

Dunedin Code Enforcement Board

Ordinance 92-26 Amended Ch. 7

Ordinance 89-4 Amended Subparagraph d of Sec. 7-3

Ordinance 82-45 Amended Ch. 7 to change name to Dunedin Code Enforcement Board

Ordinance 81-26 Established the Municipal Code Enforcement Board

ARTICLE I. IN GENERAL

Sec. 22-1. Intent of chapter.

It is the intent of this chapter to promote, protect, and improve the health, safety, and welfare of the citizens of the city by creating an administrative board with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in the city, where a pending or repeated violation continues to exist. (Code 1977, § 7-3)

Sec. 22-2. Code enforcement officers.

(a) As used in this section, the term "code enforcement officer" means any designated employee or agent of the city.

(b) The city may designate certain of its employees or agents as code enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the city. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, or fire safety inspectors. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of F.S. §§ 943.085—943.255. Nothing in this section amends, alters, or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law. (Code 1977, § 7-9)

Cross reference—Departments, officers, employees, § 2-91 et seq.

Sec. 22-3. Supplemental nature of chapter provisions.

It is the legislative intent of this chapter to provide an additional or supplemental means of obtaining compliance with city codes and ordinances. Nothing contained in this chapter shall prohibit the city from enforcing its codes and ordinances by any other means provided by law. (Code 1977, § 7-18(a))

State law reference—Similar provisions, F.S. §§ 162.02, 162.21(8).

Sec. 22-4. Transfer of property ownership.

If the owner of property which is subject to an enforcement proceeding before the code enforcement board or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:

- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (4) File a notice with the code enforcement officer of the transfer of the property, with the identity and address of the new owner and copies of the disclosures.

State law reference—Similar provisions, F.S. § 162.06(5).

Secs. 22-5—22-40. Reserved.

ARTICLE II. ENFORCEMENT BOARD*

Sec. 22-41. Creation.

There is hereby created a code enforcement board whose duties will be to hold hearings and make findings and impose fines for violations, all as provided in this chapter.

(Code 1977, § 7-4)

Sec. 22-42. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City attorney means the legal counselor for the city.

**Cross reference*—Boards, committees, commissions, § 2-61 et seq.

State law reference—Code enforcement board, F.S. § 162.05.

Sec. 22-48. Jurisdiction.

The code enforcement board shall have the jurisdiction to hear and decide alleged violations of the codes and ordinances in force in the city, including amendments to such codes and ordinances.

(Code 1977, § 7-8)

Secs. 22-49—22-70. Reserved.**ARTICLE III. ENFORCEMENT
PROCEDURE*****Sec. 22-71. Initiation of proceedings.**

It shall be the duty of a code enforcement officer to initiate enforcement proceedings of the various codes and ordinances. No members of the code enforcement board shall have the power to initiate such enforcement proceedings.

(Code 1977, § 7-10(a))

State law reference—Similar provisions, F.S. § 162.06(1).

Sec. 22-72. Notice of violation; corrections; hearing.

Except as provided in sections 22-73 and 22-74, if a violation of the codes or ordinances is found, the code enforcement officer shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue past the time specified for correction, the code enforcement officer shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in section 22-84 to the violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in section 22-84. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified for correction by the code enforcement officer, the case may be presented to

**State law reference*—Enforcement procedure, F.S. § 162.06.

the code enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.

(Code 1977, § 7-10(b))

State law reference—Similar provisions, F.S. § 162.06(2).

Sec. 22-73. Repeat violations.

(a) If a repeat violation is found, the code enforcement officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer, upon notifying the violator of a repeat violation, shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to section 22-84. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the board hearing, the automatic fine shall be levied, and the notice shall so state.

(b) If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his rights to this hearing and pay the costs as determined by the code enforcement board.

(Code 1977, § 7-10(c))

State law reference—Similar provisions, F.S. § 162.06(3).

Sec. 22-74. Serious threats to public health, safety and welfare.

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

(Code 1977, § 7-10(d))

State law reference—Similar provisions, F.S. § 162.06(4).

Sec. 22-75. Conduct of hearing.

(a) Upon request of the code enforcement officer, or at such other times as may be necessary, the chair of the code enforcement board may call

- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff or any deputy sheriff of the county or any law enforcement officer.
- (3) Subpoena evidence to its hearings.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
- (6) Levy, adjust or excuse a fine for violations.

(Code 1977, § 7-12)

State law reference—Similar provisions, F.S. § 162.08.

Sec. 22-79. Administrative fines; liens.

