

Town of Loxahatchee Groves

Code Enforcement Checklist

Task		X	Notes
1	Valid complaint or personal observation (complaints: complainant must be identified – cannot be anonymous, unless imminent threat to health/ safety etc. in accordance with §162.06(1)(b))		
2	Written or Verbal Warning		
3	Written Courtesy Notice		
4	Notice of Violation		
	a. Confirm ownership of property (residential or commercial/ rental)		
	b. Provide written notice of violation identifying specific code section(s) that match the facts of the observed violation (clear description of what was observed on property on that specific date)		
	c. Provide reasonable time to correct violation [unless it is a repeat violation - §162.06(3)]		
	d. Provide clear direction and steps on how to come into compliance		
	e. Standard notice language regarding hearing, fines, compliance date, inspector's phone number for questions		
5	Notice of Hearing		
	a. Work with Town Clerk to schedule hearing		
	b. Prepare written notice of hearing		
6	Service (Notices) - Mandatory (must be provided by one of the following):		
	a. Certified mail to the address listed in the tax collector's office for tax notices or the address listed in the county property appraiser's database <input type="checkbox"/>		
	b. Hand delivery <input type="checkbox"/>		
	c. Leave at violators usual place of residence with any person residing at property who is above 15 years old and inform that person of the violation <input type="checkbox"/>		
	d. If commercial premise, leave notice with the manager or other person in charge <input type="checkbox"/>		
7	Service (Notices) - Optional		
	a. Return receipt requested when mailing by certified mail <input type="checkbox"/>		
	b. Posting at least 10 days before the hearing or prior to compliance deadline at property <input type="checkbox"/> and Town Hall <input type="checkbox"/>		
	c. Publication in newspaper or publicly accessible website in accordance with §162.12(2) <input type="checkbox"/>		
8	Evidence		
	a. Photographs – must be date and time-stamped; must be specific to property and violation; must be clear and represent the image being captured		

	b. Documentation of each separate contact with violator, including date and time of contact and description of discussion		
	c. Print-out of property appraiser website showing ownership of property		
	d. Return mail receipt requested (signed/not signed)		
	e. Photographs of posting at property <input type="checkbox"/> and Town Hall <input type="checkbox"/> (be sure you can identify what is being posted)		
	f. Affidavit of service		
	g. NOV showing date of violation and compliance date		
	h. NOH showing notice to violator to appear at hearing on date after compliance date		
	i. Documentation of re-inspection(s) and conclusion as to whether property is still in violation with pictures showing violation has or has not been corrected on date of re-inspection		
9	Fines - factors to consider for each violation: a. Gravity of the violation b. Actions taken to cure violation c. Previous violations by violator		
10	Costs - calculate costs and prepare cost sheet to include in file for Special Magistrate		
11	Testimony script - individualize script for each case		
12	Agenda - Work with Town Clerk to ensure agenda item is accurately prepared		
13	Hearing preparation - meet with Town Attorney in advance of hearing to discuss each case		
14	Hearing - must be open to the public, minutes taken, and recorded (first hearing is finding of violation hearing; second hearing is fine assessment hearing)		
15	Order - may include notice of new compliance date and daily fines may be imposed for each day the violation continues past the compliance date, not to exceed \$250 per day (or for each day of a repeat violation, not to exceed \$500 per day) [§162.09(1); irreparable, not to exceed \$5,000 per violation]		
16	Post- Hearing		
	a. Mail Special Magistrate Order to Property Owner by certified mail, return receipt requested		
	b. Update file with copy of order and all written evidence presented at the hearing		
	c. Record order, if applicable		

**TOWN OF LOXAHATCHEE GROVES, FLORIDA
CODE COMPLIANCE DIVISION**

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA,**

Petitioner,

vs.

CASE NO.

**Owner Name Line 1
Owner Name Line 2**

Respondent(s)

_____ /

NOTICE OF VIOLATION AND NOTICE OF HEARING

Property Owner/Respondent Name and Mailing Address:

**R. RESIDENT
155 F Road
Loxahatchee Groves, FL 33470**

Location of Violation: property address

PCN: number

Legal Description: description

YOU ARE HEREBY NOTIFIED that the undersigned Code Compliance Officer alleges that the following violations of the Code of Ordinances and Unified Land Development Code of the Town of Loxahatchee Groves existed at the above property: CODE SECTION(S): xxxx and xxxxx

The violation summary attached to this notice explains the specific violation(s), the code and/or ordinance(s) violated and how to correct the violation(s).

Compliance Date: The violation(s) must be corrected on or before **Date**.

Hearing Date: If you fail to correct the violation(s) by the time set forth above, a public hearing before the Code Compliance Special Magistrate will be held on **Date at 9:00 a.m.** at the Town of Loxahatchee Groves Hall Chambers, 155 F Road Loxahatchee Groves, Florida 33470.

It is your responsibility to contact the Code Compliance Division (561-793-2418) to arrange for re-inspection of the property in order to verify that the violation has been corrected.

If the violation(s) is corrected on or before the compliance date **AND** you have received a written notification from the Code Compliance Division that all violations have been complied, the hearing will be canceled and you will not be required to appear. If the violation(s) is corrected and then re-occurs, the case may still be presented to the Special Magistrate. If the violation(s) is corrected *after* the compliance date but before the scheduled Special Magistrate Code Enforcement Hearing, the case may still be presented to the Special Magistrate for a finding of fact regarding the violation and to impose fines and costs. If you cannot attend the hearing and wish to have someone else appear on your behalf, you must provide a notarized designation of agent for your agent to present at the hearing.

YOU ARE HEREBY ORDERED to appear and answer the above citations on the hearing date, time, and location stated above. The purpose of this hearing is for the Special Magistrate to make "Findings of Fact" and "Conclusions of Law" relating to the violation(s) specified above and to issue an appropriate Order. The hearing is also your opportunity to present evidence and/or contest the alleged violations, should you wish to do so. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. You will have the opportunity to present witnesses as well as question witnesses against you, prior to a final determination by the Magistrate. If you wish to have witnesses subpoenaed or if you have other questions, please contact the Code Compliance Department. If you fail to attend the hearing, the Special Magistrate may base the findings solely upon the testimony of the Code Compliance Officer and that of any other witness present and upon any other evidence presented.

If a violation is found, the Order may require you to correct the violation(s) by a specified date. In addition, the Order may impose daily fines in accordance with Section 162.09(2), Florida Statutes, which shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation. Further, the Order will have the force of law, commanding you to take whatever steps are necessary to bring the violation(s) into compliance by a certain date to avoid imposition of one or more fines. Please bring this Notice of Violation and Notice of Hearing to the hearing.

