

ORDINANCE 2002 - 44

AN ORDINANCE AMENDING ORDINANCE 99-02, AS AMENDED; SPECIFICALLY AMENDING SECTION XI, ADMINISTRATIVE FINES: LIENS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary to further amend Ordinance 99-02, as amended.

NOW, THEREFORE, BE IT ORDAINED this 16th day of September, 2002, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 99-02, as amended, shall be further amended as follows:

1. **SECTION XI. ADMINISTRATIVE FINES: LIENS**

(1) The Code Enforcement Board, upon notification by the Code Enforcement Officer that an Order of the Code Enforcement Board has not been complied with by the set time 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. If a finding of a violation or repeat violation has been made, a hearing is not necessary for the issuance of an order imposing a fine.

(2) (a) A fine imposed shall not exceed two hundred fifty dollars (\$250.00) per day for the first violation and shall not exceed one thousand dollars (\$1,000.00) 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.

(4) An additional fine may be imposed to cover all costs incurred in enforcing the particular code to include title searches in cases wherein a lien is imposed. The costs shall be determined by the Board based upon information to be provided by the County Coordinator or his designee. In determining the amount, the Board shall consider the information provided by the County Coordinator or his designee, and the criteria in Paragraph (b) above.

(5) 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 comes first. A lien arising from a fine pursuant to this section runs in favor of the local governing body and the local governing body may execute a satisfaction or release of the lien pursuant to this section. After three (3) months from the filing of 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.

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

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



NICK D. DEONAS
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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