

LEGISLATIVE #

121103

1st 7/18/13
2nd 8/1/13

ORDINANCE NO. 121103

An ordinance of the City of Gainesville, Florida, amending Sec. 16-95 of the Gainesville Code of Ordinances by establishing board of adjustment members as the ex officio members of the nuisance abatement board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Chapter 16, Article V, Sec. 16-95 of the Code of Ordinances of Gainesville, Florida is amended to read as stated below. Except as amended herein, the remainder of Sec. 16-95 remains in full force and effect.

CHAPTER 16 - NUISANCES

ARTICLE V. – PUBLIC NUISANCE ABATEMENT

Sec. 16-95. - Nuisance abatement board.

- (a) The nuisance abatement board of the city is hereby created to serve as a quasi-judicial forum in which controversies over the existence of public nuisances may be resolved in the public interest with due process of law. Members of the ~~code-enforcement board~~ of adjustment shall serve ex officio as members of the nuisance abatement board.
- (b) Each member of the ~~code-enforcement board~~ of adjustment shall be a member of the nuisance abatement board during his or her term of office. Members shall serve without compensation ~~but~~

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~~may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the city attorney, subject to funds budgeted and appropriated.~~

(c) Organization; hearings; quorum; administrative staff support, board case files, documents; legal counsel.

(1) The members of the board shall elect a chair who shall be a voting member from among the members of the board. The member elected chair shall serve as chair for a term of one year and may be re-elected to serve an additional term or terms as chair.

(2) The presence of four members shall constitute a quorum of the board. The affirmative vote of at least four members shall be necessary to take action.

(3) The board is authorized to establish its own rules of procedure.

(4) The chair of the board may call hearings of the board. Hearings may also be called by written notice signed by at least four members of the board. The clerk of the board may also set hearing dates. Minutes shall be kept of all hearings and all hearings shall be open to the public. The city commission, ~~by and through the city attorney,~~ shall budget and appropriate necessary expenses that may be reasonably required by the board for the proper performance of its duties.

(5) The clerk of the ~~code enforcement~~ board of adjustment shall serve as clerk of the nuisance abatement board. The clerk shall be the custodian of all board case files and documents pertaining thereto and shall have the authority to certify other documents issued by the board; the clerk shall adopt and use an official seal for this purpose; the clerk is also empowered to administer oaths to witnesses appearing before said board, and to issue subpoenas in the name of the board for service of process by any city police officer.

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(6) The city attorney or designee shall serve as legal counsel to the board. The city manager or designee may present cases before the board or retain special counsel to present cases before the board.

Section 2. It is the intention of the city commission that the provisions of Section 1 shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 3. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 5. This ordinance shall take effect immediately upon final adoption.

PASSED AND ADOPTED this ____ day of _____, 2013.

EDWARD B. BRADDY
MAYOR

ATTEST:

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This Ordinance passed on first reading this ____ day of _____, 2013.

This Ordinance passed on second reading this ____ day of _____, 2013.

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