Additionally, administrative costs may be imposed to recover all costs incurred by the Town in prosecuting this matter; if all violations are not corrected prior to the hearing date, you may be assessed any such costs. The administrative costs and any fines imposed by the Special Magistrate shall constitute a lien on any real or personal property owned by you. Failure to pay these costs and fines may result in a foreclosure action by the Town.

You should be aware that, if you correct the violation after the compliance date but prior to the hearing and there is a finding of fact and conclusion of law that you committed the

violation, you may be considered a repeat offender as defined by section 162.04(5), Florida Statutes, if the same violation recurs within the next five (5) years.

You have the right to be represented by an attorney at your own expense and to respond and present evidence and witnesses at the hearing. All testimony at the hearing will be under oath. If you wish to be represented by an attorney, your attorney must notify the Special Magistrate's Clerk in writing prior to the hearing at code@loxahatcheegrovesfl.gov.

If you disagree with a decision of the Special Magistrate, you may appeal to the Circuit Court of Palm Beach County within 30 days after the Special Magistrate's order is entered. If a person decides to appeal any decision with respect to any matter considered at this Hearing, such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

For any questions about this Code Case or Hearing, please contact Town Hall or the undersigned at code@loxahatcheegrovesfl.gov or 561-793-2418.

Dated: **Date**

Code Compliance Officer Name
Codeofficer@loxahatcheegrovesfl.gov
155 F Rd
Loxahatchee Groves, FL 33470
561-793-2418

Certified Mail #000 000 0000 000 **Date**

Violation Detail

CASE NUMBER: **25000000**

Code Section	Violation Description & How to Comply
Sec. code number	Describe violation and inform violator what needs to be done to comply
Sec. code number	Describe violation and inform violator what needs to be done to comply

Sec. 05-040(A-B) Permits required; expiration of permits and development orders.

ORDINANCE DESCRIPTION:

(A)It shall be unlawful to use, erect, move, or otherwise alter a building, structure, or part thereof; or to use, clear, fill, excavate, move, pave, grade, or otherwise alter land or water unless a permit consistent with all applicable provisions of the ULDC shall have been first obtained for such work, with the following exceptions, which will not require a permit:(1)Maintenance of existing driveways;(2)Removal of invasive exotic trees;(3)Filling sinkholes and rebuilding washout areas near drainage structures;(4)Excavating to enhance drainage;(5)Excavating existing ponds to a depth not to exceed 12 feet solely for the purpose of removing debris and muck. (B)Any permit or development order issued pursuant to this section shall be valid for a period of 180 days from the date of issuance unless a different expiration is otherwise provided for within this Code for a specific permit or development order, or by official action of the Town Council. The Town Manager may renew such a permit or development order for one additional six-month period subject to compliance with current requirements of the ULDC in effect at the time of application for renewal. After the date of expiration, the development order shall be null and void. A new development application shall be filed and shall be subject to the current requirements of the ULDC.(C)A permit card, a set of approved plans, and a final as-built survey where applicable, shall be available on the site where the construction is occurring at all times a scheduled inspection is being conducted to ensure compliance with such approved plans.

Sec. 175-110 Permits required.

ORDINANCE DESCRIPTION:

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

**TOWN OF LOXAHATCHEE GROVES, FLORIDA
CODE COMPLIANCE DIVISION**

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA,**

Petitioner,

vs.

CASE NO.

**Owner Name Line 1
Owner Name Line 2**

Respondent(s)

_____ /

AFFIDAVIT OF SERVICE

I the undersigned Code Compliance Officer authorized to assure code compliance in the Town of Loxahatchee Groves, being duly sworn, hereby depose and say that the attached Notice of Violation and Notice of Hearing was served on the Respondent(s) on **Served Date** at the property where the violation is alleged to exist, located at **Property Address**, Loxahatchee Groves, Florida, the legal description being as follows: **Legal Description**, PCN # **PCN Number**.

In accordance with Section 162.12, Florida Statutes, service was effectuated by:

- ☐ certified mail to Respondent(s);
- ☐ hand delivery to Respondent(s); or
- ☐ leaving the notice at Respondent's usual place of residence with a qualified recipient and informing the recipient of the contents of the notice.

In accordance with Section 162.12, Florida Statutes, if the Respondent is a commercial premise, service was effectuated by:

- ☐ certified mail to registered agent; or
- ☐ leaving the notice with a manager or other person in charge of the commercial premises.

In addition, at the option of the Town, notice was provided in accordance with Section 162.12(2)(b), Florida Statutes, by posting the Notice of Violation and Notice of Hearing at the following locations:

- ☐ property address above; and
- ☐ Town Hall, 155 F Road, Loxahatchee Groves, FL 33470.

The posting at the above locations began on _____ and continued for at least ten (10) calendar days.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above.

Code Compliance Officer

Date

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to and subscribed before me by means of [] physical presence or [] online
notarization, this _____ day of _____, 20____, by _____.

Notary Public, State of Florida
My Commission Expires:

Personally Known _____OR Produced Identification _____
Type of Identification Produced: _____



Town of Loxahatchee Groves

155 F Road ▪ Loxahatchee Groves, Florida 33470 ▪ (561) 793-2418 Phone ▪ (561) 793-2420 Fax

Date

Owner Name Line 1

Owner Name Line 2

Mailing Address,

City, State Zip

Re:

Case Number :

Legal Description:

Street Address:

Parcel Identification Number:

Dear Property Owner:

A code compliance officer reinspected the above property and found that the violations cited in **Case Number** have been corrected. Because you corrected the violation within the time frame provided in the Notice of Violation and Notice of Hearing, the case has been closed and removed from the Special Magistrate's Agenda for **date**. Accordingly, you are not required to appear before the Special Magistrate on **date**.

Thank you for your cooperation. If you have any questions, please contact the Code Compliance Division at 561-793-2418.

