

**SPONSORED BY:**

**COUNCILOR MESSINGER**



**ORDINANCE NO. 2019-12**

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2, ADMINISTRATION, AMENDING ARTICLE VII, BOARDS AND COMMISSIONS, DIVISION 2, CODE ENFORCEMENT BOARD, SECTION 2-440; AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend Chapter 2, Article VII, Division 2, Section 2-440 to clarify the notice requirements of such section;

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA THAT:**

Chapter 2, Article VII, Division 2, Section 2-440, of the Code of Ordinances of the City of Neptune Beach is hereby amended as follows:

**Sec. 2-440. - Enforcement procedure.**

(a) It shall be the duty of the city manager or his designee to serve as the code enforcement officer and to initiate enforcement proceedings of the various codes; however, neither the special magistrate, nor any member of a board shall have the power to initiate such enforcement proceedings.

(b) Except as provided in subsection (c), if a violation of the codes is found, the code enforcement officer shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code enforcement officer shall notify the special magistrate or the enforcement board and request a hearing. The special magistrate or 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 2-446 to the violator. At the option of the special magistrate or code enforcement board, notice may additionally be served by publication or posting as provided in section 2-446. 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 the special magistrate or code enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.

(c) 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 special magistrate or code enforcement board and request a hearing.

(d) 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 city manager or his designee, upon notifying the violator of the repeat violation, shall notify the special magistrate or code enforcement board and request a hearing. The special magistrate or code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice, pursuant to section 2-446, to the violator.

**Section 2.** This Ordinance shall become effective after passage by the City Council.

**VOTE RESULTS OF FIRST READING:**

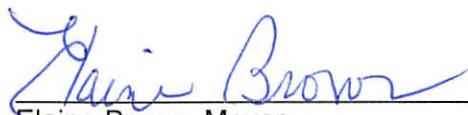
Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	YES

Passed on First Reading this 4<sup>th</sup> day of November, 2019.

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	YES

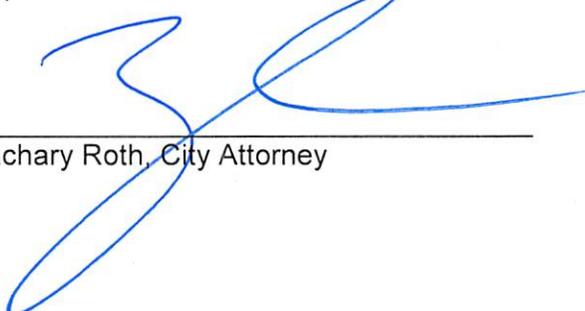
Passed on Second and Final Reading this 2<sup>nd</sup> day of December, 2019.

  
\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

  
\_\_\_\_\_  
Catherine Ponson, City Clerk

Approved as to form and contents

  
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Zachary Roth, City Attorney