



## **Municipal Ordinance Violations - Overview**

The municipal ordinance violation (MOV) process is one of two primary enforcement methods used to obtain compliance with the city code. The MOV process is a formal judicial process which can result in fines ranging from \$75 to \$200 for the first offense (fine can increase for successive MOV's to as high as \$500) plus court costs. If the fine is not paid prior to the misdemeanor court trial, a judge then determines guilt and assesses fines/costs. The MOV process may be used instead of, or in addition to, the Code Enforcement Board (CEB) process.

The first time a violation is referred to the MOV process, the investigator must clearly identify the violator by name, address, age and description, must document that notification (warning) was sent (usually by mail), and must provide a reasonable opportunity to comply. Following the compliance time, the investigator must witness the violation again, take photographs, and draw up the Complaint Arrest Affidavit. The violator's physical whereabouts must then be determined in order to serve the Complaint Arrest Affidavit. Successive MOVs for the same violation may be served without any other additional notice to the violator. Also, if there is a prior conviction or fine paid for the same violation, a higher fine is assessed of up to \$500.

To prosecute just one MOV takes, on average, the equivalent of an entire work day for the codes investigator to gather evidence, prepare the documents, prepare for trial, and appear in court. This estimate does not take into consideration whatever time is invested in the earlier case development/inspections, time invested by the legal department, or time required for support staff to type documents, transmit the complaints for service and to the court, coordinate appointments with the legal department and the court, and the cost of the actual process service. Because this is a more labor and resource intensive process than CEB, it is usually reserved for more serious or resistant cases.

The MOV works particularly well to address violations that are not continuous but that keep coming back (such as front yard parking), since an MOV may be processed and potential fine may be imposed for any day a violation exists. Many property owners react quickly to MOVs because outcomes are limited and undesirable. The MOV defendant must pay the fine or appear before a county judge, and can suffer additional MOVs for failure to comply. This differs from CEB where a violator might avoid a penalty if the violator is granted deferrals by CEB,

or if the violation is temporarily relocated just prior to CEB, which means for the purposes of CEB, the violation no longer exists.

For both Code Enforcement Board and County Court legal actions, the codes investigator always brings the charges and testifies to photographs and inspections as an impartial official who has no ties to the neighborhood or the defendant other than the responsibility to enforce City code.

Pinellas County Court *Instructions For Prosecuting Local Ordinance Violations* requires "The officially designated prosecutor of municipality or other governmental unit must sign the original Notice To Appear prior to its transmittal to the Clerk for filing. The Clerk will not accept the Notice To Appear without this signature which certifies to the Court that the prosecutor believes that the Notice represents a valid charge which will be prosecuted to conclusion." In order to meet the court's standard of validity, the investigator brings the charge which is then thoroughly reviewed by a Codes Inspection Supervisor *and* the City's prosecutor.

If you are interested in additional information regarding the MOV process, please contact the Codes Compliance Assistance Department directly at 727-893-7373.



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Revised 9/10/08