Sincerely,

Code Officer

Code Compliance Officer



Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470

**CODE COMPLIANCE NOTICE OF VIOLATION
AND NOTICE OF HEARING**

Sent to:

PROPERTY OWNER
ADDRESS
LOXAHATCHEE GROVES, FL 33470-

Case #

XXXXXXX

Date:

April 4, 2023

Certified Mail#

Property Owner:

PROPERTY OWNER
ADDRESS
LOXAHATCHEE GROVES, FL 33470

Property Address:

PROPERTY ADDRESS
LOXAHATCHEE GROVES, FL 33470

Property Id: 41-41-43-17-01-XXX-XXXX

YOU ARE HEREBY NOTIFIED that the undersigned inspector alleges that on [REDACTED]
the following violation(s) of the Town of Loxahatchee Groves Code of Ordinances and/or Unified Land
Development Code ("Code") existed on the property above:

Ordinance/Regulation	Section	Description	Days to comply from NOV Date
ARTICLE 175 - Flood Plain Management (FDA)	DIVISION IV. PERMITS; Section 175-110. - Permits required.	Section 175-110. - Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.	30
ARTICLE 175 - Flood Plain Management (FDA)	DIVISION VI. INSPECTIONS. - Section 175-170. - General.	Section 175-170. - General. Development for which a floodplain development permit or approval is required shall be subject to inspection.	30
ARTICLE 175 - Flood Plain Management (FDA)	DIVISION VIII. - VIOLATIONS Section 175-240. - Violations.	Section 175-240. - Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the	30

		documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.	
PART I - ADMINISTRATION AND DEFINITIONS Article 05 - ADMINISTRATION AND LEGAL PROVISIONS	Section 05-040. - Permits required; expiration of permits and development orders.	Section 05-040. - Permits required; expiration of permits and development orders. (A) It shall be unlawful to use, erect, move, or otherwise alter a building, structure, or part thereof; or to use, clear, fill, excavate, move, pave, grade, or otherwise alter land or water unless a permit consistent with all applicable provisions of the ULDC shall have been first obtained for such work, with the following exceptions, which will not require a permit: (1) Maintenance of existing driveways;(2) Removal of invasive exotic trees;(3) Filling sinkholes and rebuilding washout areas near drainage structures;(4) Excavating to enhance drainage;(5) Excavating existing ponds to a depth not to exceed 12 feet solely for the purpose of removing debris and muck.	30

Notes/Mean of Correction:

On _____, I observed _____.
Construction of /changing topography of land by _____ without the required permits constitutes a violation of the Town's Code. A complete Flood Plain application is required to be submitted within 30 days of the date set forth on this notice.

Section 175-110 requires any development activity including buildings, structures and facilities exempt from the Florida Building Code, wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit(s) and approval(s).

Section 175-170. requires that development for which an FDA permit or approval is required shall be inspected.

Section 175-240. provides that development not within the scope of the Florida Building Code but is regulated by 175 that is performed without an issued permit, that is in conflict with an issued permit, or that does not comply with this article, shall be deemed a violation.

Section 05-040. determines it shall be unlawful to use, erect, move, or otherwise alter a building, structure, or part thereof; or to use, clear, fill, excavate, move, pave, grade, or otherwise alter land or water unless a permit consistent with all applicable provisions of the ULDC shall have been first obtained for such work.

If you FAIL to correct the violation(s) by the time set forth above, a public hearing before the Code Compliance Special Magistrate will be held on **Monday, May 8 at 9:00am at the Town of Loxahatchee Groves Hall Chambers, 155 F Road, Loxahatchee Groves, Florida 33470.** If the violation(s) is corrected and then re-occurs, the case may still be presented to the Special Magistrate. If the violation(s) is corrected prior to the hearing but not before the time set forth above, the case may still be presented to the Special Magistrate. If you cannot attend the hearing and wish to have someone else appear on your behalf, you must provide a notarized designation of agent for your agent to provide at the hearing.

THIS HEARING, REQUIRING YOU TO BE PRESENT, WILL BE HELD IF THE VIOLATION(S) HAVE NOT BEEN BROUGHT INTO COMPLIANCE AND APPROVED BY THE CODE COMPLIANCE DEPARTMENT PRIOR TO THIS DATE, AS EVIDENCED BY THE ISSUANCE OF AN AFFIDAVIT OF COMPLIANCE BY THE CODE INSPECTOR.

The purpose of this Hearing is for the Special Magistrate to make "Findings of Fact" and "Conclusions of Law" relating to the violation(s) specified in the attached Notice of Violation detail and to issue an appropriate Order. The Hearing is also your opportunity to present evidence and/or contest the alleged violations, should you wish

to do so. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. You will have the opportunity to present witnesses as well as question witnesses against you, prior to a final determination by the Magistrate. If you wish to have witnesses subpoenaed or if you have other questions, please contact the Code Compliance. If you fail to attend the hearing, the Special Magistrate may base the findings solely upon the testimony of the Code Compliance Inspector and that of any other witness present and upon any evidence presented.

If a violation is found, the Order may require you to correct the violation(s) by a specified date. In addition, the Order may impose daily fines in accordance with Section 162.09(2), Florida Statutes, which shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation. Further, the Order will have the force of law, commanding you to take whatever steps are necessary to bring the violation(s) into compliance by a certain date to avoid imposition of one or more fines. Please bring this Notice of Violation and Hearing to the hearing.

Additionally, administrative costs may be imposed to recover all costs incurred by the Town in prosecuting this matter; if all violations are not corrected prior to the Hearing date, you may be assessed any such costs. The administrative costs and any fines imposed by the Special Magistrate shall constitute a lien on any real or personal property owned by you. Failure to pay these costs and fines may result in a foreclosure action by the Town.

You should be aware that if the alleged violation(s) is/are corrected prior to the Hearing, and recurs within one year from the date of the original Notice of Violation, the case may be presented to the Special Magistrate as a Repeat Violation even if the violation is subsequently corrected.

You have the right to be represented by an attorney at your own expense and to respond and present evidence and witnesses at the Hearing. All testimony at the hearing will be under oath. If you wish to be represented by an attorney, your attorney MUST notify the Special Magistrate's Clerk in writing prior to the Hearing at code@loxahatcheegrovesfl.gov.

If you disagree with a decision of the Special Magistrate, you may appeal to the Circuit Court of Palm Beach County within 30 days after the Special Magistrate's order is entered. If a person decides to appeal any decision with respect to any matter considered at this Hearing, such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

For any questions about this Code Case or Hearing, please contact Town Hall or the undersigned at code@loxahatcheegrovesfl.gov or 561-793-2418.

Mario Matos,
Code Inspector



AGENDA
CODE ENFORCEMENT HEARING(S)
TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBER
155 F ROAD, LOXAHATCHEE GROVES, FL 33470
MONDAY, [DATE] – 9:00 A.M.

Special Magistrate

Amity R. Barnard, Esq

Administration

Town Manager Francine L. Ramaglia, MPA, CPA, AICP, ICMA-CM

Town Attorney: Torcivia, Donlon, Goddeau, & Rubin, P.A.

Town Clerk, Valerie Oakes, CMC

Code Enforcement Inspector(s): Anthony Neoankis, John Suarez &
Deangelo Campo

I. CALL TO ORDER

II. ADDITIONS OR DELETIONS TO AGENDA

III. CONTINUANCES

a. Owner Name

Address (DC)

Case Number

List of codes sections on NOV and NOH.

b. Owner Name

Address (DC)

Case Number

List of codes sections on NOV and NOH.

