

**City of Coral Springs
City Commission Meeting Agenda Item
Summary Sheet**

Meeting: May 6, 2015
Department: Development Services
Initiated By: Susan Krisman

DOC ID: 4397

SUBJECT: Ordinance 2015-105: First Reading, Code Compliance Fine

PLACEMENT: Public Hearing

REQUESTED ACTION: Request to defer the first reading of Ordinance 2015-105, amending Chapter 1, Article V of the Land Development Code entitled, "Code Enforcement Board" regarding changing requirements to reduce a Code Compliance fine, to a date uncertain in order to allow staff additional time to evaluate. (REQUEST TO DEFER)

ATTACHMENTS: #1 – Ordinance 2015-105

STAFF RECOMMENDATION:

THAT THE CITY COMMISSION:

- 1) **DEFER THE FIRST READING OF ORDINANCE 2015-1005 TO A DATE UNCERTAIN IN ORDER TO ALLOW STAFF ADDITIONAL TIME TO EVALUATE.**

LOCATION: City Wide
 Specific (see site map)
 NA

cc: Erdal Dönmez, City Manager
John J. Hearn, City Attorney
Susan Hess Krisman, Director of Development Services
Andrew Dunkiel, Municipal Prosecutor

ORDINANCE NO. 2015-105

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL SPRINGS, FLORIDA, AMENDING CHAPTER 1, ARTICLE V OF THE CORAL SPRINGS LAND DEVELOPMENT CODE, ENTITLED “CODE ENFORCEMENT BOARD” TO CHANGE THE REQUIREMENTS TO REDUCE A CODE COMPLIANCE FINE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 1, Article V of the Land Development Code (LDC) of the City of Coral Springs provides various regulations concerning the City’s Code Enforcement fines and liens; and

WHEREAS, the City's professional staff has recommended that the LDC be amended to change requirements to obtain a reduction of fine; and

WHEREAS, the City Commission accepts the recommendation of the City's professional staff and finds that the revisions to Chapter 1, Article V of the LDC concerning Code Enforcement fines and liens, are in the best interests of all the citizens and residents of the City of Coral Springs; now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CORAL SPRINGS, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. That Chapter 1, Article V, Section 184 of the Land Development Code of the City of Coral Springs, entitled “Fines; Liens”, is hereby amended to read as follows:

Sec. 184. - Fines; liens.

- (a) The enforcement board or special magistrate, upon notification by the code inspector that a previous order of the enforcement board or special magistrate has not been complied with by the set time, or finds a person to be a repeat violator under section 181(c), 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 enforcement board or special magistrate 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. A case may be presented to the code enforcement board or special magistrate even if the repeat violation has been corrected prior to a scheduled hearing date. The board or special magistrate retains the right to determine costs and reasonable enforcement fees upon the repeat violator. The repeat violator may waive his or her rights to a hearing and pay said costs as determined by the enforcement board or special magistrate.

* * * *

- (c) Reduction of fine imposed pursuant to this section.

- (1) a. The code enforcement board or special magistrate is hereby delegated the authority to hear requests for reduction of fines pursuant to this section and make the final decision on behalf of the city.
- b. Notwithstanding, the director of financial services, or ~~his~~ their designee, and the director of development services, or ~~his~~ their designee, are hereby delegated the limited authority to serve as an administrative panel to make the final decision on behalf of the city for requests for reduction of fine in cases where another legal transaction is pending and an immediate and timely resolution is required. The administrative panel shall provide their decision in writing, and provide an option for the property owner or violator to request a hearing before a special magistrate should they not concur with the decision of the administrative panel.
- (2) A written application to reduce a fine amount shall be required from the property owner or the violator. ~~An application for reduction of fine may be filed only after an affidavit of compliance has been issued.~~ The application shall be accompanied by a non-refundable filing fee as specified in paragraph (c)(3) below. Upon submission of an application for reduction of fine and the required non-refundable filing fee and payments of outstanding debt and other fees, the property shall be inspected by the appropriate departments of the City. Should there be any violation of the Code of the City of Coral Springs, Land Development Code, or any other Code or law incorporated therein on the property, the application for reduction of fine shall not be further processed and the case shall not be set for hearing for a reduction of fine until such time as all violations are corrected. Notwithstanding the foregoing, if the property ~~not be in compliance~~ has violations of the aforementioned Codes and/or law and there is a pending transfer of the property, the property owner or the violator may submit an application for a stipulated agreement as provided in paragraph (c)(5) below.

- (3) For all requests for reduction of fine(s), all applications shall be filed with the code enforcement division on the forms required and provided by the city and the application shall include a payment of a non-refundable fine reduction application fee of three hundred dollars (\$300.00), which amount may be adjusted by a resolution adopted by the city commission. In addition, the application shall be filed with a non-refundable payment of all outstanding fees or debts due and owing to the City, including but not limited to, fire inspection fees, neighborhood preservation fees, and water debt. The failure to include any of the foregoing shall deem the application to be incomplete and the application shall be rejected. The applicant shall consider the criteria identified below and address any relevant criteria in their request for reduction. The code enforcement division or fire division shall submit a written recommendation to the code enforcement board, the applicable special magistrate or the administrative panel, whichever is applicable. In formulating the recommendation, the code enforcement division or fire division shall consider criteria, which includes, but is not limited, to the following:

- a. The cooperation of the respondent, including whether the respondent had appeared before the board and/or special magistrate at the original hearing;

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1. ~~For abandoned property, w~~Whether the police department has advised that the property is declining from acts of vandalism, is a potential site for criminal activity, or otherwise presents any criminal or public safety concerns which should be considered in reducing the fine or lien so as to enable the asset to be placed in the hands of a new owner;

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Section 3. Repeal of Conflicting Ordinances.

All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Severability.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court or competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Inclusion in Code.

It is the intention of the City Commission of the City of Coral Springs, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Springs Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Effective Date.

This Ordinance shall become effective upon the approval of the City Commission.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2015.

PASSED ON SECOND READING THIS ____ DAY OF _____, 2015.

CITY OF CORAL SPRINGS, FLORIDA

WALTER G. CAMPBELL, JR., MAYOR

ATTEST:

DEBRA THOMAS, CMC, CITY CLERK

Unanimous ____		
Motion /2 nd	Yes	No
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