforceable with a Civil Citation. This can be located in Chapter 2: Article V: Division 6: Section 2-339 of the City Municipal Code.

By Order of

*Signed Original on File in the
Accreditation Unit*

**Nelson Moya
Chief of Police**

GAINESVILLE POLICE DEPARTMENT

Attachment A

[APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES | Code of Ordinances | Gainesville, FL | Municode Library](#)

| <u>Section</u> | <u>Description</u> | <u>Class</u> | <u>Penalty</u> |
|--|--|---------------------|-----------------------|
| 2-67(b) | Declaration of water emergency imposing water use restrictions | I | \$50.00 |
| 4-4 | Open consumption of and/or possession of an open container of alcoholic beverage | IV | \$200.00 |
| 4-52 4-53(a)(1) 4-53(a)(2) 4-53(c)(10)a | Underage prohibition in alcoholic beverage establishments | IV | \$500.00 |
| Chapter 5 except as provided below | Animal control | I | \$250.00 |
| 5-2(c) | Animal molesting or biting pedestrian or bicyclist | IV | \$250.00 |
| 6-3 | 104.1.1 of adopted Standard Building Code, as amended Building, electrical, plumbing, gas, and/or mechanical work within a required permit | II | \$75.00 |
| 6-183(1) | False advertising | III | \$125.00 |
| 6-185 | Acting as a contractor without a valid contractor certificate | IV | \$200.00 |
| 6-186(b)(2) | No journeyman or certified craftsman on the job site | II | \$75.00 |
| Article IX of Chapter 6 | Downtown minimum property standards | I | \$50.00 |
| Chapter 10 | All adopted fire prevention and protection codes inclusive of the Florida Fire Prevention Code | II | \$250.00 |
| 10-70(b) | Failure to obtain burning permit — Residential | I | \$75.00 |
| 10-70(b) | Failure to obtain burning permit — Commercial | II | \$150.00 |
| 10-70(d) | Failure to obtain burning permit — Boiler | I | \$75.00 |
| 10-71 | Failure to obtain burn permit — Pyrotechnic | II | 150.00 |
| 11.5-1 | Availability of potable water | I | \$50.00 |
| 11.5-18 | Use of a nicotine dispensing device where smoking prohibited | II | \$25.00 |
| 11.5-41 | Prohibition of smoking outdoors at or around all RTS bus facilities | II | \$25.00 |
| 11.5-42 | Prohibition of smoking outdoors in City parks | II | \$25.00 |

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| Article III of Chapter 13 | Commercial building code | II | \$250.00 |
| 13-171 | Insects, outdoor storage, trash and yard maintenance | I | \$250.00 |
| 13-181 | Hazardous conditions on residential property | I | \$250.00 |
| Article II of Chapter 14.5 | Merchandising of tobacco products | II | \$75.00 |
| Article III of Chapter 14.5 | Towing from or immobilizing vehicles on certain private property | II | \$125.00 |
| 14.5-1 | Not having landlord permit | II | \$250.00 |
| 14.5-171 | Violation of security and safety standards for convenience businesses | II | \$250.00 |
| Chapter 15 | Noise violations | I | \$250.00 |
| 16-19 | Dangerous buildings/hazardous lands | I | [\$250.00] |
| 17-2 | Fliers on utility poles or other fixtures | I | \$250.00 |
| 17-6 | Synthetic drug violations | IV | \$250.00 |
| 17-8 | Urinating in public | II | \$125.00 |
| 17-34 | Knowingly rent or let a residence to a sexual offender or sexual predator to use as a temporary or permanent residence contrary to the Sexual Predator Ordinance | II | \$125.00 |
| 17-38 | Practicing conversion therapy on a minor | II | \$250.00 |
| 18-20(28) | Prohibition of smoking outdoors in all City parks | II | \$25.00 |
| 19-2 | Violation of regulations for peddling in Downtown Plaza | I | \$50.00 |
| 19-34 | Violation of permit requirements for commercial peddlers, solicitors, or canvassers | I | \$250.00 |
| 19-52 | Unauthorized solicitation of alms or financial assistance | I | \$50.00 |
| 19-53 | Unauthorized sale or transfer of goods and services; religious and charitable organizations soliciting for contributions without a permit | I | \$50.00 |
| 19-55 | Violation of restrictions and requirements for permitted soliciting | I | \$50.00 |
| 19-92 | Operation of a vending booth or a game day vending booth without a permit | I | \$250.00 |
| 19-93 | Violation of regulations on permitted vending booth or game day vending booth | I | \$250.00 |
| 19-95 | Maintaining display, stand, article or item of personal property without proper permit | I | \$50.00 |