IV. VIOLATION HEARINGS

a. Owner Name

Address (DC)

Case Number

List of codes sections on NOV and NOH.

b. Owner Name

Address (DC)

Case Number

List of codes sections on NOV and NOH.

V. FINE ASSESSMENT HEARINGS

a. Owner Name

Address (DC)

Case Number

List of codes sections on NOV and NOH.

b. Owner Name

Address (DC)

Case Number

List of codes sections on NOV and NOH.

VI. NEXT HEARING DATE – [DATE]

VII. ADJOURNMENT

If any person desires to appeal any decision with respect to any matter considered at these meetings, such person may need a record of the proceedings; for this purpose, such person may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.



Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470

**CODE COMPLIANCE NOTICE OF VIOLATION
AND NOTICE OF HEARING**

Sent to:

[OWNER NAME]
[ADDRESS]
[ADDRESS]
[CITY, FL ZIP]

Case #

[XXXXXX]

Date:

[XXXXXXXXXXXXX]

Property Owner:

[OWNER NAME]
[ADDRESS]
[ADDRESS]
[CITY, FL ZIP]

Property Address:

XXXXXXX
LOXAHATCHEE GROVES, FL XXXXX

Property Id. XX-XX-XXXX-XX-XXX-
XXXX

YOU ARE HEREBY NOTIFIED that the undersigned inspector alleges that on [DATE], the following violation(s) of the Town of Loxahatchee Groves Code of Ordinances and/or Unified Land Development Code ("Code") existed on the property above:

Ordinance/Regulation	Section	Description	Days to comply from NOV Date
Article 87 - NATIVE TREE PRESERVATION AND INVASIVE EXOTIC REMOVAL,	Section 87-030 (A)-(F) - Tree removal permits. Article 87 -Native Tree Preservation and Invasive Exotic Removal	Section 87-030. - Tree removal permits. A landowner may apply for approval by the Town of a tree removal permit within a property containing an existing legal use or a vacant parcel whose proposed use is legal. A tree removal permit shall be required for the removal of all trees unless exempt under Section 87-020 or awarded a tree removal waiver by the Town under Section 87-025.	Immediately
CHAPTER 18. ENVIRONMENT AND NATURAL RESOURCES ART. II - NATIVE TREE PRESERVATION AND INVASIVE EXOTIC REMOVAL	Sec. 18-24. - Tree mitigation.	Sec. 18-24. - Tree mitigation. (a)Mitigation. Mitigation, through tree replacement as specified under this section, shall be required for the removal of native trees that are three inches DBH or greater. A tree replacement table identifying and quantifying all replacement trees to be installed shall be submitted with the permit application. The tree replacement plan shall also identify the size of each replacement tree and location for installation. The tree replacement plans shall maximize tree and vegetative buffering between properties. Tree replacement can be done	Immediately

		by the landowner. (b) Tree replacement. Removed native trees shall be mitigated through replacement in accordance with Table A-2. For relocated trees which die within one year of relocation, the replacement value shall be that as shown in Table A-2. Those trees less than six inches DBH shall be replaced with the same size tree as the relocated tree.	
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Notes/Mean of Correction:

Section 87-030. - Tree removal permits.

Upon inspection of the property through an on-site visit and/or aerial GIS map investigation, I observed **[INSERT ANY DETAIL, AS AVAILABLE]** Trees were removed without a permit, exemption or waiver. Mitigation is also required as detailed above.

A tree removal permit shall be required for the removal of all trees unless exempt under Section 87-020 or awarded a tree removal waiver by the Town under Section 87-025 of the Unified Land Development Regulations. Any applicable exemptions or waivers must be applied and paid for.

Pursuant to Sec. 87-055(b) of the Town's Unified Land Development Code, unless exempt, "the removal of any tree, in violation of this section, shall constitute a separate violation. Each day a violation exists for such unlawful removal shall constitute a separate violation. Removal of each additional tree in violation of this section shall constitute a separate violation. Each day a violation exists for such unlawful removal shall constitute a separate violation."

The Town of Loxahatchee Groves Comprehensive Plan establishes the Town's priorities, objectives and policies relating to the preservation, maintenance, and conservation of trees, as well as the preservation of existing natural growth in Loxahatchee Groves. The Town prohibits the unnecessary removal or destruction of native trees.

DUE TO THE IRREPARABLE AND IRREVERSIBLE NATURE OF UNLAWFULLY REMOVING TREES, PLEASE IMMEDIATELY STOP ANY AND ALL TREE REMOVAL OR LAND CLEARING AND CONTACT THE UNDERSIGNED OR TOWN HALL AT 561-793-2418 TO APPLY FOR THE APPROPRIATE PERMITS (OR WAIVERS OR EXEMPTIONS, IF APPLICABLE). Removal of trees without the proper permit, exemption or waiver may result in fines of up to \$5,000.00, per tree, per day.

A HEARING FOR THIS MATTER HAS BEEN SET BY THE SPECIAL MAGISTRATE CLERK FOR **[DAY AND DATE] AT 9:00AM AT THE TOWN OF LOXAHATCHEE GROVES HALL CHAMBERS, 155 F ROAD, LOXAHATCHEE GROVES, FLORIDA 33470. THIS HEARING, REQUIRING YOU TO BE PRESENT, WILL BE HELD IF THE VIOLATION(S) HAVE NOT BEEN BROUGHT INTO COMPLIANCE AND APPROVED BY THE CODE COMPLIANCE DEPARTMENT PRIOR TO THIS DATE, AS EVIDENCED BY THE ISSUANCE OF AN AFFIDAVIT OF COMPLIANCE BY THE CODE COMPLIANCE INSPECTOR.**

The purpose of this Hearing is for the Special Magistrate to make "Findings of Fact" and "Conclusions of Law" relating to the violation(s) specified in the attached Violation detail and to issue an appropriate Order. The Hearing is also your opportunity to present evidence and/or contest the alleged violations, should you wish to do so. If you fail to attend the hearing, the Special Magistrate may base the findings solely upon the testimony of the Code Compliance Inspector and that of any other witness present and upon any evidence presented.

If a violation is found, the Order may require you to correct the violation(s) by a specified date. In addition, the Order may impose daily fines in accordance with Section 162.09(2), Florida Statutes, up to \$5,000 per day, per violation for irreversible or irreparable violations. Further, the Order will have the force of law, commanding you to take whatever steps are necessary to bring the violation(s) into compliance by a certain date to avoid imposition of one or more fines. Please bring this Notice of Violation and Hearing to the hearing.

