

ORDINANCE 2015-6

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ST. LUCIE VILLAGE, FLORIDA, PROVIDING FOR THE ADOPTION OF A CODE ENFORCEMENT BOARD TO ENFORCE THE TERMS AND PROVISIONS OF THE MUNICIPAL CODES OF ST. LUCIE VILLAGE, INCLUDING ORGANIZATION AND MEMBERSHIP OF THE CODE ENFORCEMENT BOARD, POWERS AND AUTHORITY OF THE ENFORCEMENT BOARD, AND PROCEDURES FOR ENFORCEMENT BOARD HEARINGS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of St. Lucie Village has previously adopted certain ordinances and codes, pertaining to the issuance of occupational licenses, building, zoning, signs, and the like, and the Town anticipates additional codes may be enacted in the future; and

WHEREAS, the Village Board of Aldermen of the Town of St. Lucie Village desire to adopt a procedure to provide an equitable, expeditious, effective, and inexpensive method of enforcing the municipal codes that have been adopted by the Town and may be adopted in the future; and

WHEREAS, the Legislature of the State of Florida has enacted the "Local Government Code Enforcement Boards Act" as contained in Chapter 162, *Florida Statutes*, 2014; and

WHEREAS, the Local Government Code Enforcement Boards Act, Section 162.03(1) provides "Each county or municipality may, at its option, create or abolish by ordinance local government code enforcement boards as provided herein"; and

WHEREAS, the Village Board of Aldermen desire to create a Code Enforcement Board pursuant to Chapter 162, *Florida Statutes*, to enforce ordinances and codes of the municipality; and

WHEREAS, two public hearings, with due notice have been held by the Mayor and Board of Aldermen to inform the public and receive comments and objections; and

WHEREAS, the comments and objections received from all persons, agencies or governments to date have been duly considered.

NOW, THEREFORE, the Board of Aldermen of the Town of St. Lucie Village, Florida hereby ordains:

SECTION 1. ADOPTION

The Town of St. Lucie Village hereby adopts the pertinent provisions of Chapter 162, *Florida Statutes*, to create a Code Enforcement Board.

SECTION 2. PURPOSE

It shall be the purpose of the St. Lucie Village Code Enforcement Board to enforce all ordinances and codes previously enacted by St. Lucie Village, and all ordinances and codes subsequently enacted by the Town, including but not limited to, occupational licenses, fire, building, zoning, land development, land use, and sign codes.

SECTION 3. ORGANIZATION

- a. The Code Enforcement Board shall consist of seven (7) members.
- b. The Village Board of Aldermen shall appoint the members of the Code Enforcement Board.
- c. Members of the Board shall be residents of the Town and whenever possible, the Board should include an architect, a businessman, an engineer, a general contractor, a subcontractor, and a realtor.

SECTION 4. TERM OF OFFICE

- a. The initial appointments to the Code Enforcement Board shall be as follows:
 - 1. Two members shall be appointed to serve 1 year terms.
 - 2. Three members shall be appointed to serve 2 year terms.
 - 3. Two members shall be appointed to serve 3 year terms.
- b. Thereafter all appointments to the Code Enforcement Board shall be for a term of three years.
- c. An appointment to fill any vacancy on the enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the enforcement board shall declare the member's office vacant; and the local governing body shall promptly fill such vacancy. The members shall serve in accordance with ordinances of the local governing body and may be suspended and removed for cause as provided in such ordinances for removal of members of boards.
- d. The members of the enforcement board shall elect a chair from among the members of the board. The presence of four or more members

shall constitute a quorum of the enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the Village Board of Aldermen.

SECTION 5. CODE INSPECTION

a. Unless the Board of Aldermen of the Town of St. Lucie Village decides to appoint some other person, the Marshal of the Town of St. Lucie Village shall serve as the code inspector.

b. The code inspector shall have authority to go upon privately owned property within this municipality when it is necessary to investigate a possible violation of an ordinance or code of the municipality that the code inspector reasonably believes may exist.

SECTION 6. ENFORCEMENT PROCEDURE

a. It shall be the duty of the code inspector to investigate complaints of code violations and, where appropriate, to thereafter initiate enforcement proceedings of the various municipal codes. No member of the enforcement board will have the power to initiate such enforcement proceedings.

b. If a violation of any municipal code is found, the code inspector shall promptly notify the violator and give him reasonable time to correct the violation.

c. If the violation continues beyond the time specified for correction, the code inspector shall notify the enforcement board and request a hearing before the enforcement board.

d. The chair of the enforcement board shall arrange a date, time and place for the hearing before the enforcement board.

e. The chair, code inspector or staff shall give the alleged violator written notice of the date, time and place of the enforcement board meeting in accordance with Section 162.12, *Florida Statutes*.

f. If the code inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing.

SECTION 7. CONDUCT OF HEARING

All enforcement board hearings shall be conducted in accordance with Section 162.07, *Florida Statutes*.

SECTION 8. POWERS OF THE ENFORCEMENT BOARD

The enforcement board shall have the power to:

- a. Adopt rules for the conduct of its hearings.
- b. Subpoena alleged violators and witnesses to its hearings.

Subpoenas may be served by the sheriff of the county or the Village marshal.

- c. Subpoena evidence.
- d. Take testimony under oath.
- e. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

SECTION 9. ADMINISTRATIVE FINES; LIENS

a. The enforcement board, upon hearing in accordance with Section 162.07, *Florida Statutes*, and consideration of the factors set forth at Section 162.09(2)(b), *Florida Statutes*, may order the violator to pay a fine not to exceed \$250.00 for each day the violation continues past the date set for compliance. 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; and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After one (1) year from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien.

b. Once the daily fine for any given violation has accrued to a total of \$20,000.00 for a residential property or \$50,000.00 for a commercial property, the fines for that violation shall cease to accumulate, and that amount shall be the total fine for that violation.

c. The Enforcement Board may reduce a fine imposed pursuant to this section, provided, however, that it shall not be eliminated (reduced

to zero) and that it shall not be reduced unless the violation has been cured.

SECTION 10. NOTICES

All notices required by this act shall be by certified mail, return receipt requested, or as otherwise provided by Section 162.12, *Florida Statutes*.

SECTION 11. EFFECTIVE DATE

This ordinance shall become effective immediately upon passage or as soon thereafter as is permissible by law.

PASSED AND APPROVED by the Board of Aldermen of the Town of St. Lucie Village on this _____ day of _____, 2015.

APPROVED:
BOARD OF ALDERMEN OF THE TOWN OF
ST. LUCIE VILLAGE, FLORIDA

By: _____
William G. Thiess, Mayor

ATTESTED:

By: _____
Diane C. Orme, Clerk

I, DIANE C. ORME, Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is a true and accurate copy of Ordinance **2015-6** which was duly introduced, read and adopted at the regular meeting of the Board of Aldermen of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, held this _____ day of _____, 2015.

DIANE C. ORME, CLERK