



**TOWN OF HIGHLAND BEACH
RESOLUTION NO. 2024-019**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, DESIGNATING PROCEDURES FOR CODE ENFORCEMENT ACTIONS INITIATED BY THE TOWN; PROVIDING FOR ASSIGNMENT OF CODE ENFORCEMENT CASES BETWEEN THE CODE ENFORCEMENT BOARD AND THE SPECIAL MAGISTRATE; DESIGNATING THE ROLE OF THE TOWN ATTORNEY; PROVIDING FOR THE APPOINTMENT AND TRAINING OF THE CODE ENFORCEMENT BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, both Division 2, Article V, Chapter 2 of the Town Code and Chapter 162, Florida Statutes, authorize the use of a Code Enforcement Board (“Board”) or a Special Magistrate (“Magistrate”) appointed by the Town Commission to hold code enforcement hearings and assess fines against violators of the Town Code of Ordinances, including all technical codes referenced therein; and

WHEREAS, while the Town has historically utilized a Board comprised of Town residents, the Town Commission recently designated a Magistrate to also preside over code enforcement hearings; and

WHEREAS, the Town wishes to utilize the services of both the Board and the Magistrate and establish procedures governing the assignment of code enforcement cases as well as the selection, operation, and training of the Board; and

WHEREAS, the Town Commission determines that the adoption of this Resolution is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are ratified and incorporated herein.

Section 2. The Town Commission hereby adopts the following procedures for assignment of code enforcement cases initiated by the Town:

1. The Town shall assign all Class I and Class II violations as set forth in Section 2-174 of the Town Code to the Code Enforcement Board for hearing and resolution. These violations include the following:

- A. Violations of the parking code of the Town, as set forth in Chapter 16 of the Town Code;
 - B. Violations involving recreational vehicles or boats;
 - C. Violations involving obstruction of a public right-of-way;
 - D. Violations involving solid waste, refuse, garbage, rubbish, or trash;
 - E. Violations of the Florida Building Code (with the exception of work without a permit or violations of cease and desist/stop work orders, which shall be heard by the Special Magistrate);
 - F. Violations of the International Property Maintenance Code, incorporated by reference in Chapter 6 of the Town Code;
 - G. Violations involving fences, walls, or hedges;
 - H. Violations of the sign code set forth in Chapter 23 of the Town Code (with the exception of prohibited and unsafe signs, which shall be heard by the Special Magistrate);
 - I. Violations involving abandoned personal property located on private property;
 - J. Violations involving landscaping; and
 - K. Violations involving a required visibility triangle.
2. The Town shall assign all Class III violations as set forth in Section 2-174 of the Town Code to the Special Magistrate for hearing and resolution. These violations include the following:
- A. Violations involving work performed without a required permit, including a valid building permit;
 - B. Violations of the construction site code, as set forth in Chapter 16 of the Town Code;
 - C. Violations of the Town's zoning regulations, as set forth Chapter 30 of the Town Code;
 - D. Violations involving licenses and license taxes (business tax receipts), as set forth in Chapter 15 of the Town Code;
 - E. Violations involving prohibited or unsafe signs;

- F. Violations of “cease and desist” or “stop work” orders issued by the Building Official;
 - G. Violations of the Florida Fire Prevention Code, incorporated by reference in Chapter 9 of the Town Code; and
 - H. All repeat violations.
- 3. While the Town will make every effort to assign violation cases in the manner set forth above, the Town reserves the right to assign any violation to either the Code Enforcement Board or the Special Magistrate in the event Town Staff is unable to attain a quorum for a Board meeting or the Special Magistrate is unable to preside over an assigned violation due to a scheduling issue or other conflict.
 - 4. All requests for authorization to foreclose code enforcement liens shall be presented to the Special Magistrate.
 - 5. When cases are heard by the Code Enforcement Board, the Town Attorney or his/her designee shall act as legal advisor to the Board. When cases are heard by the Special Magistrate, the Town Attorney or his/her designee shall represent and assist the Town’s Code Enforcement Officer in presenting the violation.
 - 6. On an annual basis, the Town Attorney or his/her designee shall provide training to the Code Enforcement Board. Such training shall, at a minimum, include:
 - A. Discussion of the statutory and legal procedures applicable to code enforcement cases heard by the Board;
 - B. Discussion of the legal principles and standards applicable to quasi-judicial proceedings, including, but not limited to:
 - (1) the burden of proof and the rules governing the conduct of the hearing, including evidentiary rules;
 - (2) each Board member’s role as an impartial decision-maker;
 - (3) the required disclosure of ex parte communications; and
 - (4) the ethical requirements imposed by both the Florida Code of Ethics for Public Officers and Employees and the Palm Beach County Ethics Code; and
 - C. Discussion of Florida Public Records Law and Government in the Sunshine Law requirements.

7. When appointing members to the Code Enforcement Board, the Town Commission shall make every effort to ensure that the membership of the Board includes the following: an architect; a businessperson; an engineer; a general contractor; a subcontractor, and a realtor. In the event the Town Commission does not receive sufficient applications from residents in each of the specified vocations, the Town Commission shall appoint the most qualified Town residents to the Board. The failure to include each specified vocation shall in no way invalidate any decision rendered by the Board.

Section 3. This Resolution shall be effective immediately upon adoption.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida, this 06th day of August 2024.

ATTEST:

Natasha Moore, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY:**

Lanelda Gaskins, MMC
Town Clerk

Leonard G. Rubin, Town Attorney

VOTES:

Mayor Natasha Moore
Vice Mayor David Stern
Commissioner Evalyn David
Commissioner Donald Peters
Commissioner Judith Goldberg

YES NO