

ORDINANCE 2020-21

**AN ORDINANCE AMENDING WALTON COUNTY LAND DEVELOPMENT CODE CHAPTER 1, SECTION 1.08.00, INTERPRETATION, TO ALLOW FOR SPECIAL MAGISTRATE TO BE GIVEN THE SAME STATUS AS A CODE ENFORCEMENT BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens; and

**WHEREAS**, in order to provide additional flexibility and efficiency in processing of code enforcement cases within Walton County, the Walton County Board of County Commissioners finds it necessary to amend Walton County Land Development Code Chapter 1, to all for a Special Magistrate to be given the same status as a Code Enforcement Board for purposes of hearing and making decisions regarding code enforcement cases; and

**WHEREAS**, the Walton County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code amendment on October 8, 2020 and the Walton County Board of County Commissioners held a public hearing on October 22, 2020 to consider the adoption of the proposed amendment to its Land Development Code; and

**WHEREAS**, the Walton County Board of County Commissioners considered all oral and written comments received during such public hearings, including the date and analyses provided for this amendment, the recommendations of the Planning Commission; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Walton County, Florida, that:

**SECTION I.** Chapter 1, Section 1.08.00, of the Walton County Land Development Code is amended as follows: [Note: ~~strikethrough~~ language deleted, underline language added]

**1.08.00. INTERPRETATION**

- A. Generally. In the interpretation and application of this *Code*, all provisions shall be liberally construed in favor of the objectives and purposes of the County and shall be deemed neither to limit nor repeal any other powers granted under State statutes.
- B. Interpretation and application of the provisions of this *Land Development Code* shall be regarded as the minimum requirements for the promotion of public health, safety, and general welfare of the residents of Walton County.

- C. Whenever any provision of the *Walton County Land Development Code* or any other provision of any other applicable law, rule, contract, resolution or regulation of the State of Florida or Federal Government contains standards covering the same subject matter, the more restrictive requirement(s) shall control.
- D. The elements that make up the *Walton County Land Development Code* are interrelated and cannot be interpreted in isolation, they must be interpreted within the context and meaning of the entire *Land Development Code*.
- E. The words and phrases used in this *Land Development Code* shall have the meanings assigned in the Definitions section of this *Code*, except where the context of such words and phrases clearly indicates a different meaning or construction or when a more specific meaning is provided in a particular section of this *Land Development Code*.
- F. This *Land Development Code* may include illustrations, photographs, and graphics for the purposes of illustration and simplification. However, to the extent there is any inconsistency between the text of this *Land Development Code* and any such illustration, photograph, or graphic, the text shall control.
- G. In the interpretation and application of this *Code*, all provisions shall be liberally construed in favor of the objectives and purposes of the County and shall be deemed neither to limit nor repeal any other powers granted under State statutes.
- H. Rules of Interpretation. The following rules of interpretation are applicable to *the Walton County Land Development Code*:
  - 1. *Code* Interpretations. The Director of Planning and Development Services shall have the duty and responsibility to issue formal interpretations relative to the meaning and application of any provision of this *Land Development Code*. Responsibility for interpretation by the Director shall be limited to standards, regulations and requirements of this *Code*, and shall not be construed as overriding the responsibilities given to any Commission, board or official named in other sections or chapters of this *Code*. An applicant may appeal an interpretation of this *Code* which has been made by the director of the Department of Planning and Development Services in accordance with Section 1.13.09.B of this *Code*
  - 2. Zoning Map Boundary Interpretations. Interpretations regarding boundaries of land use districts shall be made in accordance with applicable provisions in Chapter 2 of this *Code*.
  - 3. Computation of Time. The time within which an act is to be done under this *Code* shall be computed by calendar day.
  - 4. Delegation of Authority. Whenever a provision in this *Code* requires the head of a department or some other County officer or employee to do some act or perform some duty, it is to be construed as an authorized delegation for the performance of the required act or duty unless the terms of the provision or section specify otherwise.
  - 5. Gender. Words importing the masculine gender shall be construed to include the feminine gender, and vice versa.

6. Number. Words in the singular shall include the plural, and words in the plural shall include the singular.
7. Construction of Terms; Intended Meanings. The following words shall have the intended meanings indicated below:
  - a. *Day*. The word "day" shall mean a calendar day.
  - b. *May*. The word "may" is intended as permissive.
  - c. *Shall*. The word "shall" is to be construed as mandatory.
  - d. *Written or in writing*. The terms "written" or "in writing" shall be construed to include any representation of words, letters and/or figures which, whether hand or machine written. Documents submitted by facsimile transmission are acceptable as written documents.
  - e. *Year*. The word "year" shall mean a calendar year, unless otherwise specifically indicated.
  - f. Code Enforcement Board. A special magistrate shall have the same status as a Code Enforcement Board under this Land Development Code. References to the term "Code Enforcement Board" shall include "special magistrate" if the context permits.
8. Relationship of Specific to General Provisions. More specific provisions of this Code shall control over more general provisions that are in conflict with the more specific provision.

**SECTION II. CONFLICT WITH OTHER ORDINANCES OR CODES.**

All Ordinances or parts of Ordinances of the Code of Ordinances of Walton County, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION III. SEVERABILITY.**

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

**SECTION IV. EFFECTIVE DATE.**

The effective date shall be as provided by law.

Duly enacted by the Board of County Commissioners of Walton County, Florida, at a regularly scheduled public hearing on the 10<sup>th</sup> day of November, 2020.

ATTEST:

*for* Kim Wilkin  
Alex Alford  
Clerk of Court



BOARD OF COUNTY COMMISSIONERS  
WALTON COUNTY, FLORIDA

By: Bill Chapman  
W.N. "Bill" Chapman, Chairman