(a) The code enforcement board, upon notification by a code enforcement officer that an order of the code enforcement board has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the code enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation.

(b) In addition, if the violation is a violation described in section 22-74, the code enforcement board shall notify the city commission, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the city commission to make further repairs or to maintain the property and does not create any liability against the city commission for any damages to the property if such repairs were completed in good faith.

(c) If a finding of a violation or a repeat violation has been made as provided in this article, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the code enforcement board finds a vio-

lation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (d) of this section.

(d) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (b) of this section. However, if the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.

(Code 1977, § 7-13(a))

Cross reference—Administration, ch. 2.

State law reference—Similar provisions, F.S. § 162.09(1), (2)(a).

Sec. 22-80. Determination of fine amount; factors to consider.

(a) In determining the amount of the fine, if any, the code enforcement board shall consider the following factors:

- (1) The gravity of the violation;
- (2) Any actions taken by the violator to correct the violation; and
- (3) Any previous violations committed by the violator.

(b) The code enforcement board may reduce a fine imposed pursuant to section 22-79.

(Code 1977, § 7-13(b))

State law reference—Similar provisions, F.S. § 162.09(2)(b), (c).

Sec. 22-81. Recording of orders imposing fines and liens.

(a) A certified copy of an order imposing a fine may be recorded in the public records of the county and thereafter such order shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. The lien shall be superior to all other liens or encumbrances against the property, except taxes, including the liens of mortgages or other encumbrances against the property recorded subsequent or prior to the recording of this lien in the public records of the county. Upon petition to circuit court, such order may be enforced in the same manner as a court

- (4) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement board, notice may also be served by publication or posting, as follows:

- (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements.
- (2) Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.
- (3) In lieu of publication as described in subsection (b)(1) of this section, such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the city hall.
- (4) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
- (5) Notice by publication or posting may run concurrently with, or may follow, an attempt to provide notice by hand delivery or by mail as required under subsection (a) of this section.

(c) Evidence that an attempt has been made to hand deliver or mail notices as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsection (b) of this section, shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

(Code 1977, § 7-16)

State law reference—Similar provisions, F.S. § 162.12.

Secs. 22-85—22-100. Reserved.

ARTICLE IV. CITATION SYSTEM PROCEDURE

Sec. 22-101. Issuance; filing; notice.

(a) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance. The citation will be filed and heard in the county court.

(b) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall give such person a reasonable time period within which to correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within such time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

(Code 1977, § 7-17(a)(1), (2))

State law reference—Similar provisions, F.S. § 162.21(3).

Sec. 22-102. Form and content of citation.

A citation issued by a code enforcement officer shall be in a form prescribed by the city, and shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting reasonable cause.

person must correct the violation. Such time period shall be no fewer than five days and no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the prescribed time period, a code enforcement officer may issue a notice to appear to the person who has committed the violation. A code enforcement officer is not required to provide the person with a reasonable time period to correct the violation prior to issuing a notice to appear and may immediately issue a notice to appear if a repeat violation is found, or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or that the violator is engaged in violations of an itinerant or transient nature, as defined by local code or ordinance within the jurisdiction, or if the violation is irreparable or irreversible.

State law reference—Similar provisions, F.S. § 162.23.

ORDINANCE NO. 82-45

AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN TO CHANGE THE NAME OF THE MUNICIPAL CODE ENFORCEMENT BOARD TO THE "DUNEDIN CODE ENFORCEMENT BOARD"; PROVIDING FOR SEVEN (7) MEMBERS; PROVIDING FOR THE DELETION OF INITIAL TERMS AND THAT MEMBERS MAY BE REAPPOINTED FOR ONE SUCCESSIVE TERM ONLY; PROVIDING THAT THE BOARD SHALL DECLARE THE OFFICE VACANT UPON FAILURE TO ATTEND TWO OUT OF THREE SUCCESSIVE MEETINGS; CHANGING THE WORD "SHOULD" TO THE WORD "SHALL" IN SUB-PARAGRAPH (2) OF SECTION 7-7; PROVIDING THAT THE VOTE OF FOUR (4) MEMBERS OF THE BOARD ARE NECESSARY FOR OFFICIAL ACTION; PROVIDING FOR SERVICE OF SUBPOENAS BY THE COUNTY SHERIFF'S DEPARTMENT; PROVIDING FOR A FINE FOR VIOLATIONS TO BE ASSESSED IN THE MAXIMUM AMOUNT OF \$250.00 PER DAY; PROVIDING THAT THE CITY MAY APPEAL ANY FINAL RULING OF THE BOARD; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the 1982 Legislature made certain revisions in Chapter 166.051 et. seq. by Chapter 82-37 and because of such changes it is necessary to amend the Ordinance providing for the Dunedin Code Enforcement Board; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

Section 1. That the Code Enforcement Board established by Ordinance No.81-26 shall hereafter be known as the "Dunedin Code Enforcement Board" Ordinance and Ordinance 81-26 is amended to reflect that change in title.

