

TAB 5

Code enforcement officer (CEO) means any authorized or designated agent or employee of the city whose duty it is to assure code compliance or the enforcement of the city's codes and ordinances and compliance therewith. The term "code inspector" as per F.S. § 162.04(2), and "code enforcement officer" as used herein and in division 3, sections 2-101—2-109 (citation ordinance) are synonymous and interchangeable. The code enforcement officers shall be designated, in writing, by the city commission.

Repeat violation means a violation of a provision of a city code or ordinance by a person whom the CEB has previously found to have violated the same provision of said code or ordinance within five (5) years prior to the subsequent charge of violation.

Violator means the person, natural or otherwise, in violation of those portions of the City Code of Ordinances, or any ordinances not yet codified, which are within the jurisdiction of the city enforcement board. A "violator" may be the owner of the property where the violation exists, the person in charge of the property where the violation exists, such as a tenant, or the person causing or otherwise responsible for the violation of the City's Code or ordinances not yet codified, regardless of whether the person is an owner or in charge.

(Ord. No. 592, § 2, 6-15-98; Ord. No. 05-849, § 2, 6-6-05; Ord. No. 06-884, § 2, 6-5-06)

Sec. 2-83. Seven-member and two-alternate member code enforcement board and organization.

(a) The mayor shall appoint a CEB consisting of seven (7) members to exercise the authority and powers set forth in this division. The mayor may appoint up to two (2) alternate members for the CEB to act and serve on the CEB in the absence of the respective CEB member.

(b) Members and alternates of the CEB shall be residents of the city. Appointments shall be made on the basis of experience or interest in the subject matter jurisdiction of the CEB and membership, whenever possible, shall include an architect, a businessman, an engineer, a general contractor, a subcontractor, a realtor and the seventh member, as well as the alternate members, representing the public at-large.

(c) (1) The initial appointments to the CEB shall be as follows:

- a. Two (2) members appointed for a term of one (1) year each;
- b. Three (3) members appointed for a term of two (2) years each;
- c. Two (2) members appointed for a term of three (3) years each;
- d. Alternate members, if appointed, for a term of three (3) years each.

(2) After the initial appointment, appointment to the CEB shall be made for a term of three (3) years. A member may be reappointed for succeeding terms.

(3) An appointment to fill any vacancy on the CEB shall be for the remainder of the unexpired term of office. If any member of the CEB fails to attend two (2) of three (3) successive meetings without good cause and without receiving the prior approval of the

chairman, the CEB shall declare that member's seat vacant, notify the mayor of same and the mayor, upon such information, shall promptly appoint a member to fill such vacancy.

- (4) The members of the CEB shall serve in accordance with the provisions of this division. A member may be suspended and removed for cause by the city commission, upon recommendation of the mayor, after first being informed of the factual basis for such cause and having been given an opportunity to respond. If the city has established, or hereinafter establishes, by ordinance, a procedure for the suspension and removal for cause of members of boards, that procedure shall apply to and control the suspension and removal for cause of members of the CEB.
- (5) The CEB shall adopt such internal procedural and operating rules as it deems necessary but not in conflict with the provisions of this division.

(d) The members of the CEB shall elect from their number, a chairman and a vice-chairman who shall be voting members of the CEB. The presence of four (4) or more members of the CEB, or alternatives if such have been appointed, shall constitute a quorum of the CEB. Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the city commission or as are otherwise provided by law.

(e) The city attorney shall be legal counsel to the code enforcement officer ("CEO") and shall advise the CEO accordingly concerning the officer's duties, powers, jurisdiction, and authority. The city attorney shall assist the CEO by presenting cases to the CEB on an as needed basis. The city attorney shall not advise the CEO and the CEB simultaneously. The CEB may have independent legal counsel to advise it concerning its duties, powers, jurisdiction, and authority. The mayor, with consent of the commission, may appoint independent legal counsel to advise the CEB.

(Ord. No. 592, § 3, 6-15-98; Ord. No. 05-849, § 3, 6-6-05)

Sec. 2-84. Enforcement procedure.

(a) It shall be the duty of the CEO to initiate enforcement proceedings of the various codes and ordinances of the city as established herein and in keeping with the provisions of this division. No member of the CEB shall have the power to initiate enforcement proceedings.

(b) Except as provided in paragraphs (c) and (d) hereafter, if a violation of the city's codes or ordinances is found, the CEO shall notify the violator and give the violator a reasonable time to correct the violation. The determination of a "reasonable time" shall be in the sole discretion of the CEO based on the type of violation, the facts and circumstances surrounding the violation, the length of time the violation has existed and the action reasonably necessary to correct the violation. Should the violation continue beyond the time specified for correction, the CEO shall either notify the chairman or, in his absence, the vice-chairman of the CEB and request a hearing. If the violation is referred to the CEB, the CEB through its clerical staff shall schedule a hearing on the violation and written notice of such hearing shall be delivered to the violator at least ten (10) days prior to the scheduled hearing as provided for by this