



## Legislation Text

---

**File #:** 121102., **Version:** 1

---

### **SPECIAL MAGISTRATE FOR CODE ENFORCEMENT (B)**

Ordinance No. 121102

An ordinance of the City of Gainesville, Florida, amending the Gainesville Code of Ordinances by creating a special magistrate position as an alternative to the code enforcement board to enforce compliance with City Of Gainesville ordinances; amending Chapter 2, Article V, Division 8 , Code Enforcement Board to provide intent; provide minimum qualifications and requirements for appointment of special magistrates; 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.

#### **CODE ENFORCEMENT STAFF REPORT**

The Community Development Committee (CDC) discussed the Special Magistrate referral on May 24, 2011 and requested that staff provide additional information on the following items: cost of a Special Magistrate; framework and division of labor (if a hybrid model); timeliness of enforcement; transparency of LLP points removal; and the level of penalties that can be issued. On May 22, 2012, the CDC received a presentation from staff addressing the issues discussed at the May 24, 2011 CDC meeting and made a recommendation to the City Commission that a Special Magistrate be implemented in lieu of the Code Enforcement Board.

Authority for the city to establish a code enforcement board and/or special magistrate to consider violations of the code of ordinances is provided for by section 162.03(2), Florida Statutes:

(2) A charter county, a noncharter county, or a municipality may, by ordinance, adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances. A special magistrate shall have the same status as an enforcement board under this chapter. References in this chapter to an enforcement board, except in s. 162.05, shall include a special magistrate if the context permits.

Staff is in the process of issuing a Request for Proposals (RFP) for Code Enforcement Special Magistrate with an expectation that a Special Magistrate and a reserve Special Magistrate will be selected and implemented by October 1, 2013.

#### **CITY ATTORNEY MEMORANDUM**

At its regularly scheduled meeting on March 7, 2013, the City Commission authorized the Clerk of Commission to advertise and the City Attorney to draft an ordinance to implement the Special Magistrate process to enforce the city's code violations.

This draft ordinance retains the Code Enforcement Board, creates authority for a Special Magistrate and allows the City Commission to designate (by Resolution) which of the two would exercise powers from time to time.

This ordinance requires two readings.