

DUNEDIN CODE ENFORCEMENT BOARD RULES OF PROCEDURE

RULE 1. ELECTION OF OFFICERS

- Section 1: The Code Enforcement Board (hereinafter the "Board") shall elect one of its members chairperson and another member vice-chairperson. The City Clerk shall provide the Board with a Clerk.
- Section 2: The Chairperson shall preside at all meetings and hearings of the Board. The Vice-Chairperson shall act in the absence of the Chairperson.
- Section 3: Nomination of officers shall be made from the floor at the first meeting of each new calendar year and the election shall be held immediately thereafter.
- Section 4: A candidate receiving a majority vote shall be declared elected and shall serve a term of one year or until a successor shall take office.
- Section 5: Vacancies in office shall be filled immediately by regular election procedure.

RULE 2. MEETINGS

- Section 1: Regular Meetings. Regular meetings shall be held on the first Tuesday of every month at 2:00 p.m. The Board may set meetings more frequently if necessary.
- Section 2: Special Meetings. Special meetings may be called by the Chairperson or by written notice signed by three members of the Board.
- Section 3: Notice. Notice of all meetings, both regular and special, shall be given to all Board members at least twenty-four (24) hours in advance of the meeting.
- Section 4: Attendance. Members shall notify the Board Clerk of the Board if they are not going to attend a meeting.
- Section 5: Voting. Voting shall be by voice vote and shall be recorded by individual "aye" or "nay".

RULE 3. ORDER OF BUSINESS

The order of business of all Board meetings shall be as follows:

1. Minutes of Previous Meetings
2. Unfinished Business
3. New Business
4. Other Board Action
5. Adjournment

The order of business may be suspended by a vote of the majority of those members present.

RULE 4. HEARINGS

- Section 1: The following procedures will be observed in hearings before the Board:
- a. If it is established that proper notice of a hearing has been provided to the Respondent, a hearing may proceed in the absence of the Respondent.
 - b. The Chair shall request identification of the Respondent, their representative or attorney and their witnesses prior to the case hearing.
 - c. All witnesses shall be sworn in by the Clerk.

- d. The City shall present its case and Respondent shall present their case. Both parties will have an opportunity to cross-examine all witnesses.
- e. The Board or its attorney may question any witness as it or he feels necessary.
- f. The right of parties to present rebuttal evidence is discretionary with the Board.
- g. The Board may, in its discretion, adjourn a hearing to the next regularly scheduled Code Enforcement Board meeting and request further information from either party.
- h. If a hearing is adjourned under subsection (g), at the time the hearing is reconvened only those Board members that have been present from the beginning of the hearing may participate in the deliberations and decision making process. (This requirement may be waived by the consent of both parties.)
- i. Upon completion of all the evidence, the Chairperson shall close the hearing.
- j. The Board may only consider that evidence which is presented at the hearing in reaching their decision.
- k. The board shall immediately deliberate in open session before the public. The Chair may ask for a motion to find the Respondent in violation or not in violation of the City Code Section cited in the Statement of Violation/Notice of Hearing. The motion shall include findings of fact and conclusions of law, shall order compliance with the City Code by a date certain and shall include the amount of the fine that will be levied if Respondent fails to comply by said date. Said order shall be reduced to writing within ten (10) days, signed by the Chairperson, attested to by the Clerk, and mailed by certified mail, return receipt requested, to the Respondent.

Section 2: After a case is set for hearing, the Clerk of the Board shall be empowered to issue subpoenas as requested by the affiant and the Respondent. Subpoenas may be served by a process server approved by the Circuit Court for the Sixth Judicial Circuit, the Pinellas County Sheriff, or a Notary Public independent of all parties and witnesses. The party requesting that a subpoena be served shall be responsible for any fee charged for serving the subpoena. Subpoenas shall only be issued for evidence or witnesses to be produced at Board hearings.

Section 3: Should a violation be corrected prior to the set hearing date, the code enforcement officer may withdraw the case.

Section 4: The Chairperson shall have the authority to decide all points of order and run all hearings. This authority shall include the duty to decide all objections and other evidentiary matters that may arise during the hearing. Any ruling by the Chairperson may be reversed by a majority vote of the Board.

RULE 5. ENFORCEMENT

Section 1: After an order has been issued by the Board and a scheduled date of compliance has been ordered, the Code Enforcement Officer shall make an inspection to determine if the alleged violation has been corrected.

Section 2: The Code Enforcement Officer shall then issue an affidavit of compliance or non-compliance which shall be filed with the Board. A copy of said affidavit shall be sent to the violator by certified mail, return receipt requested. The Board shall accept or reject the affidavit of compliance or non-compliance. Upon acceptance of an affidavit of non-compliance, the Board shall issue an order levying a fine in accordance with its earlier order. The Clerk shall file said order in the Pinellas County records as a lien against the land on which the violation exists and upon any other real and personal property owned by the violator.

Section 3: Any aggrieved party may petition the Board to reconsider or rehear any Board order resulting from a public hearing. This petition must be made in writing and filed with the Board Clerk no later than thirty (30) days after the execution of the Order and prior to the filing of any appeal. The only grounds for a petition to reconsider or rehear are that there is newly discovered relevant evidence that was not available and known to the Petitioner at the time of the public hearing or that the Board made a mistake in determination of a relevant fact.

Upon receipt of the petition, the Board will consider whether or not to reconsider or rehear the case. A motion to approve a petition to reconsider or rehear must be made by a Board member who previously voted on the prevailing side. A motion to approve a petition to reconsider or rehear a case must set the date and time for the

rehearing. The rehearing may be held at the time of consideration if the petitioner and the City agree. The Board may hear oral argument or evidence in determining whether to grant the petition to reconsider or rehear. The violator may be granted up to five (5) minutes to present his/her petition to the board.

Section 4: After a fine has been imposed by the Board and within thirty (30) days after the violation is brought into compliance, a violator may petition for reconsideration of a fine. The petition must be in writing signed by the violator and include a copy of the affidavit of compliance executed by the code officer. The Petition must include conclusive evidence showing extreme or undue hardship in the payment of the fine or preventing the violator from coming into compliance within the time period established by the Board's order. The Board Clerk shall schedule the petition to be considered. The City may present, in written form, a response to the petition for reduction of fine. The violator may be granted up to five (5) minutes to present his/her petition to the Board. The Board may request information from the Code Officer. The Board Clerk shall notify the violator by regular mail of the determination made by the Board. No petition for the reduction of a fine will be considered prior to the Board's acceptance of an affidavit of compliance. Under no circumstances may the amount of the fine be reduced below the costs of the action. Under no circumstances may the amount of the fine be reduced once a foreclosure action is instituted. Additionally, under no circumstances may the amount of the fine for a repeat violation be reduced.

Section 5: The Board shall hold hearings as necessary to insure the effectiveness of any order issued by the Board.

Section 6: Once a lien is filed, the daily fine shall continue to mount until an affidavit of compliance is accepted by the Board. A letter of notification of lien shall be mailed to all violators by the Clerk each calendar quarter until the condition is corrected and/or the lien satisfied. Failure to give such notice shall not bar enforcement of any lien by the Board.

Section 7: The Board shall have the authority to settle any foreclosure action once it is instituted only with the approval of the City Commission. In considering any settlement, the Board will consider the City's expenditure of attorney's fees and costs in pursuing the foreclosure action and the possibility of recovering those costs and fees from the violator in the action.

DCEB Resolution 12-01 (1-2-2012); DCEB Resolution 2006-01 (4-4-2008); DCEB Resolution 2020-01 (8-4-2020)