

RESOLUTION 99 - 81

A RESOLUTION APPOINTING CODE ENFORCEMENT BOARD MEMBERS AND ESTABLISHING PROCEDURES FOR HEARINGS BY THE CODE ENFORCEMENT BOARD.

WHEREAS, the Board of County Commissioners adopted Ordinance 99-02 creating a Code Enforcement board; and

WHEREAS, Section 5 of Ordinance 99-02 requires a Resolution appointing the members and further requires the Board of County Commissioners to set forth procedures and guidelines for the hearings of the Code Enforcement Board.

NOW, THEREFORE, BE IT RESOLVED this 14th day of June, 1999, by the Board of County Commissioners as follows:

Section 1. - The Board of County Commissioners hereby appoints the following to the Code Enforcement Board with the following initial terms:

- a. Clyde Goodbread - 1 year term
- b. Jacqueline Herterich - 1 year term
- c. Bernard McCabe - 2 year term.
- d. Waldo Romero - 2 year term
- e. Allen Milberger - 2 year term
- f. Orrin Main - 3 year term
- g. Glenda Stonecipher - 3 year term

Section 2. - Procedures:

The following shall be read by the attorney at the beginning of each Code Enforcement Board proceedings and shall be the procedures that the Code Enforcement shall follow:

"The Code Enforcement Board will consider the following:

1. Items on the Agenda.

The hearing is a quasi-judicial hearing, and, as such, there are certain rules and procedures that must be followed.

The Code Enforcement Officer will present evidence first, and the individual or individuals alleged to have violated specific ordinances or regulations will have the opportunity to present their evidence. The Code Enforcement Officer may call the alleged violator as a witness or may cross-examine the individual subject to control by the Chair and the County Attorney.

Each witness and those who present evidence shall be sworn and state their name and address.

All witnesses and those who present evidence should be prepared to present evidence that specifically addresses the alleged violation.

Is there anyone who does not understand the procedures stated thus far? If you do not understand, please come forward and ask your question.

The individual(s) who are alleged to have violated an ordinance or regulation may present any witnesses, and the individual(s) may cross-examine the Code Enforcement Officer, subject to control by the Chairman and the Attorney.

If the evidence presented is not relevant to the allegations, the Chair, with the assistance of the Attorney, may direct that the individual witness stop his or her presentation and address the specifics of the allegations.

Each person testifying will address the Board, at the podium,

and if there are documents or photos, they must be presented when the particular individual is testifying. The documents or photographs will be part of the record.

The Code Enforcement Officer may present rebuttal evidence or testimony at the conclusion of the alleged violator's testimony.

The Board members, subject to the control of the Chair, may ask questions of any witness during their presentation.

This meeting is being taped. There cannot be any applause or outbursts or talking except by those appearing at the podium.

The Board will then close the hearing, and the Board may then discuss the evidence and may ask questions of the witnesses and staff.

At the conclusion of the hearing, the Code Enforcement Board will issue findings of fact based upon evidence of record and conclusions of law, and shall issue an order affording the purposed relief. The finding of the Board shall be by motion and shall be approved by a majority of those present and voting, and at least four (4) members must vote in order for the action to be official. The order may include a notice that it must be complied with by a specific date and that a fine may be imposed. In addition, an administrative fee may be imposed. The order shall be prepared by the person providing clerical assistance to the Board and shall be signed by the chairman. Said order shall be prepared within ten (10) days after the announcement of the order at the meeting and shall be approved as to form by the attorney. A certified copy of the order shall be recorded in the public records of the county.

If the order is recorded and is complied with by the date specified in the order, the chairman shall sign an order acknowledging compliance, which shall be recorded in the public records.

The Code Enforcement Board, upon notification by the Code inspector that an order of the Enforcement Board has not been complied with by the time set forth or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified for each day the violation continues.

The 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.

The Board shall consider the following factors in imposing fines:

1. The gravity of the violation.
2. Any action of the violator to correct the violation.
3. Any previous violations committed by the violator.

A Certified copy of the order imposing a fine will be recorded in the public records and shall constitute a lien against the land and upon any other real or personal property owned by the violator. Upon petition to the Circuit Court such order may be imposed in the same manner as a Court judgment, including levy against personal property. A fine imposed shall continue to accrue until the violator comes into compliance or a Court judgment is rendered in a suit to foreclose. After three (3) months from the filing of a lien which remains unpaid, the Enforcement Board may authorize the County Attorney to foreclose on the lien. No lien created pursuant

to the provisions of this part may be foreclosed on homestead property.

Does anyone who is alleged to have violated an ordinance or regulation have any questions about the procedures thus far. If so, please come forward and ask your questions now.

Any person alleged to have violated an Ordinance or regulation has a right to be represented by legal counsel. If you desire a continuance until the next meeting to retain counsel, please come forward and ask the Board to consider a continuance.

Again, is there anyone who does not understand the procedures read thus far, or who has any questions before we proceed? If so, please come forward now."

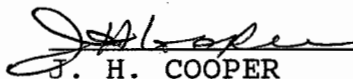
Section 3 - Rules

Roberts Rules of Order shall govern the proceedings.

Section 4 - Notices

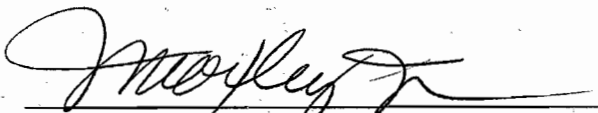
Notices shall be as set forth in Florida Statutes, Section 162.12.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



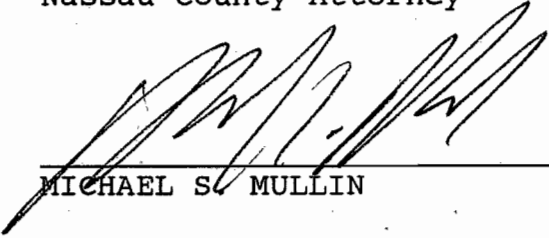
J. H. COOPER
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

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