Section 2. That Section 7-1 of the Code of Ordinances of the City of Dunedin is amended in its entirety to read as follows:

"Section 7-1. Creation and Membership.

There is hereby created within the City of Dunedin a Code Enforcement Board which shall be composed of seven (7) members, all of whom shall be residents of the City of Dunedin, Florida. "

Section 3. That Section 7-3 of the Code of Ordinances of the City of Dunedin is amended in its entirety to read as follows:

"Section 7-3. Function, Appointment and Term of Office.

The Dunedin Enforcement Board shall conduct hearings relative to the enforcement of the occupational license, fire, building, zoning, sign, tree, subdivision regulations, landscape

ordinance, streets, sidewalks, storm drainage, and driveways specification ordinance and storm water management ordinance and other related technical codes presently in force in the City of Dunedin, Florida; to issue findings of fact and to issue orders affording the proper relief consistent with the powers granted by this Ordinance.

Appointment to the Enforcement Board shall be made by the City Commission, and appointment of a majority of the membership shall be made on the basis of experience or interest in the fields of zoning, building and development control.

Whenever possible the Board shall contain an architect, a businessman, an engineer, a general contractor, a subcontractor and a realtor.

After initial appointments have been made, appointments shall be for a term of three (3) years. Members may be reappointed by the City Commission for one (1) successive term. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term of office and shall not constitute a term for reappointment purposes. "

Section 4. Section 7-4 of the Code of Ordinances of the City of Dunedin is amended in its entirety to read as follows:

"Section 7-4. Attendance and removal from office.

Any member of the Board who fails to attend two out of three successive meetings without cause and without prior approval of the Chairman of the Board shall forfeit such appointment and the Board shall declare the member's office vacant and the City Commission shall promptly fill such vacancy.

The members of the Board shall serve in accordance with the provisions of the Dunedin City Charter and Code of Ordinances and may be removed upon the majority vote of the City Commission. "

Section 5. Sub-paragraph (2) of Section 7-7 is amended in its entirety to read as follows:

(2) The Board shall attempt to convene at least once every two (2) months, but may convene more or less often as the case demand dictates. "

Section 6. Sub-paragraph (7) of Section 7-7 of the Code of Ordinances of the City of Dunedin is amended in its entirety to read as follows:

"(7) At the conclusion of each hearing the Board shall issue findings of fact based on evidence of record and conclusions of law and its order shall provide relief consistent with Section 7-8 herein. Each finding shall be by motion approved by a majority of those present

and voting. In order for a finding to be official at least four (4) members of the Board must vote for the action. "

Section 7. Sub-paragraph (2) of Section 7-8 of the Code of Ordinances is amended in its entirety to read as follows:

"(2) Subpoena alleged violators and witnesses to it hearings. Such subpoenas may be served by the City's Police Department, a County Sheriff's Department or other appropriate agency or individual as designated by the Board. "

Section 8. Sub-paragraph (a) of Section 7-9 is amended in its entirety to read as follows:

"(a) Upon being notified by the Code Inspector that an order issued pursuant to Section 7-8 herein has not been complied with within the time established in such order, the Code Enforcement Board shall conduct a non-compliance hearing with prior notice of such hearing to the violator and may issue an order requiring the violator to pay a fine to the City of Dunedin not to exceed \$250.00 per day, computed for each day that the violation has continued past the compliance date established in its order. "

Section 9. That Section 7-10 of the Code of Ordinances of the City of Dunedin is amended in its entirety to read as follows:

"Section 7-10. Appeal.

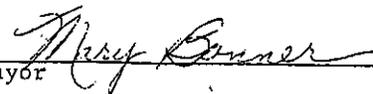
Any aggrieved party, including the City, may appeal a final ruling or order of the Enforcement Board to the Circuit Court of Pinellas County. The appeal provided for herein shall be filed within thirty (30) days of the execution of the order to be appealed. "

Section 10. That this Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 7th DAY OF October, 1982.

