

RESOLUTION 90 - 92

A RESOLUTION APPOINTING MEMBERS OF THE CODE ENFORCEMENT BOARD AND SETTING FORTH PROCEDURES AND GUIDELINES FOR THE BOARD.

WHEREAS, the Board of County Commissioners, pursuant to Ordinance 90-05 adopted said Ordinance establishing the Nassau County Code Enforcement Board; and

WHEREAS, the Ordinance provides for the Board to appoint the members and establish procedures for the Board.

NOW, THEREFORE, BE IT RESOLVED this 24th day of April, 1990, by the Board of County Commissioners of Nassau County, Florida as follows:

I. MEMBERS

1. The following members shall be appointed to the Code Enforcement Board: Harold Belcher, Sarah Bell, Vivian Ritsma, Patty Burton, Evelyn New, Frances Burns, Lowell Hall.

2. The following members shall be appointed as alternates: Eddie Reynolds and \_\_\_\_\_.

3. The members of the Code Enforcement Board do not specifically conform to the occupations listed in Section 162.05(2), Florida Statutes, although every effort was made to appoint members corresponding to said occupations.

II. PROCEDURES

1. The Code Enforcement Board shall hold its first meeting,

which shall be an organizational meeting, within thirty (30) days of the date of this Resolution.

2. The meeting shall be advertised, and the organizational meeting shall be conducted at the Board of County Commissioners meeting room on North 14 Street, Fernandina Beach, Florida.

3. At the organizational meeting, the Code Enforcement Board shall select the following:

(a) Chairman and a Vice Chairman

(b) Set any future meetings as deemed necessary by the Code Enforcement Board.

(c) Make recommendations to the Board of County Commissioners as to the appointment of special masters and any other recommendations deemed necessary by the Code Enforcement Board.

4. All meetings of the Code Enforcement Board shall be duly advertised. The presence of four (4) or more members shall constitute a quorum at meetings or hearings.

III. INSTITUTION OF ENFORCEMENT PROCEDURES

1. The Code Inspector(s) shall initiate enforcement procedures. No members of the Code Enforcement Board shall have the power to initiate enforcement proceedings.

IV. HEARINGS

1. Should the Board of County Commissioners not appoint

special masters, the following procedures shall govern the hearings.:

(a) The alleged violator shall receive notification pursuant to the provisions of Chapter 162.12, Florida Statutes.

(b) The alleged violator, if required to appear, may appear before the Board with or without a representative.

(c) The alleged violator and the Code Enforcement officer and any other witnesses shall be placed under oath by the Chairman of the Code Enforcement Board.

(d) All proceedings before the Code Enforcement Board shall be open to the public.

(e) Each case shall be presented by a member of the County's administrative staff as designated by the Board of County Commissioners. The administrative staff member shall prepare all written information and make a brief presentation to the Code Enforcement Board outlining the charge or charges against the alleged violator.

(f) The alleged violator and the Code Enforcement Inspector may submit any written reports and/or documents pertaining to the alleged violation for the Board's consideration.

(g) The Code Enforcement Inspector shall present testimony to the Board and may be required to respond to questions proposed by the Board members and/or the County Attorney.

(h) The alleged violator and/or his representative shall present testimony to the Board and shall respond to questions proposed by the Board members and/or the County Attorney.

(i) The testimony of witnesses shall be presented in a manner prescribed by the Code Enforcement Board. The Code Enforcement Board and the County Attorney may ask specific questions of the witnesses.

(j) The Code Enforcement officer and/or the County Administrative designee and the alleged violator may be given time for rebuttal. Said time shall be established by the Code Enforcement Board.

(k) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by a reasonably prudent person conduct of their affairs shall be admissible. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding, unless it would be admissible over objection in a civil action.

(l) At the conclusion of the hearing, the Code Enforcement Board shall issue findings of fact, based upon evidence and conclusions of law and shall issue an order. The findings shall be by motion approved by a majority of those members present and voting, except that at lease four (4) members must vote for an action to be official.

V. POWERS

1. The Code Enforcement Board shall have the power to:

(a) Adopt additional rules for the conduct of hearings and meetings.

(b) Subpoena alleged violators and witnesses to hearings.

(c) Subpoena evidence to hearings.

(d) Issue orders having the form of law to command whatever steps are necessary to bring a violation into compliance.

VI. COUNTY ATTORNEY

1. The County Attorney shall represent the Code Enforcement Board and shall be present at all hearings. The County Attorney may ask questions at hearings and assist the Code Enforcement Board in drafting any and all documents and assist the Chairman as to any and all rulings during a hearing. The attendance at regular meetings shall be pursuant to request of the Code Enforcement Chairman.

VI. CODE INSPECTORS

1. The Board of County Commissioners shall designate Code Inspector(s) who shall have the authority to issue citations for violations of designated County ordinances.

2. Nassau County Building Inspector(s) shall be authorized to issue citations of building code violations, pursuant to the building codes adopted by the Board of County Commissioners. The building inspector shall follow the same procedures as set forth

in this Resolution and Ordinance 90-05. This provision shall be in addition to remedies available pursuant to existing building codes.

VII. ORDINANCES

1. The inspector(s) shall have the authority to issue citations for violations of the following ordinances:

(a) Ordinance 83-19, as amended - Nassau County Zoning Ordinance;

~~(b) Ordinance 86-1, as amended - Nassau County Contractors' Licensing Ordinance;~~

(c) Ordinance 89-1 - Amelia Island Sign Ordinance.

(d) All building code ordinances adopted by the Board of County Commissioners applicable to building inspectors only.

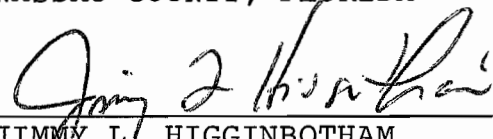
VIII. CHAPTER 162, PART I, FLORIDA STATUTES

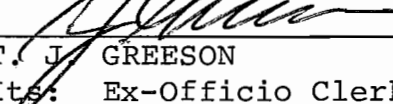
1. The provisions of this Chapter shall be a part of this Resolution.

IX. EFFECTIVE DATE

This Resolution shall be effective as of the date of adoption.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
JIMMY L. HIGGINBOTHAM  
Its: Chairman

ATTEST:   
\_\_\_\_\_  
T. J. GREESON  
Its: Ex-Officio Clerk