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ORDINANCE 90 - 05

AN ORDINANCE CREATING A CODE ENFORCEMENT BOARD FOR NASSAU COUNTY, FLORIDA; PROVIDING PROCEDURES AND ENFORCEMENT POLICIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, has had citizen requests to establish a Code Enforcement Board; and

WHEREAS, the Florida Legislature has authorized the creation of code enforcement boards for enforcement of County ordinances; and

WHEREAS, it is in the best interest of the citizens of the County that a Code Enforcement Board be created.

NOW, THEREFORE, BE IT ORDAINED this 13th day of February, 1990, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION I - TITLE

This Ordinance shall be known as the Nassau County Code Enforcement Board Ordinance.

SECTION II - PURPOSE

The purpose of this Ordinance is, pursuant to Florida Statutes, 162, to create a Code Enforcement Board which has the authority to hold hearings and impose administrative fines and

other non-criminal penalties to enforce codes and ordinances in Nassau County.

SECTION III - DEFINITIONS

(1) "Code Inspector" shall mean any authorized agent or employee of the county whose duty it is to assure code compliance.

SECTION IV - MEMBERS

(1) The Board of County Commissioners shall appoint a seven (7) member Code Enforcement Board and two (2) alternate members.

(2) All members and the alternates shall be residents of Nassau County.

(3) The Board of County Commissioners shall, by Resolution, appoint the members and the alternates, and the appointments shall be based upon criteria established by the Board.

(4) The initial terms shall be as follows:

(a) Two (2) shall be appointed for a term of one (1) year each.

(b) Three (3) members shall be appointed for a term of two (2) years each.

(c) Two (2) members shall be appointed for a term of three (3) years each.

(d) The alternates shall be appointed for terms to be designated by the Board of County Commissioners.

(5) All succeeding terms shall be for a term of three (3) years each. Any member may be re-appointed upon approval of the Board of County Commissioners.

SECTION V - PROCEDURES

(1) The Board of County Commissioners shall, within the Resolution appointing the members, set forth procedures and guidelines for the Code Enforcement Board. Any changes to said procedures may be submitted by the Code Enforcement Board to the Board of County Commissioners for approval.

SECTION VI - CHAIRMAN

The members of the Code Enforcement Board shall select a Chairman. A new chairman shall be selected each year by the members of the Code Enforcement Board. No person shall serve two (2) consecutive terms as chairman.

SECTION VII - LEGAL COUNSEL

The County Attorney shall either be counsel to the Code Enforcement Board or represent the County by presenting cases before the Code Enforcement Board. The Board of County Commissioners shall determine the role of the County Attorney.

SECTION VIII - ENFORCEMENT

(1) The Code Enforcement Board shall have the authority, subject to Paragraph 2, to hold hearings and impose fines against violators of County Ordinances. The specific ordinances shall be

delineated by the Board of County Commissioners by separate Resolution.

(2) The Board of County Commissioners may also appoint Special Masters to conduct hearings and make recommendations to the Code Enforcement Board as to violations and the imposition of fines. The appointment of Special Masters and their duties and responsibilities shall be established by Resolution of the Board of County Commissioners. Should Special Masters be appointed, the Code Enforcement Board shall receive written recommendations, including documents and transcripts of the Special Master hearings from the Special Master(s) as to the violation and/or fines. The Code Enforcement Board may have the Special Master personally appear and make a verbal report as well as a written report.

(3) If a violation of the Codes is found, the Code Inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code Inspector shall notify the Code Enforcement Board and request a hearing. The Code Enforcement Board, through its clerical staff, shall schedule a hearing before the Board or Special Master, if Special Masters are appointed by the Board of County Commissioners, and written notice of such hearing shall be hand delivered or mailed

as set forth in Florida Statutes, Section 162.12. If the violation is corrected and then recurs or if the violation is not corrected by the time specified by the Code Inspector, the case may be presented to the Code Enforcement Board or Special Master even if the violation has been corrected prior to the Board's hearing and the notice shall so state.

(4) If a repeat violation is found, the Code Inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the Code Enforcement Board and request a hearing. The Code Enforcement Board, through its clerical staff, shall schedule a hearing before the Board or Special Master, if Special Masters are appointed by the Board of County Commissioners, and shall provide written notice of such hearing as set forth in Florida Statutes, Section 162.12. The Case may be presented to the Code Enforcement Board or Special Master even if the repeat violation is corrected prior to the Board's hearing and the notice shall so state.