ATTEST:


City Clerk


Mayor

PASSED ON FIRST READING: 23 SEPT. 1982

PASSED ON SECOND READING: 7 OCTOBER 1982

OFFICE OF
THE CITY ATTORNEY
City of Dunedin
750 Milwaukee Avenue
Dunedin, Florida 33529

ORDINANCE NO. 81-26

*Place in Board &
Committee Book
then, when appointed add
names etc. of members
HJ*

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, CREATING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN, TO BE ENTITLED "MUNICIPAL CODE ENFORCEMENT BOARD", PROVIDING FOR THE CREATION OF A MUNICIPAL CODE ENFORCEMENT BOARD; PROVIDING DEFINITIONS; PROVIDING FOR THE FUNCTIONS, APPOINTMENT AND TERM OF OFFICE OF BOARD MEMBERS; PROVIDING FOR ATTENDANCE AND REMOVAL FROM OFFICE; PROVIDING FOR ENFORCEMENT PROCEDURE; PROVIDING FOR HEARING PROCEDURE; PROVIDING FOR POWERS OF THE BOARD; PROVIDING FOR A FINE, LIEN AND FORECLOSURE OF BOARD IMPOSED FINES; PROVIDING FOR APPEAL; PROVIDING FOR NOTICE PROCEDURE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the Legislature of the State of Florida, during the 1980 Legislative Session, passed legislation, Chapter 80-300 enabling municipalities to create a Municipal Code Enforcement Board within the municipality; and

WHEREAS, creation of a Municipal Code Enforcement Board will provide a civil administrative remedy to enforce certain codes presently in force in the City of Dunedin;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY DUNEDIN, FLORIDA IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

Section 1. That this Ordinance shall be known and cited as "The City of Dunedin Municipal Code Enforcement Board" Ordinance.

Section 2. That Chapter 7 of the Code of Ordinances of the City of Dunedin, Florida, is hereby created. The said Chapter will be entitled "Municipal Code Enforcement Board" and will read as follows:

Section 7-1. Creation and Membership.

There is hereby created within the City of Dunedin a Municipal Code Enforcement Board which shall be composed of six (6) members,

all of whom shall be residents of the City of Dunedin, Florida.

Section 7-2. Definitions

- (1) City - The City of Dunedin, Florida.
- (2) Commission - The legislative body of the City of Dunedin.
- (3) Code - The occupational license, fire, building, zoning, sign, tree, subdivision regulations, landscape ordinance, streets, sidewalks, storm drainage and driveways specification ordinance and storm water management ordinance and other related technical codes presently in force in the City of Dunedin, Florida.
- (4) Code Inspector or Inspector - Any authorized agent or employee of the City of Dunedin whose duty is to insure code compliance with the codes which are subject to this Ordinance.
- (5) Enforcement Board or Board - The City of Dunedin Municipal Code Enforcement Board created pursuant hereto.

Section 7-3. Function, Appointment and Term of Office.

The Dunedin Enforcement Board shall conduct hearings relative to the enforcement of the occupational license, fire, building, zoning, sign, tree, subdivision regulations, landscape ordinance, streets, sidewalks, storm drainage, and driveways specification ordinance and storm water management ordinance and other related technical codes presently in force in the City of Dunedin, Florida; to issue findings of fact and to issue orders affording the proper relief consistent with the powers granted by this Ordinance.

Appointment to the Enforcement Board shall be made by the City Commission, and appointment of a majority of the membership shall be made on the basis of experience or interest in the fields of zoning, building and development control.

Whenever possible the Board shall consist of an architect, a businessman, an engineer, a general contractor, a subcontractor and a realtor.

The initial terms of members of the Board shall be as follows:

- (a) two members shall be appointed for a term of one (1) year;
- (b) two members shall be appointed for a term of two (2) years;
- (c) two members shall be appointed for a term of three (3)

years.

Thereafter, appointments shall be for a term of three (3) years. Members may be re-appointed by the City Commission. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term of office.

Section 7-4. Attendance and removal from office.

Any member of the Board who fails to attend two out of three successive meetings without cause and without prior approval of the Chairman of the Board shall automatically forfeit such appointment and the City Commission shall promptly fill such vacancy.

The members of the Board shall serve in accordance with the provisions of the Dunedin City Charter and Code of Ordinances and may be removed upon the majority vote of the City Commission.

Section 7-5. Organization and expenses.

The members shall elect one of the members to be Chairman and one of the members to be Vice Chairman. The person so elected shall function as Chairman or Vice Chairman, respectively, for a one (1) year term.

Four or more members of the Board present at any meeting shall constitute a quorum in order for the Board to conduct its business. Members of the Board shall serve without compensation but shall be entitled to be reimbursed for such mileage expenses and per diem expenses as the City Commission shall authorize.

The City Attorney shall act as counsel to the Board and either he or his assistant shall be present as requested by the Board.

