



Legislation Text

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CODE ENFORCEMENT BOARD (B)

ORDINANCE NO. 0-02-18

An ordinance of the City of Gainesville, Florida, relating to the Code Enforcement Board; amending Article V, Division 8, of the Code of Ordinances of the City of Gainesville, eliminating redundancies and providing consistencies in accordance with Chapter 162, Florida Statutes, the "Local Government Code Enforcement Boards Act;" amending s. 2-376, to conform with Chapter 162, Florida Statutes; amending s. 2-378, eliminating a definition; amending s. 2-379, allowing city commission to appoint up to two alternate members for each current board member; amending s. 2-380, to eliminate redundancies and replace part of existing section requiring an appointment of a chair and requirements for a quorum of the board; repealing s. 2-381, to eliminate redundancies; repealing s. 2-382, to eliminate redundancies; amending s. 2-383, providing powers to the board for adoption of rules for the conduct of its hearings; amending s. 2-385, providing code inspector rules and guidelines for enforcement procedures; repealing s. 2-386, to eliminate redundancies; amending 2-387, providing rules and guidelines for hearings conducted by the board and orders of findings issued by the board; repealing s. 2-388, to eliminate redundancies; creating s. 2-388.2, providing for duration of lien, providing for prevailing party to recover all costs, including reasonable attorney's fees in a foreclosure or money judgment action; amending s. 2-389, providing for an appeal of a final administrative decision by the board; amending s. 2-390, providing rules for notices to alleged violator; repealing s. 2-391, to eliminate redundancies; repealing 2-391.1, to eliminate redundancies; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

The City Commission at its meeting of July 22, 2002, authorized the City Attorney to draft and the Clerk of Commission to advertise an ordinance amending the Code Enforcement Board section in the Code. The primary effect of these amendments is to eliminate the redundancies and conform to Chapter 162, Florida Statutes. In particular, the amendments allow the City Commission to make a determination as to whether a member should be allowed to continue, be temporarily suspended, or be removed from the board if that member is adjudicated guilty of any of the codes or ordinances enumerated in Division 6, Civil Citation or Division 8, Code Enforcement Boards; provides that an owner of property which is subject to enforcement proceeding before the board disclose, in writing, the existence and nature of the code enforcement proceeding to the prospective transferee; allows the City Commission to appoint up to two alternate members for each board member to serve on the board in the absence of board members; allows the board to make a finding that a violation is irreparable or irreversible in nature and to notify the City Manager through the City Commission; and allows City to make all reasonable repairs or undertake such other remedies to bring the property into compliance or eliminate the irreparable or irreversible violation and charge the violator with the reasonable cost of such along with the fine imposed.

The Code Enforcement Board concurs with the proposed amendments to the ordinance.