SECTION IX - CONDUCT OF HEARING

(1) Upon request of the Code Inspector, or at such other times as may be necessary, the Chairman of the Code Enforcement Board may call a meeting of the Board or a hearing before a

Special Master or the Board. Minutes shall be kept of all hearings and meetings and all proceedings shall be open to the public.

(2) Each case before the Board or Special Master shall be presented by the County Attorney or a member of the County's staff as designated by the Board of County Commissioners.

(3) All testimony before the Board or Special Master shall be under oath and recorded.

(4) At the conclusion of a hearing, the Board or Special Master shall issue findings of fact, based upon evidence of record and conclusions of law, and shall issue an order consistent with the powers granted the Board. If a Special Master conducts the hearings, he/she shall make recommendation to the Board, which will include findings of fact and conclusions of law, and the Board shall review the Special Master's recommendations and issue findings of fact and conclusions of law as set forth herein.

(5) The Board shall also issue an order affording the proper relief consistent with its power. The findings and conclusions and the order shall be approved by a majority of the Code Enforcement Board.

(6) The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the

order is not complied with said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the finds therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this Ordinance and the order is complied with by the date specified in the order, the Code Enforcement Board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

SECTION X - CODE ENFORCEMENT INSPECTORS

(1) The Board of County Commissioners shall designate Code Inspectors. Qualifications shall be established by the Board of County Commissioners.

(2) Any person designated as a Code Inspector shall have the authority, pursuant to this Ordinance, to provide notice of violations and citations for violations.

SECTION XI: ADMINISTRATIVE FINES: LIENS

(1) The Code Enforcement Board, upon notification by the Inspector that an order of the Code Enforcement Board has not been complied with or upon finding that a repeat violation has

been committed, may order the violator to pay a fine for each day the violation continues. The amount of the fine is set forth herein.

(2) (a) A fine imposed shall not exceed two hundred fifty dollars (\$250.00) per day for the first violation and shall not exceed five hundred dollars (\$500.00) per day for a repeat violation.

(b) In determining the amount of the fine, if any, the enforcement board shall consider the following factors:

- 1. The gravity of the violation;
- 2. Any actions taken by the violator to correct the violation; and
- 3. Any previous violations committed by the violator.

(c) The Code Enforcement Board may reduce a fine imposed pursuant to this Ordinance.

(3) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement



purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this Ordinance, whichever occurs first. After three (3) months from the filing of any such lien which remains unpaid, the Code Enforcement Board may authorize the County Attorney to foreclose on the lien. No lien created pursuant to the provisions of this Ordinance may be foreclosed on real property which is a homestead under Section 4, Art. X of the Florida Constitution.

SECTION XII: CODE ENFORCEMENT

(1) The Code Inspector shall issue a notice to violators pursuant to procedures set forth in a separate Resolution adopted by the Board of County Commissioners.

(2) (a) A Code Enforcement Officer is authorized to issue a notice to a person when, based upon personal investigation, the officer has cause to believe that the person is in violation of a duly enacted code or ordinance.

(b) A code enforcement officer shall provide notice to the person that the person is committing a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than thirty (30) days. If, upon personal

investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.


(c) A notice issued by a code enforcement officer shall be in a form prescribed by the county and shall contain:

1. The date and time of issuance.
2. The name and address of the person to whom the notice is issued.
3. The facts constituting the violation.
4. The number or section of the code or ordinance violated.
5. The name of the code enforcement officer.
6. The procedure for the person to follow in order to correct the violation.
7. The applicable civil penalty pursuant to this ordinance.

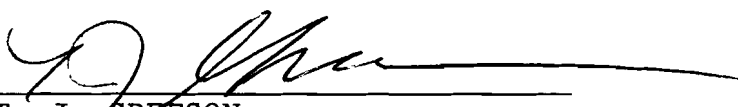
SECTION XIII: EFFECTIVE DATE

This Ordinance shall become effective pursuant to law.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
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JIMMY L. HIGGINBOTHAM  
Its: Chairman

ATTEST:

  
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T. J. GREESON  
Its: Ex-Officio Clerk