Section 7-6. Enforcement procedures.

Except where the Code Inspector charged with enforcing a particular code identified herein has reason to believe that a code violation presents a serious threat to the public health, safety and welfare, the code enforcement procedure under this Ordinance shall be as follows:

- (1) It shall be the duty of the Code Inspector to initiate enforcement proceedings with respect to each code.
- (2) Where the Code Inspector finds or is made aware of a code violation, the Code Inspector shall notify the violator and such notice of violation shall provide a time within which to correct the violation. Should the violation continue beyond the time specified in the correction notice, then, the Code Inspector shall notify the Code Enforcement Board and request a hearing pursuant to Section 7-7 and Section 7-8 herein. Notice of such hearing request

shall be provided to the violator by certified mail, return receipt requested, or by hand delivery by the City Code Inspector if mail would not be effective.

- (3) If the Code Inspector has reason to believe a violation presents a serious threat to the public health, safety and welfare, the Code Inspector may proceed to request a hearing pursuant to Section 7-7 herein without notifying the violator.

Section 7-7. Hearing procedures.

- (1) The Chairman of the Board may call Board meetings and such hearings may also be called by a written notice signed by three (3) members of the Board. The Board may at any hearing set a future hearing date.
- (2) The Board should attempt to convene at least once every two (2) months, but may convene more or less often as the case demand dictates.
- (3) Minutes shall be kept of all hearings held by the Board and all such hearings shall be open to the public.
- (4) The City Commission shall provide clerical and administrative personnel as may be required to assist the Board in the proper performance of its duties.
- (5) Each case before the Board shall be presented by the initiating Code Inspector or his or her assistant or by City Administrative Staff.
- (6) Cases agendaed for a particular day shall be heard on that day, although continuances may be granted if fairness requires or the cases agendaed for a particular day require more time for their proper consideration. All testimony shall be under oath and shall be recorded. The Board shall take testimony from the Code Inspector, the violator and any other person familiar with the case or having knowledge about the case. The Board shall not be bound by formal rules of evidence; however, fundamental due process shall be observed and govern all proceedings.
- (7) At the conclusion of each hearing the Board shall issue findings of fact based on evidence of record and conclusions of law and its order shall provide relief consistent with Section 7-8 herein. Each finding shall be by motion approved by a majority of those present and voting. In order for a finding to be official at least three (3) members of the Board must vote for the action.

Section 7-8. Powers of the Enforcement Board.

The Code Enforcement Board shall have the power to:

- (1) Adopt rules for the conduct of the hearings it holds pursuant to Section 7-7 herein.
- (2) Subpoena alleged violators and witnesses to its hearings. Such subpoenas may be served by the City's Police Department or other appropriate agency or individual as designated by the Board.
- (3) Subpoena evidence.
- (4) Take testimony under oath.
- (5) Issue orders following a hearing, which orders shall have the force of law and which orders shall command and set forth the steps necessary to be accomplished in order to bring a violation into compliance with the code that has been violated.

Section 7-9. Fine, lien and foreclosure.

- (a) Upon being notified by the Code Inspector that an order issued pursuant to Section 7-8 herein has not been complied with within the time established in such order, the Code Enforcement Board shall conduct a non-compliance hearing with prior notice of such hearing to the violator and may issue an order requiring the violator to pay a fine to the City of Dunedin not to exceed \$500.00 per day, computed for each day that the violation has continued past the compliance date established in its order.
- (b) A certified copy of an order imposing the fine provided for herein may be recorded in the Public Records of Pinellas County, Florida, and thereafter such order shall constitute a lien against the land on which the violation exists.
- (c) One year from the filing of any such lien which remains unpaid, the Enforcement Board may authorize the City Attorney to foreclose such lien which may be foreclosed in the manner provided by statute for the foreclosure of other municipal liens.

Section 7-10. Appeal.

Any aggrieved party may appeal a ruling or order of the Enforcement Board by certiorari to the Circuit Court of Pinellas County. The appeal provided for herein shall be filed within thirty (30) days of the execution of the order to be appealed.

Section 7-11. Notices.

All notices provided for in this Ordinance shall be by certified mail, return receipt requested, or by hand delivery by the Code Inspector.

Section 3. Should any section, paragraph, sentence or word of this Ordinance be declared for any reason to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 4. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF
THE CITY OF DUNEDIN, FLORIDA, THIS 23rd DAY OF
JULY, 1981.

ATTEST:


Mayor


City Clerk

PASSED ON FIRST READING: JULY 9, 1981

PASSED ON SECOND READING: JULY 23, 1981