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| 19-112 | Unauthorized soliciting of funds | I | \$50.00 |
| 19-127 | Violation of prohibition on throwing or distributing handbills upon property displaying a "No Handbills" sign | I | \$125.00 |
| 21-53(b)(6) | Non-permitted, revoked or suspended alarm system | IV | \$200.00 |
| 21-58(a) | Failure to register alarm monitoring company | II | \$125.00 |
| 21-58(c) | Failure to maintain records | II | \$125.00 |
| 21-59 | Failure to make alarm verified call | II | \$125.00 |
| 21-60(a) | Failure to register—Alarm system contractors | II | \$125.00 |
| 21-60(b) | Maintenance, repair, alter or service of system for compensation by non-contractor | II | \$125.00 |
| 21-60(c) | Failure to issue ID | I | \$50.00 |
| 21-60(d) | Use of equipment or methods below minimum standards | II | \$125.00 |
| 21-60(e) | Activation/servicing non-permitted alarm | II | \$125.00 |
| 21-60(f) | Causing false alarm during servicing | II | \$125.00 |
| 21-60(g) | Failure to provide blank alarm permit application | I | \$50.00 |
| 21-61(a) | Operating automatic dialing device | II | \$125.00 |
| 21-61(b) 21-61(c) | Failure to remove non-permitted features | I | \$50.00 |
| 21-62 | Operating alarm system without auxiliary power | II | \$125.00 |
| Chapter 22 | Secondhand Goods Secondhand Dealers | III | \$125.00 |
| 26-137 | Abandoned vehicles | I | \$250.00 |
| 27-73 | Solid waste violations except (4), (8) and (9) | I | \$250.00 |
| 27-76(b)(1)b | Improper use of cart | I | \$250.00 |
| 27-79(a) and (f) | Commercial franchise violations | IV | \$200.00 |
| 27-85(a) | Failure to separate designated recyclable materials, except for the minimum amounts, from solid waste loads | II | \$125.00 |
| 27-93 | Single-use plastic straws and single-use plastic stirrers | II | \$250.00 |
| Chapter 28 | Vehicle for hire regulation | I | \$50.00 |

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| 29-3 | Registration of lobbyists | I | \$50.00 |
| 30-45 | Prohibited use in zoning district | I | \$125.00 |
| 30-51(c) | Permitted uses in single family districts | II | \$125.00 |
| 30-56(b) and (c) | Residential parking | I | \$250.00 |
| 30-56(c)(5) | Violation of special event parking permit requirements | I | \$250.00 |
| 30-57(a)(3) | Residential leases—Over occupancy | II | \$250.00 |
| 30-59(c) | Permitted uses in office districts | I | \$50.00 |
| 30-61(c) | Permitted uses in general business district | I | \$50.00 |
| 30-62(c) | Permitted uses in automotive oriented business district | I | \$50.00 |
| 30-63(c) | Permitted uses in tourist-oriented business district | I | \$50.00 |
| 30-64(e) | Permitted uses in mixed use low intensity district | I | \$50.00 |
| 30-65(c) | Permitted uses in mixed use medium intensity district | I | \$50.00 |
| 30-66(c) | Permitted uses in central city district | I | \$50.00 |
| 30-67(g) | Illegal outdoor storage and sales | I | \$50.00 |
| 30-68(c) | Permitted uses in warehousing and wholesaling district | I | \$50.00 |
| 30-69(c) | Permitted uses in limited industrial district | I | \$50.00 |
| 30-70(c) | Permitted uses in general industrial district | I | \$50.00 |
| 30-86 | Use, parking, storage and keeping of recreational vehicles | I | \$250.00 |
| 30-125 | Operation of food trucks in violation of regulations | I | \$250.00 |
| 30-315 et seq. | Violation of sign regulations | I | \$250.00 |
| 30-357 | New business, expansion or change of use without zoning compliance permit | I | \$250.00 |