

ORDINANCE NO. 23-29

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 13, ENTITLED "PUBLIC SAFETY," AMENDING ARTICLE VI, ENTITLED "CODE ENFORCEMENT," BY SPECIFICALLY AMENDING SECTION 13-65, ENTITLED "SPECIAL MAGISTRATE SYSTEM CREATED; QUALIFICATIONS; TERMS; REMOVAL;" AMENDING THE CITY'S PROCEDURES FOR ENGAGING AND REMOVING THE CITY'S SPECIAL MAGISTRATES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Cooper City ("City") desires to update and amend the City's Code of Ordinances related to the engage and removal of special magistrates for code enforcement matters; and

WHEREAS, the City Commission seeks to streamline the process of engaging special magistrates and expressly incorporate the provisions of Ch. 162, F.S., related to special magistrate code enforcement procedures; and

WHEREAS, the City Commission has held a public hearing in accordance with Florida law; and

WHEREAS, following proper notice to the public and after having received input and participation by interested members of the public and staff, the City Commission finds that this Ordinance is in the best interest of the citizens, residents, and business establishments in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1. RECITALS ADOPTED. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. CHAPTER 13 OF CITY CODE AMENDED. The City Commission of the City of Cooper City hereby amends Chapter 13, entitled “Public Safety,” by amending Article VI entitled, “Code Enforcement” and specifically amending Section 13-65, entitled “Special Magistrate system created; qualifications; terms; removal,” as follows:

ARTICLE VI. CODE ENFORCEMENT

Sec. 13-65. - ~~Special Magistrate system created; qualifications; terms; removal~~Establishing a Special Magistrate Code Enforcement Process.

(a) There is hereby established a special magistrate code enforcement process for the City of Cooper City, Florida, which shall consist of at least one (1) special magistrate who is a qualified individual or firm appointed by the City Commission.

(b) The qualifications and appointment of special magistrates shall be as follows:

(1) Each special magistrate shall be engaged by the City Commission pursuant to a written agreement and shall serve with compensation as established by the City Commission upon appointment.

(2) Each special magistrate must be both an attorney and a member of the Florida Bar in good standing for a minimum of five (5) years.

(3) Each special magistrate will be bound by the code of ethics of the Florida Bar as currently proscribed or as amended from time to time.

(b) The rules and regulations as found in Ch. 162, F.S., as may be amended from time to time, shall be adopted herein by reference. Additional rules and regulations, consistent with the provisions of state law, are set forth in this Chapter 13 of the City Code.

~~(a) There is hereby created a Special Magistrate code enforcement system for the City of Cooper City, Florida, which shall consist of one Special Magistrate and one designated alternate Special Magistrate, who are qualified individuals or firms appointed by the City Commission.~~

~~(b) Special Magistrates must be a law firm or an attorney who is a member in good standing of the Florida Bar and shall be selected on the basis of experience or interest in the field of Code enforcement and shall possess outstanding~~

~~reputations for civic pride, integrity, responsibility and business or professional ability. In selecting and appointing Special Magistrates, the City Commission shall accord a preference to applicants who have prior experience as a special magistrate or hearing officer.~~

~~(e) The City Commission shall appoint the Special Magistrates as provided by this section. Appointments shall be made for a term of three years. Any Special Magistrate may be reappointed at the discretion of the City Commission. There shall be no limit on the number of reappointments that may be given to any individual Special Magistrate; provided, however, that a determination as to removal or reappointment must be made for each Special Magistrate by the City Commission at the end of each term of the Special Magistrate. Appointments to fill any vacancy in the office of Special Magistrate shall be for the remainder of the unexpired term.~~

~~(d) Special Magistrates shall not be City employees but shall be compensated for each session based on an hourly rate set by the City Commission. For purposes of this section, "session" is defined to mean all cases brought before the Special Magistrate for a hearing on one particular date.~~

~~(e) Special Magistrates may be removed from office by majority vote of the City Commission with or without cause.~~

~~(f) Hearings before the Special Magistrate shall generally occur no less frequently than once a month, but may occur more often as found to be necessary by the City Manager.~~

~~(g) Minutes shall be maintained of all hearings conducted by the Special Magistrate, and all sessions shall be open to the public.~~

~~(h) The Special Magistrate shall have jurisdiction of only those cases assigned by the City Manager or his or her designee.~~

~~(i) The Special Magistrate shall follow and enforce the Code provisions as authorized by F.S. Ch. 162. Neither the City Manager nor the City Commission or its members shall give orders to the Special Magistrates.~~

Section 3. It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2023.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2023.

ATTEST:

GREG ROSS
Mayor

TEDRA ALLEN
City Clerk

Approved As To Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross	_____
Commissioner Green	_____
Commissioner Shrouder	_____
Commissioner Katzman	_____
Commissioner Mallozzi	_____