Additionally, administrative costs may be imposed to recover all costs incurred by the Town in prosecuting this matter; if all violations are not corrected prior to the Hearing date, you may be assessed any such costs. The administrative costs and any fines imposed by the Special Magistrate shall constitute a lien on any real or personal property owned by you. Failure to pay these costs and fines may result in a foreclosure action by the Town.

You should be aware that if the alleged violation(s) is/are corrected prior to the Hearing, and recurs within one

year from the date of the original Notice of Violation, the case may be presented to the Special Magistrate as a Recurring Violation even if the violation is subsequently corrected.

You have the right to be represented by an attorney and to respond and present evidence and witnesses at the Hearing. If you wish to be represented by an attorney, your attorney MUST notify the Special Magistrate's Clerk in writing prior to the Hearing at code@loxahatcheegrovesfl.gov.

If you disagree with a decision of the Special Magistrate, you may appeal to the Circuit Court of Palm Beach County within 30 days after the Special Magistrate's order is entered. If a person decides to appeal any decision with respect to any matter considered at this Hearing, such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

For any questions about this Code Case or Hearing, please contact Town Hall or the undersigned at code@loxahatcheegrovesfl.gov or 561-793-2418.

Mario Matos,
Code Inspector

Case Presentation Outline – Violation Hearing

Date Prepared: **Date**

- 1) Case Number: **Case Number**
- 2) Respondent Name(s): **Owner Name Line 1**
Owner Name Line 2
- 3) Property Address: **Property Address**, Loxahatchee Groves, FL
- 4) This case was established based on: **Complaint/NI** for violation(s) of the following code sections:
_____.
- 5) A Courtesy Notice was sent to the respondent via **first class mail** on **Date**.
- 6) The Courtesy Notice gave the respondent **Number** days to correct the violation(s).
- 7) On **Date**, the property was inspected, which found **Inspection Results**. Because the Respondent failed to correct the violation within the timeframe given in the courtesy notice, a notice of violation and hearing was issued.
- 8) On **Date**, the **NOV and NOH** was served on the Respondent by:
 - ☐ certified mail to Respondent(s);
 - ☐ hand delivery to Respondent(s); or
 - ☐ leaving the notice at Respondent's usual place of residence with a qualified recipient and informing the Recipient of the contents of the notice.
 - If Respondent is a commercial premise, on **Date**, the NOV and NOH was served on the Respondent by:
 - ☐ certified mail to registered agent; or
 - ☐ leaving the notice with a manager or other person in charge of the commercial premises.
 - In addition, on **Date**, the Notice of Violation and Notice of Hearing was posted at the following locations:
 - ☐ property address above; and
 - ☐ Town Hall, 155 F Road, Loxahatchee Groves, FL 33470.

*The posting at the above locations began on **Date** and continued for at least ten (10) calendar days.

An affidavit of service is included in the code enforcement file.

The correction date on the NOV and NOH was **Date**.

- 9) On **Date** property was reinspected, which found **Reinspection Results**.
- 10) Photographs were taken that fairly and accurately represent the condition of the property at the time they were taken. Each photograph is time-stamped and dated reflecting the date and time **I** took the photographs. Copies of the photographs are included in the code enforcement file.
- 11) Staff attempted to contact Owner/Representative: **Contact with Owner**.

- 12) In addition to my testimony, I offer the Town's **code enforcement file** for **Case No.** as a composite exhibit to be admitted as evidence to further support a finding of violation for **Code Section(s)**.
- 13) The Code Compliance Division recommends the Respondent be found in violation of Code Section(s): **Code Sections**. It is recommended that the Respondent be given until **Date** to correct the violation(s). If the violation is not timely corrected, it is recommended that a fine assessment hearing be scheduled before the Special Magistrate on **Date** at 9:00am at the Town of Loxahatchee Groves, 155 F Rd, Loxahatchee Groves Florida.

Based on the gravity of violation, the action taken by the Respondent to correct the violation, **and previous violations by the Respondent**, it is recommended that the Respondent be charged a fine not to exceed **\$ Fine Amount** per day/per violation for each day the violation continues to exist. It is also recommended that costs incurred by the Code Compliance Division in the amount of **Cost** be assessed and ordered to be paid to the Town.

Repeat Violation Case Presentation

Date Prepared: **Date**

1) Case Number: **Case Number**

2) Respondent Name(s): **Owner Name Line 1**
Owner Name Line 2

3) Property Address: **Property Address**, Loxahatchee Groves, FL

4) This case was established based on: **Complaint/NI** for violation(s) of the following code sections: **code**.

5) On **Date**, the **NOV and NOH** was served on the Respondent by:

- ☐ certified mail to Respondent(s):
- ☐ hand delivery to Respondent(s); or
- ☐ leaving the notice at Respondent's usual place of residence with a qualified recipient and informing the Recipient of the contents of the notice.

- If Respondent is a commercial premise, on **Date**, the NOV and NOH was served on the Respondent by:
 - ☐ certified mail to registered agent; or
 - ☐ leaving the notice with a manager or other person in charge of the commercial premises.
- In addition, on **Date**, the Notice of Violation and Notice of Hearing was posted at the following locations:
 - ☐ property address above; and
 - ☐ Town Hall, 155 F Road, Loxahatchee Groves, FL 33470.

*The posting at the above locations began on **Date** and continued for at least ten (10) calendar days.

An affidavit of service is included in the code enforcement file. The notice of violation indicates that this is a repeat violation as to the following code section(s): **code**. On **date**, the Special Magistrate entered an order finding the Respondent in violation of the same code section(s). A copy of the that order is included in the code enforcement file. This repeat violation occurred within five (5) years of the prior violation(s).

6) Photographs were taken that fairly and accurately represent the condition of the property at the time they were taken. Each photograph is time-stamped and dated reflecting the date and time **I** took the photographs. Copies of the photographs are included in the code enforcement file.

7) Staff attempted to contact Owner/Representative: **Contact with Owner**.

8) In addition to my testimony, I offer the Town's entire code enforcement file for **Case No.** as a composite exhibit to be admitted as evidence to further support a finding of violation for **Code Section(s)**.

9) The Code Compliance Division recommends that the Special Magistrate find that the Respondent has violated **[Code Section(s)]** and that the violation is a repeat violation. Based on the gravity of violation, the action taken by the Respondent to correct the violation, and previous violations by the Respondent, it is recommended that the Respondent be charged a fine not to exceed **\$ Fine Amount** per day/per violation for each day the violation continues to exist. It is also recommended that costs incurred by the Code Compliance Division in the amount of **Cost** be assessed and ordered to be paid to the Town.

