

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA AMENDING SECTION 5(b) OF ORDINANCE 136 OF THE TOWN OF CINCO BAYOU, FLORIDA TO PROVIDE THAT MEMBERS OF THIS CODE ENFORCEMENT BOARD SHALL SERVE WITHOUT COMPENSATION; ADDING A NEW SECTION 5(i) TO ORDINANCE 136 OF THE TOWN OF CINCO BAYOU, FLORIDA PROVIDING FOR THE APPOINTMENT OF ALTERNATES TO THE CODE ENFORCEMENT BOARD; AMENDING SECTIONS 6(b) and 6(c) OF ORDINANCE 136 OF THE TOWN OF CINCO BAYOU, FLORIDA TO CORRECT A TECHNICAL ERROR; AMENDING SECTION 9 OF ORDINANCE 136 OF THE TOWN OF CINCO BAYOU, FLORIDA TO PROVIDE RIGHTS OF ENTRY UPON PRIVATE PROPERTY; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES INCONSISTENT WITH SAID ORDINANCE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, AS FOLLOWS:

SECTION 1.

That Section 5(b) of Ordinance 136 of the Town of Cinco Bayou, Florida is hereby amended to read as follows:

SECTION 5.

(b) Members of the code enforcement board shall be residents of the Town and shall serve without compensation. Any resident of the Town who is related within the immediate family to any member of the Cinco Bayou Town Council shall not be qualified to serve on the board. For the purposes of this ordinance, immediate family is defined as the parent(s), spouse or child(ren) of a member of the Town Council. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction of the code enforcement board. The membership of the code enforcement board shall, whenever possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor, and a realtor.

SECTION 2.

That a new Section 5(i) is hereby added to Ordinance 136 of the Town of Cinco Bayou, Florida as follows:

SECTION 5.

(i) The Town Council shall have the authority to appoint up to two (2) alternate members of the Code Enforcement Board. Alternate members of the Code Enforcement Board shall be residents of the Town and shall serve without compensation. Any resident of the Town who is related within the immediate family to any member of the Cinco Bayou Town Council shall not be qualified to serve as an alternate to the Board. Alternate members to the Board shall serve for terms of three years and may be reappointed upon approval of the Town Council. Alternate members of the Board shall be fully empowered to carry out the duties of a regular member of the Board when and if any such regular member is unable to attend a meeting of the Board and such alternate is requested by the Board Chairman to attend the meeting. The alternates to the Board shall serve in accordance with ordinances of the Town and may be suspended and removed for cause by a majority vote of the Town Council.

SECTION 3.

That Sections 6(b) and (c) of Ordinance 136 of the Town of Cinco Bayou, Florida are hereby amended to read as follows:

SECTION 6.

(b) Except as provided in Subsection (c), if a violation of the code is found, the code inspector shall first notify the alleged violator and give him a reasonable time within which to correct the violation. Should the violation continue beyond that time specified for correction, the code inspector shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in s. 12 to the violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in s. 12. If the violation is corrected and then reoccurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the code enforcement board, even if the violation has been corrected prior to the board hearing, and the notice shall so state.

(c) If a repeat violation is found, the code inspector shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to s. 12. The case may be presented to the code enforcement board, even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state.

SECTION 4.

That Section 9 of Ordinance 136 of the Town of Cinco Bayou, Florida is hereby amended to read as follows:

SECTION 9. POWERS OF CODE INSPECTOR. The code inspector shall have all authority and powers granted by this ordinance and by state law, or authorized to be granted by state law.

Whenever necessary to make an inspection to enforce any of the codes and ordinances of the Town, or whenever the Code Inspector has reasonable cause to believe that there exists in any building or upon any premises any violation of the codes and ordinances of the Town, the Code Inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Code Inspector by this Ordinance, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Code Inspector shall have recourse to every remedy provided by law to secure entry.

SECTION 5.

SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion of words shall be deemed a separate and independent provision and

such holding shall not effect the validity of the remaining portion thereof.

SECTION 6.

REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS.
All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

SECTION 7.

EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the Town Council and signature of the Mayor.

ADOPTED this 5th day of June, 1990.

Approved:



ATTEST:


Albert S. Borchik, Jr.
Town Manager/Clerk

BY: 
Charles R. Laginess
MAYOR