

ORDINANCE 94 - 34

AN ORDINANCE AMENDING ORDINANCE 90-05, WHICH ESTABLISHED A CODE ENFORCEMENT BOARD FOR NASSAU COUNTY, FLORIDA; SPECIFICALLY AMENDING SECTION IV, MEMBERS, SECTION V, PROCEDURES, SECTION VI, CHAIRMAN, SECTION VII, ENFORCEMENT, SECTION IX, CONDUCT OF HEARING, SECTION XI, ADMINISTRATIVE FINES, LIENS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, has found it necessary to amend Ordinance 90-05.

NOW, THEREFORE, BE IT ORDAINED this 11th day of July, 1994, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 90-05 be amended as follows:

1. SECTION II - PURPOSE

The purpose of this Ordinance is, pursuant to Florida Statutes, 162.21, 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.~~ provide for the enforcement of County Ordinances as set forth in the herein referenced statute. The ordinances that are to be enforced pursuant to this Ordinance shall be set forth in a separate resolution adopted by the Board of County Commissioners and approved after being advertised in a newspaper of general circulation.

2. SECTION III - DEFINITIONS

(1) "~~Code Inspector~~ Enforcement Officer" shall mean any ~~authorized designated~~ agent or employee of the County whose duty it is to assure code compliance enforce codes and ordinances enacted by the County. Said designation shall be by separate resolution

adopted by the Board of County Commissioners.

3. 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.~~

4. 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.~~

5. 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.~~

6. SECTION VII IV - LEGAL COUNSEL PRESENTATION OF CASE BEFORE THE COURT

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

7. SECTION VIII V - 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.~~

(1) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the County Court will hear the charge.

(2) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed 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 a repeat violation is found or 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.

(3) A citation issued by a code enforcement officer shall be

in a form prescribed by the County and shall contain:

(a) The date and time of issuance.

(b) The name and address of the person to whom the citation is issued.

(c) The date and time the civil infraction was committed.

(d) The facts constituting reasonable cause.

(e) The number or section of the code or ordinance violated.

(f) The name and authority of the code enforcement officer.

(g) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.

(h) The applicable civil penalty if the person elects to contest the citation.

(i) The applicable civil penalty if the person elects not to contest the citation.

(j) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in Court to contest the citation, he/she shall be deemed to have waived his/her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(4) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in Florida

Statutes, Sections 775.082 or 775.083.

8. SECTION IX IV - 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.~~

(1) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one (1) copy of the citation with the County Court and request the County Court to set a hearing date. The alleged violator shall be notified of the Court appearance.

(2) Any person receiving a citation as set forth herein may contest such citation by requesting a court date from the Clerk of the Court.

9. SECTION XI VI: 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.~~

(1) For a violation of a code or ordinance, the maximum penalty may be imposed, which shall not exceed five hundred dollars (\$500.00) per offense.

(2) If a person who has committed an infraction of a code or ordinance does not contest the citation, the civil penalty shall be:

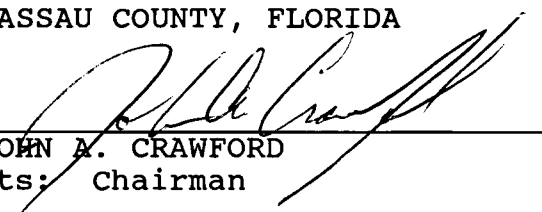
(a) First offense: One hundred fifty dollars (\$150.00).

(b) Second Offense: Four hundred dollars (\$400.00).

10. SECTION XIII VII: EFFECTIVE DATE

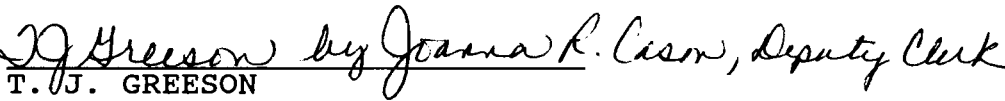
This Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



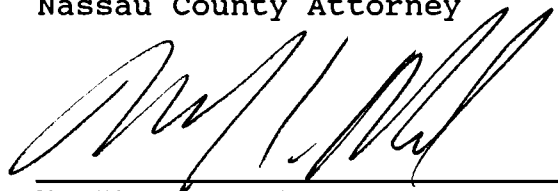
JOHN A. CRAWFORD
Its: Chairman

ATTEST:



T.J. GREESON
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

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