

## **Code Enforcement – Overview**

Fellsmere Code Enforcement has the following types of violations: (1) threats to public health, safety or welfare requiring immediate action; (2) uncorrectable violations; (3) repeat violations; (4) continuing violations; and (5) basic violations. A vast majority of the cases are basic, garden variety cases such as minor work without permits, expired permits, etc. All basic cases require a Courtesy Warning. All other cases do not require Courtesy Warnings. The general tasks in any code enforcement case are as follows:

**Inspection** - confirms probable cause to believe that a code violation has occurred.

**Courtesy Warning (CW)** – a warning is issued via regular mail to all known addresses associated with violation.

**Civil Violation Notice (CVN)** – a violation is issued by certified mail, hand delivery or posting.

**Prepare for hearing** – evidence is compiled for the Special Master hearing

**Hearing** – a Special Master conducts a hearing where the City submits evidence and the alleged violator can assure a defense.

**Post Hearing** – the Order of the Special Master is delivered to the respondent by certified mail or posting.

**Lien** – if case is still not resolved 30 or more days after order, a lien is placed on the property.

**Monitor for compliance** – while the case is pending, its status is monitored on a routine basis.

The steps to conduct each of these tasks is covered in detail in the file titled “Code Enforcement Procedural Checklist.” The balance of this overview covers timing of the above tasks and their inter-relationships.

### **Inspection - Courtesy Warning (CW)**

There is no timeframe between when a violation is first observed (Inspection) and when a CW is first issued. Generally, work without permits are processed as soon as possible due to potential safety concerns for such work. The timeframe will also depend on overall staff workload. Generally, the City wishes to issue approximately 30 CW’s per month as long as such cases are available for action.

### **Courtesy Warning (CW) – Civil Violation Notice (CVN)**

The Code requires a minimum of ten (10) days between issuance of a CW and a CVN. If the respondent calls prior to the release of a CVN, no such release will occur. As long as pro-active steps are being taken by respondent to come into compliance, the CVN will be placed on hold and NOT issued. If the respondent becomes compliant prior to the release of a CVN, no fines or fees are due and case is closed. Generally, the City wishes to issue approximately 10 CVN’s per month as long as such cases are available for action.

### **Civil Violation Notice (CVN) – Prepare for hearing**

The Code requires a minimum of twenty (20) days between issuance of a CVN and the date of the Special Master hearing. In practice, the deadline for compliance stated in the CVN should be at least one week prior to date of Special Master hearing. Furthermore, the deadline for compliance should be set sufficiently in the future to allow the respondent an opportunity to resolve the violation.

If the respondent calls after release of a CVN and begins to take pro-active steps to come into compliance, a request to continue the Special Master hearing will be issued. Generally, no more than one continuance will be requested up to three months in duration.

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If respondent becomes compliant before the date of the Special Master hearing and pays the fine and fees, the case can be closed and does not have to go to the Special Master. If respondent becomes compliant before the date of the Special Master hearing but fails to pay the fine and fees, the case will go to the Special Master to record an order to allow interest and liens to cover the unpaid fines and fees. In cases where violation are resolved but fines and fees are not paid, the case **CANNOT** be closed.

### **Prepare for hearing –Hearing**

Approximately one week prior to the hearing, evidence packets will be prepared. This allows maximum time to request continuances and occurs after the deadline for compliance. Generally, there are between two and five cases per month on the Special Master hearing docket.

### **Hearing – Post Hearing**

The Code requires the Order be provided to the Clerk by the Special Master within 10 business days. The Clerk then sends the Order to the respondent who has 30 days to appeal.

### **Post Hearing – Lien**

After the hearing, if the case has not been appealed and is still not resolved 30 or more days after order, a lien is placed on the property. The lien is placed by recording a certified copy of the order with the Clerk of the Court.

### **Lien - Monitor for compliance**

Occasional monitoring of the case occurs to determine when compliance is obtained. More often than not, respondents do not call when a violation is finally resolved.

### **ABATEMENT**

A respondent has the opportunity to request a reduction (abatement) of the fines and interest associated with a case after full compliance is obtained. Abatement cannot be granted for costs or the initial penalty. To request an abatement, the respondent must provide a written request and state the reasons such abatement should be granted. The City will place the request on the next available City Council agenda for their consideration. The respondent will be invited to attend to present their request and answer any questions. Failure to pay the abated amount will result in the entire original amount due.

### **PAYMENT PLAN**

A respondent has the opportunity to request a payment plan for the total amount due associated with a case after full compliance is obtained. To request a payment plan, the respondent comes into the Community Development Department to request a payment plan. The CDD will coordinate with the Finance Department who will prepare a payment plan for signature by the respondent. Once signed by the respondent, failure to abide by its term will result in the full amount due.