Case Presentation Outline for BTR Violation

Date Prepared: **Date**

- 1) Case Number: **Case Number**
- 2) Respondent Name(s): **Owner Name Line 1**
Owner Name Line 2
- 3) Property Address: **Property Address**, Loxahatchee Groves, FL
- 4) This case was established based on: **Complaint/NI** for violation(s) of the following code section(s): **[List relevant codes]**.
- 5) A Courtesy Notice was sent to the respondent via **first class mail** on **Date**.
- 6) The Courtesy Notice gave the respondent **Number** days to correct the violation(s).
- 7) On **Date**, the property was inspected (and/or records were reviewed), which found **Inspection Results**. Because the Respondent failed to correct the violation within the timeframe given in the courtesy notice, a notice of violation and hearing was issued.
- 8) Correction Date was: **Date**
- 9) The **NOV and NOH** was served by:
 - ☐ certified mail to Respondent(s):
 - ☐ hand delivery to Respondent(s); or
 - ☐ leaving the notice at Respondent's usual place of residence with a qualified recipient and informing the Recipient of the contents of the notice.
 - If the Respondent is a commercial premise, service was effectuated by:
 - ☐ certified mail to registered agent; or
 - ☐ leaving the notice with a manager or other person in charge of the commercial premises.
 - In addition, on **date**, the Notice of Violation and Notice of Hearing was posted at the following locations:
 - ☐ property address above; and
 - ☐ Town Hall, 155 F Road, Loxahatchee Groves, FL 33470.

*The posting at the above locations began on **Date** and continued for at least ten (10) calendar days.

An affidavit of service is included in the code enforcement file.

The correction date on the NOV and NOH was **Date**.

- 10) An initial inspection and records check was conducted on **Date**, which found that no Business Tax Receipt had been applied for or issued and therefore the property was in violation of Town Code section(s): **Code Sections/violation**.
- 11) On **Date** property was reinspected and an additional records check was done, which found **Inspection Results**.

12) Photographs were taken that fairly and accurately represent the condition of the property at the time they were taken. Each photograph is time-stamped and dated reflecting the date and time **I** took the photographs. Copies of the photographs are included in the code enforcement file.

13) Staff attempted to contact Owner/Representative: **Contact with Owner.**

14) In addition to my testimony, I offer the Town's entire code enforcement file for **Case No.** as a composite exhibit to be admitted as evidence to further support a finding of violation for **Code Section(s).**

15) The Code Compliance Division recommends the Respondent(s) be found in violation of Code Section: **[indicate relevant code sections]**

It is recommended that the Respondent be ordered to do the following **within 30 days** of the date of this hearing:

1. Obtain the required Business Tax Receipt, **including the payment of any delinquency fee owed under sections 22-135, if applicable;** and
2. Pay administrative costs in the amount of **\$costs.**

If the Respondent fails to comply with the order within 30 days of the date of this hearing, the Town Requests that the Respondent be ordered to pay a fine of \$250 per day until full compliance is achieved.

Case Presentation Outline - Fine Assessment Hearing

- 1) Case Number: **Case Number**
- 2) Respondent Name(s): **Owner Name Line 1**
Owner Name Line 2
- 3) Property Address: **Property Address**, Loxahatchee Groves, FL
- 4) The Violation Hearing Date was on: **Date**
- 5) The Respondent was ordered to correct the violation of Code Sections: **Code Sections/Violation** on or before **Date** or pay a fine not to exceed \$ **amount Per Day/Per Violation**. The Order also scheduled a Fine Assessment hearing on **Date** if the Respondent did not timely correct the violation.
- 6) Proper notice of the fine assessment hearing was effectuated by:
 - ☐ certified mail to Respondent(s);
 - ☐ hand delivery to Respondent(s); or
 - ☐ leaving the notice at Respondent's usual place of residence with a qualified recipient and informing the recipient of the contents of the notice.

If the Respondent is a commercial premise, service was effectuated by:

 - ☐ certified mail to registered agent; or
 - ☐ leaving the notice with a manager or other person in charge of the commercial premises.

In addition, notice was posted at the following locations:

 - ☐ property address above; and
 - ☐ Town Hall, 155 F Road, Loxahatchee Groves, FL 33470.

*The posting at the above locations began on **Date** and continued for at least ten (10) calendar days.
- 7) On **Date** property was reinspected, which found **Reinspection Results**. *[NOTE: For permit cases, confirm no permit issued and update the magistrate as to the status of the application.]*
- 8) Photographs were taken that fairly and accurately represent the condition of the property at the time they were taken. Each photograph is time-stamped and dated reflecting the date and time **I** took the photographs. Copies of the photographs are included in the code enforcement file.
- 9) Staff attempted to contact Owner/Representative: **Contact with Owner**.
- 10) In addition to my testimony, I offer the Town's code enforcement file for **Case No.** as a composite exhibit to be admitted as evidence to further support a finding of violation for **Code Section(s)**.
- 11) The Code Compliance Division recommends the Respondent be found violation of the violation Order dated **date** and therefore Respondent be assessed a fine as provided for in the Order in the amount of **\$amount** per day/per violation commencing on **date**, and costs in the amount of **\$amount**.

**TOWN OF LOXAHATCHEE GROVES, FLORIDA
CODE COMPLIANCE DIVISION**

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA,**

Petitioner,

vs.

CASE NO.

**Owner Name Line 1
Owner Name Line 2**

Respondent(s)

_____ /

AFFIDAVIT OF COMPLIANCE

_____, Code Compliance Officer for the Town of Loxahatchee Groves, Florida, (“Officer”), after being duly sworn, says:

1. On _____, the Code Compliance Division presented a code violation case before the Special Magistrate for the Town of Loxahatchee Groves (“Special Magistrate”) concerning property owned by _____ (“Property Owner”) at **property address, parcel control number, legal description** (“Property”).
2. Based on competent substantial evidence, the Special Magistrate found the Property was in violation of the Town of Loxahatchee Groves Code of Ordinances for _____.
3. Based on the Special Magistrate’s findings and conclusions of law, the Special Magistrate ordered the Property Owner to take certain corrective action before _____.
4. Code Compliance Officer _____, conducted a reinspection of the property on _____.
5. The re-inspection revealed that the Property Owner has taken all corrective action ordered by the Special Magistrate and all violations cited in the above referenced case are in compliance as of the date of this affidavit.
6. This Affidavit of Compliance only attests to the property’s condition on **date** and does not constitute a relinquishment or satisfaction of lien or proof of payment of any cost or fine which may have accrued pursuant to Section 162.09, Florida Statutes, for any period of non-compliance.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above.

