

ORDINANCE NO. 2022-003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE V, "BOARDS, COMMISSIONS AND COMMITTEES," DIVISION 3, "CODE ENFORCEMENT BOARD," SECTION 2-239, "FINE REDUCTION PROCEDURES," TO REFLECT AN UPDATE IN THE COMPOSITION OF THE CITY'S FINE REDUCTION COMMITTEE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is desirous of updating Section 2-239 of the City's Code of Ordinances that provides an administrative process for reducing code enforcement fines, and specifically, the composition of the Code Enforcement Fine Reduction Committee; and

WHEREAS, from its inception in 2009 to now, the Code Enforcement Fine Reduction Committee has been composed of three (3) staff members: one (1) representative from the City Manager's Department, one (1) representative from the City Attorney's Office, and one (1) representative from the Sustainable Development Department; and

WHEREAS, as a practical matter, a voice representing the City's overall fiscal responsibilities would enrich the discussion at these meetings and City Staff recommends placing one (1) representative from the City's Finance and Administrative Services Department; and

WHEREAS, the City Attorney's Office welcomes the idea of releasing its seat on the Code Enforcement Fine Reduction Committee to further the overall goals of the City; and

WHEREAS, the City Commission finds and determines that Section 2-239 of the City's Code of Ordinances should be updated and same is in the best interest of the

residents of Coconut Creek.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 2, “Administration,” Article V, “Boards, Commissions and Committees,” Division 3, “Code Enforcement Board,” Section 2-239, “Fine reduction procedures,” to read as follows:

Sec. 2-239. Fine reduction procedures.

- (a) In accordance with the authority granted to code enforcement boards and special magistrates by F.S. § 162.09(2)(c), the following procedures shall be followed whenever a code violator seeks a code enforcement fine reduction.
- (b) In order to be eligible for a code enforcement fine reduction, the violation shall be in compliance, and an affidavit of compliance shall have been issued by the code enforcement officer.
 - (1) The code violator or representative shall request a code enforcement fine reduction hearing, in writing, to the sustainable development ~~services~~ director, or designee.
 - (2) After determining that the code violation is in compliance, the director shall convene a meeting of the code enforcement fine reduction recommendation committee.
 - (3) The committee shall meet following the provisions of F.S. § 286.011 (Sunshine Law). Three (3) members shall constitute a quorum.
 - (4) The code violator or representative shall be given notice of the committee's meeting, and shall have the opportunity to be heard at such meeting.
 - (5) The committee shall consider the request for a fine reduction, and shall recommend a reduction of the fine in writing to the special magistrate, if in the opinion of the committee, the fine exceeds the harm of the code violation, the length of the code violation, or such other equitable and/or legal considerations as the committee may find are appropriate. The committee shall also recommend conditions of payment.
 - (6) The committee's recommendation shall be forwarded to the special magistrate at the next available hearing of the special magistrate. The code violator or representative shall be given notice of the special magistrate's hearing, and shall have the opportunity to be heard at the hearing.

- (7) The special magistrate shall consider the recommendation of the committee, and may reduce the fine or not, in his/her discretion. The decision of the special magistrate shall be final, and any appeal of his/her decision shall be appealable to Broward Circuit Court within thirty (30) days of the special magistrate's written final order of fine reduction.
- (c) The code enforcement fine reduction recommendation committee shall be composed of three (3) staff members. One (1) shall be a representative from the city manager's department, one (1) shall be a representative from the finance and administrative services ~~city attorney's~~ department, and one (1) shall be a representative from the sustainable ~~development services~~ department, except no person who is employed in the code enforcement division of the development services department shall sit on the committee.
- (d) The code enforcement fine reduction recommendation committee shall meet on an "as needed" basis.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 13TH DAY OF JANUARY, 2022.

PASSED SECOND READING THIS 27TH DAY OF JANUARY, 2022.

Rebecca A. Tooley, Mayor

Attest:

Marianne Bowers, Interim City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>

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 EML