

GENERAL RULES OF PROCEDURE OF THE CODE ENFORCEMENT BOARD

CITY OF DELRAY BEACH, FLORIDA

Article I: General.

The Code Enforcement Board (hereinafter referred to as "the Board") shall be governed by Chapter 37 of the Code of Ordinances of the City of Delray Beach, Florida, (hereinafter referred to as "the City"), Chapter 162 of the Florida Statutes and the General Rules of Procedure set forth herein, as adopted by the Board and approved by the City Commission of the City pursuant to Sec 37.21 of the Code of Ordinances.

Article II: Officers.

1. The Board shall elect a Chairperson and a Vice-Chairperson annually in the month of January, or as soon thereafter as possible, at a regularly scheduled hearing from among its members by a majority vote of its members present and voting at the time of election.

2. The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, shall preside at all proceedings of the Board and shall rule on all points of order and procedure. If both the Chairperson and the Vice-Chairperson are absent at a particular hearing, the members present at that hearing shall, by majority vote, elect a member to preside at that hearing only.

3. The Board Clerk, appointed by the City Manager, shall administer oaths, record proceedings of the Board, keep minutes of proceedings, take roll calls, record votes of the Board and carry out related duties pertaining to preparation, posting, and distribution of agendas, distribution of materials to Board members and preparation of Board Orders for signature. The Board Clerk's designee shall assume the aforementioned duties in the absence of the Board Clerk.

Article III: Hearings, Quorum, Order of Business, Conflicts.

1. The Board shall conduct hearings on the second Thursday of each month at 1:30 p.m. The hearings shall be located at City Hall in the City, unless there is no cause to hold such hearing or if a particular hearing coincides with a Holiday as designated by the City. The standard day of hearings shall be determined by the City Manager. Workshop meetings may be scheduled at the mutual convenience of city staff and the Board.

2. The City Manager, or designee, may call hearings of the Board.

3. A quorum is required to conduct a hearing. A quorum shall consist of four (4) or more members of the Board. All findings and orders of the Board require a vote

of a majority of its members present and voting, except that at least four (4) members of the Board must vote.

4. All hearings shall be open to the public. The Board Clerk shall administer oaths to all persons testifying before the Board.

5. The order of business at hearings shall be set by the Board and may be modified by a majority vote of the members present.

6. If all business cannot be finished, the Board may adjourn unfinished items to a future time and future date certain. Notice of the future time and future date shall be given to the respondents affected by the adjournment.

7. Conflicts: A Board member shall not abstain from voting unless the member has a conflict of interest pursuant to the requirements of Florida Statutes, Chapter 112, Section 112.3143(4)(a).

8. Board members shall comply with the rules as described in Sections 2-441 to 2-448 of the Palm Beach County Code of Ethics.

Article IV. Absences, Removal from Office.

Board members may be suspended or removed for cause according to the procedures for removal as set forth in the Code of Ordinances of the City pursuant to Sec. 37.24.

Article V. Parliamentary Procedure.

Roberts Rules of Order shall be the final authority concerning questions of parliamentary procedures.

Article VI. Hearing Procedures.

The Board shall be governed by the "*City of Delray Beach Procedures for Quasi-Judicial Hearings*" as adopted by the City Commission on March 17, 2017, or as subsequently amended by the Commission. See Exhibit "A" attached to these general rules and incorporated herein.

Article VII. Powers of the Board.

The Board shall have the powers to adopt rules for the conduct of its hearings not otherwise in conflict with Chapter 37 of the Code of Ordinances of the City, and Chapter 162 Florida Statutes, to subpoena alleged violators and witnesses to its hearings, to subpoena evidence, to take testimony under oath, and to issue orders having the force of law commanding whatever steps are necessary to effect compliance. The City, the Board, or the respondent may request that witnesses and

records, including surveys, plats, and other materials, and other evidence be subpoenaed to any formal hearing. The Chairperson shall provide the Board Clerk with sufficient signed and blank witness subpoenas to be provided to a respondent for the purpose of subpoenaing witnesses, records, and other evidence. The respondent shall pay to the City a fee as required by the City Clerk for each subpoena issued.

Article VIII. Appeals, Reconsiderations, and Board Orders.

1. Appeals: Every Board Order shall be final subject to the right of the aggrieved party, including, without limitation, the City or the respondent, to appeal to the Circuit Court of the Fifteenth Judicial Circuit of Florida in and for Palm Beach County, Florida. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board. An appeal shall be filed within the time period set forth in Chapter 162, Fla. Stat., after the Board Order has been rendered and in accordance with the Florida Rules of Civil Procedure.

2. Fine Reduction, Time Extension and Reconsideration: A respondent or petitioner may request that the Board extend or reconsider an order or a fine amount. Any such request must be documented on a form approved by the Board and available from the Board Clerk. However, such request shall not be construed to extend or in any way alter any deadline for any party to file an appeal of a previously executed Board Order with the Circuit Court.

3. Enforcement Orders: Every Board Order shall be in writing, shall include findings of fact and conclusions of law, shall be signed by the Chairperson or Vice-Chairperson, and shall be filed in the office of the Board Clerk. A copy of the signed order shall be served as specified in Chapter 162 of the Florida Statutes. The Board shall, in every proceeding, reach a decision without unreasonable or unnecessary delay and shall, in all instances, reach a decision within twenty (20) calendar days from the date of the hearing at which the case was heard. Board Orders shall be entered into the Code Enforcement Clerk's records with notation as to the date/time they have been entered which will be considered the date such orders have been rendered.

Article IX. Adoption; Amendments; Required Review; Effective Date.

These general rules or subsequent amendments:

1. Shall be adopted by the Board by a majority vote of members present and voting at the time of adoption.

2. May be amended by the Board by a majority of members present and voting at the time of adoption of the amendment, however, said amendments will require approval of the City Commission.

3. Shall be reviewed by the Board every two years.

4. Shall become effective upon approval by the City Commission.
5. Were adopted by the Board on this 10th day of January 2019.


Chairperson, Code Enforcement Board

6. Were approved by the City Commission and became effective on the ____ day of _____, 2019.

CITY OF DELRAY BEACH, FLORIDA

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and
legal sufficiency:

Lynn Gelin, Interim City Attorney