Code Compliance Officer

Date

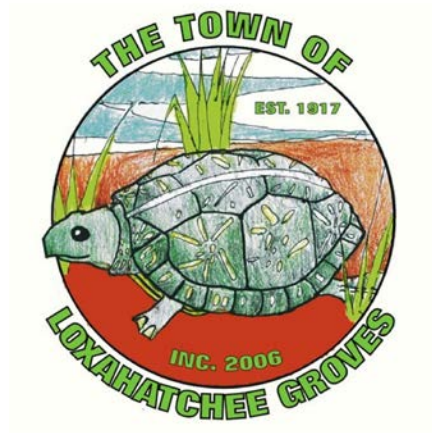
STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to and subscribed before me by means of [] physical presence or [] online
notarization, this _____ day of _____, 20____, by _____.

Notary Public, State of Florida
My Commission Expires:

Personally Known _____OR Produced Identification _____
Type of Identification Produced: _____

Town of Loxahatchee Groves



Code Compliance

Standard Operating Procedures

Code Compliance Department
155 F Road
Loxahatchee Groves, Florida

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APPENDICES

PURPOSE AND PHILOSOPHY

The purpose of Code Compliance is to achieve voluntary compliance from residents and businesses within the Town of Loxahatchee Groves who are in non-compliance with the Unified Land Development Code (ULDC) and/or with provisions of the Town's Code of Ordinances (the Code). This Standard Operating Procedures ("SOP") provides an overview of the Code Compliance function and the policies and procedures for correcting incidents of non-compliance. It may be updated with additional policies and procedures from time to time as the Town's regulations, values and goals shift.

This manual is a tool for Code Compliance Officers ("Compliance Officer") to help achieve compliance and guide general staff on processing code cases. It contains best business practices and are intended to be aspirational and not mandatory despite the use of the words "must" or "shall." Code Officers use various techniques to ensure compliance with Town, state and local laws related to building, zoning, health, safety, property maintenance, and other regulations. The goal is to get voluntary compliance from residents.

Many residents and business owners may not be aware they are in non-compliance. Providing outreach and educational information for the resident, property owner and business owner is the first opportunity to achieve voluntary compliance. Educational outreach is critical for achieving voluntary compliance. Assisting residents in violation with the process toward compliance is paramount.

Each case is unique, and a single solution does not always fit all situations.

Code compliance should take a positive rather than punitive look at circumstances and embrace a more holistic approach partnering as much as possible with the community—keeping all stakeholders aware of progress and challenges. As much as possible community input should be considered in reviewing goals and objectives. A measured and transparent approach recognizes the importance of:

- **Compliance:**
 - *Improved Life, Health, and Safety:* Ensures the well-being of the community.
 - *Increased Sense of Community and Civic Pride:* Builds community spirit and pride.
 - *Increased Respect for Community and its Public Image:* Enhances the Town's reputation.
 - *Improved Quality of Life:* Creates a better living environment.
 - *Improved Land Values:* Raises property values.
 - *Decreased Nuisances:* Reduces public disturbances.
- **Education and Outreach:**

- *Public Education*: Teaching residents and business owners about the Town's Code enforcement process and ordinances can lead to immediate compliance.
- *Communication Methods*: Utilize social media (Facebook, Next Door), mass mailings, and face-to-face discussions.
- *Neighborhood Improvement Program*: Engage with property owners to discuss compliance.
- **Enforceable Town Codes**
 - Clear, not confusing codes, with objective standards and defined terms leaving less room for disputes
 - Code terms are set forth in a logical location, and are easy to find and administer
 - Timely provisions to prevent/address the Town's current challenges
 - Updated to reflect current State laws and policies
 - Trained Code Compliance Officers that understand the community and its code
- **Ethical Standards:**
 - Code Compliance staff should be ethical, firm, fair, and friendly.
 - The Florida Association of Code Enforcement (FACE) defines the goal of Code Compliance Officers as safeguarding lives and property and respecting the Constitutional rights of all community members.
 - Compliance Officers should model professional behavior, be accountable, make unbiased decisions, and maintain public trust.
- **Positive Approach:**
 - Code compliance should take a positive rather than punitive look at circumstances.
 - Embrace a holistic approach by partnering with the community.
 - Keep all stakeholders aware of progress and challenges.
 - Consider community input in reviewing goals and objectives.
- **Training**
 - Instill proper techniques for dealing with the public to achieve compliance.
 - Continue training and education to improve compliance processes.
 - Certification and training sessions are available through FACE.
 - Maintain a professional appearance and demeanor.
 - Handle situations with understanding, care, and concern.
- **Success Relies Upon:**
 - *Clear Roles and Responsibilities*: Define the duties of all involved.
 - *3-Step Process*: Educate, encourage, enforce.
 - *Open, Clear, and Continuous Communication*: Keep lines of communication open.
 - *Transparency and Technology*: Use modern tools for efficient compliance.

- **Consistency and Strategy:**

- Build consistency over time while maintaining realistic community standards.
- Use a mixture of proactive and reactive strategies.
- Consider the use of the two paths under FS 162 depending on circumstances: Traditional Warnings/Notices to property owners and/or Civil Citations to both property owners and contractors.

Code Compliance in Loxahatchee Groves strives to ensure a safe, clean and lush rural community by fostering voluntary compliance through education, ethical compliance, and community engagement. This manual is a guide for Compliance Officers to achieve these goals effectively and efficiently.

CHAPTER 1

1.0 Workflow and Case Management

While each code enforcement case is unique, our process is the same for all cases:

- *Case Initiation:* Code cases begin with complaints or life, health, safety observations by Code Officers.
- *Communication and Education:* Educate the property owner or business about the violation and provide an opportunity for voluntary compliance by issuing a verbal warning or written courtesy notice.
- *Enforcement Actions:* If voluntary compliance is not achieved, issue notice of violation and schedule code enforcement hearing; record all actions taken in the case file.
- *Follow-Up and Documentation:* Follow up to ensure compliance; document all steps taken in the process, including communication, notices, and any fines or costs.
- *Resolution:* Achieve compliance through voluntary actions or enforcement measures. Close the case once compliance is verified.
- *Checklist:* see attached Appendix B for a code enforcement checklist.

1.1 Identifying and Prioritizing Code Cases

The Town aims to preserve the rural lifestyle of the community. With its limited resources and large footprint to cover, prioritizing cases is critical. While citizen complaints are the primary means of identifying potential code cases, the Town explicitly focusses on health, safety and welfare including incidents causing environmental harm. Nuisances and other property maintenance issues without the risk of immediate harm are a very low priority for the Town.

Code Officers generally do not self-initiate cases or proactively patrol the Town, unless a specific code section has been approved by the Council to be proactive or if the violation is a hazard and concern to the life, health, safety, and/or welfare of the community.

