

ORDINANCE NO. 42-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 37, "DELRAY BEACH CODE ENFORCEMENT GENERAL PROVISIONS", BY REPEALING SECTIONS 37.01 THROUGH 37.46 AND READOPTING SAME, AS REVISED IN ORDER TO AMEND AND REVISE THE CITY'S CODE ENFORCEMENT PROCEDURES IN ACCORDANCE WITH CHAPTER 162, FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of the City of Delray Beach has determined that the majority of jurisdictions in Florida utilize a Special Magistrate to preside over code enforcement hearings;

WHEREAS, the City Commission has further determined that using a Special Magistrate as the code enforcement hearing officer is likely to result in more consistent and more equitable decisions;

WHEREAS, improved consistency and equity comport with the City's obligation to afford each respondent fundamental procedural due process;

WHEREAS, the City Commission has also determined that a need exists to revise and update the City's code enforcement procedures in accordance with Chapter 162, Florida Statutes; and

WHEREAS, the City Commission has determined that the adoption of this ordinance in the best interests of the health, safety, and welfare of the citizens and the public at-large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, that:

Section 1. The recitations set forth above are ratified and incorporated herein.

Section 2. Chapter 37, "Delray Beach Code Enforcement", Section 37.01, "Intent", of the Code of Ordinances of the City of Delray Beach, Florida, shall be amended to read as set forth in Exhibit 'A', which is attached hereto and incorporated herein.

Section 3. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, 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 thereof other than the part declared to be invalid.

Section 4. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 5. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2017.

ATTEST

M A Y O R

City Clerk

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency.

R. Max Lohman, City Attorney