

**RESOLUTION NO. 1031.97**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; PROVIDING FOR THE AMOUNT OF CODE ENFORCEMENT COSTS OF INVESTIGATION AND PROSECUTION, PURSUANT TO SECTION 2-229(A) OF THE TOWN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VI of Chapter 2 of the Code of Ordinances of the Town of Golden Beach establishes a Code Enforcement Board and a process of code enforcement pursuant to Chapter 162, Florida Statutes; and

WHEREAS, Section 2-229(a) of the Town Code provides:

"Each case before the Code Enforcement Board shall be presented by a Code Enforcement Officer or member of the administrative staff of the Town or the Town Attorney, if the Town Council prevails in prosecuting a case before the Code Enforcement Board, it shall be entitled to recover all costs incurred in prosecuting the case before the Board";  
and

WHEREAS, the Town Council desires to specify the minimum recoverable costs for code enforcement cases;

WHEREAS, the Town staff has evaluated the cost of legal counsel, staff time, investigative costs, Board support and related expenses; and

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA AS FOLLOWS:

**Section 1.** That it is the intent of the Town Council to establish a minimum administrative fee to be imposed upon violators in cases brought before the Town Code Enforcement Board, where the town prevails by finding of the Code Enforcement Board after an evidentiary hearing, or by negotiated settlement before the Board or an

admission of violation to the Board by the alleged violator, regardless of whether or not an evidentiary hearing is held. The Town determines that there are costs of investigation and costs of prosecution of code enforcement cases. The Town employs individuals who are Code Enforcement Officers or Police Officers who investigate alleged violations, interview witnesses, research Town records, write reports, take photographs as evidence and attend Code Enforcement Board meetings, along with support staff that prepare agendas, place advertisements, take minutes of meetings as well as other clerical support functions to the code enforcement process. The Town also employs a Town Attorney as prosecutor before the Code Enforcement Board and a Special Legal Counsel as legal advisor to the Code Enforcement Board (as required by law).

**Section 2.** That Pursuant to the authority of Section 2-229 of the Town Code, the minimum costs of cases presented to the Code Enforcement Board are determined to be three hundred dollars (\$300.00) per case and an additional one hundred dollars (\$100.00) per meeting that the case is postponed at the request of the violator.

**Section 3.** That greater costs may be assessed after an evidentiary hearing on costs has been held by the Board with a factual basis established as to the costs incurred by the Town due to additional time, effort, supplies or expenses involved in preparing the case for prosecution.

**Section 4. Severability.** Should any provisions of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part declared to be invalid.

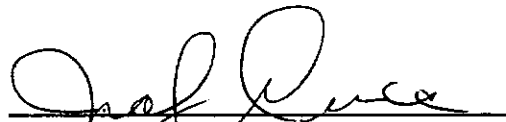
**Section 5. Conflict.** That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.** That this Resolution shall become effective upon approval of the Town Council.

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach, Florida this 20<sup>th</sup> day of May, 1997.

The Motion to adopt the foregoing Resolution was offered by COUNCIL MEMBER LOWRANCE, seconded by VICE MAYOR CHIKOVSKY and on roll call the following vote ensued:

Mayor Cuenca	<u>AYE</u>
Vice Mayor Chikovsky	<u>AYE</u>
Councilwoman Addicott	<u>ABSENT</u>
Councilman Fistel	<u>AYE</u>
Councilwoman Lowrance	<u>AYE</u>




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MAYOR JUDY CUENCA

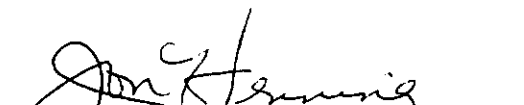
ATTEST:




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TOWN CLERK PAT MONGIELLO

APPROVED AS TO FORM AND LEGAL SUFFICIENCY




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JON M. HENNING  
TOWN ATTORNEY