1.2 Complaints

The Town's Code Compliance is complaint driven at the direction of Town Council. When making a code complaint, the individual must provide their name and address for the Code Officer to initiate a code investigation. As of July 1st 2021, individuals making a code complaint are required to provide their name and address for the alleged complaint to be investigated pursuant to Section 162.06 (1)(b), Florida Statutes:

A code inspector may not initiate enforcement proceedings for a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the respective local government before an enforcement proceeding may occur. This paragraph does not apply if the code inspector has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

Anonymous complaints and/or complaints providing false or misleading information will not be considered.

1.3 Types of Violations

- Health and Safety Hazards:
 - Examples include:
 - Improper disposal of hazardous materials.
 - Unsanitary living conditions or commercial food preparation.
 - Pest infestations.
 - Unsafe electrical or plumbing systems.
 - Strict enforcement of these hazards ensures the health and safety of residents and the cleanliness of the environment.
- Building Code Violations:
 - Building codes ensure safe and habitable structures. Violations include:
 - Constructing buildings that are not permitted, such as sheds in restricted areas.
 - Failing to follow electrical or plumbing codes during building or remodeling.
 - Non-compliance with fire safety measures.
 - Failing to meet accessibility standards.
 - Substandard construction poses risks to residents and visitors, and enforcement ensures compliance with local, state, and federal regulations.
- Zoning Violations:
 - Zoning laws regulate land use and development to ensure healthy growth.
 - Violations include:

- Operating a business in a residential neighborhood.
- Making unapproved building modifications.
- Exceeding height restrictions.
- Enforcing these laws protects the Town's neighborhoods and business areas, maintaining the intended character of the community.

1.4 Quality Service with Complete and Accurate Records

All complaints should be digitally recorded. Each case should be assigned a case number and identify whether the matter is an incident under investigation, a non-compliance issue in a courtesy period or has become a violation.

- Ensure quality service, standardized information, transparency and required recordkeeping.
- Maintain detailed and organized accurate and complete records.

1.5 Case Files

A case file should be created for each incident and violation (both hard copy and electronically) and should contain the following:

- Property Details
 - Property Appraiser's Page (PAPA) Information: Includes ownership details and aerial photographs from Property Appraisers or MyGeoNav.
 - Proof of Ownership: Additional documents showing ownership not available via PAPA (e.g., deeds, official records).
 - Sunbiz Printout: If the case involves a business, corporation, or LLC.
 - Cover Sheet: Completed with property owner information.
 - The Code Officer must verify ownership using the Palm Beach County Property Appraiser Website and conduct an inspection. Both the owner and resident occupying the property must receive notices.
- Notices and Communications
 - Case File Activity Worksheet: Contains detailed case notes by Admin staff and/or Code Officer. Every contact with property and property owner should be documented. Each time the file is reviewed, document the date it is reviewed and the reason for the review.
 - Copies of All Notices: Sent or posted, such as Courtesy Warning Notices, Notices of Violation, and Notices of Hearing. Notices must meet Florida Statutes 162 requirements.
 - Photographic Evidence of Notices:
 - Photos of notices posted on the property or at Town Hall.
 - Notices must be posted at visible and secure locations, preferably at the main entrance.

- Use plastic document protectors and tape to shield notices from weather damage.
- Take photographs of posted notices, including wide shots for location context and close-ups for legibility.
- Photographs should be date and time-stamped to reflect the date and time it was taken.
- Photographs should be clear and accurately represent the image being captured.
- Correspondence: Include all written or email exchanges during the investigation.
- Proof of Service
 - Certified Mailing Process:
 - All Notices of Violation (NOVs), Notices of Hearing (NOHs), and related documents must be sent via certified mail with USPS tracking.
 - Enter tracking numbers into the Delivery tab in Gov-Easy for accurate tracking.
- Documentation and Filing:
 - Retain certified mail receipts, green cards, and delivery confirmations in the paper case file.
 - Upload scanned copies of these documents to the corresponding electronic case file in Gov-Easy.
- Affidavits of Service (AOS):
 - Complete an affidavit for each notice sent and posted, detailing the method and date of service.
 - Include USPS tracking, posting details, and supporting photographs.
 - Store affidavits in both electronic and physical files.
- Evidentiary Materials
 - Photographs of Violations: All photos documenting violations.
 - Related permits, calculations and maps.
 - Evidence Presented at Hearings: Copies of regulations cited or submissions by either party.
- Administrative Documentation
 - Cost Recovery Sheet: Detailed records of costs incurred during the investigation.
 - Affidavits of Compliance (AOC): If compliance was achieved before a violation hearing.
 - Affidavits of Compliance (AOC): If compliance was achieved after the violation hearing.
 - Process Notes: Document reasons for any changes or delays in the investigation process.
- Magistrate Meeting Materials
 - Hearing Agenda: Complete agendas prepared for hearings.

- Magistrate Orders: Includes Violation Orders, Orders of Continuance, and Fine Assessment Orders.
- Materials Presented at Hearings: Include all evidence and supporting documentation.
- Invoice Information
 - Invoices: Include payments for expert witnesses, consultants, or other professionals engaged in the case.
- Record of Liens and Releases
 - Lien Filings: Official records of liens filed with the County.
 - Release of Liens: Documentation of lien release after fines or fees are satisfied

1.6 Manual Procedures for Case Management

- An Excel Spreadsheet /Manual Process is maintained for the following:
 - Cases prior to 2022
 - voicemails, emails, other messages, etc.
 - Specific mailings (canal bank obstructions, site triangles, RV/rental registrations, livestock waste, containerized solid waste collection, etc.)
- The Code Officer will enter all code actions taken towards voluntary compliance in the Excel Spreadsheet Loxahatchee Groves has established for case management and case tracking purposes.
- A physical file and a digital file stored in Town Docs or Dropbox will be maintained for manual cases.

1.7 Case Management with Gov-Easy

- Case Creation in Gov-Easy:
 - Each incident, courtesy letter and Notice of Violation (NOV) must have an active investigation case opened in Gov-Easy, and a unique case number assigned.
 - If a property does not exist in Gov-Easy:
 - Create a temporary case to generate a case number.
 - Delete the temporary case but retain the assigned number for reference.
 - Maintain a physical file and a digital file stored in Town Docs or Dropbox for manual cases.
- Owner Information Updates in Gov-Easy:
 - Cross-reference property owner details with the Property Appraiser's Page (PAPA) to ensure the most accurate and up-to-date mailing address is used for notices.
 - Update the owner record in Gov-Easy if discrepancies are found between the system and PAPA records.
- Electronic File Organization:
 - Use standardized naming conventions for easy file retrieval, e.g., [Case Number]_[Document Type]_[Date].

- All documents, correspondence, and evidence related to the case must be scanned and uploaded into the corresponding case record in electronic case file.
- Each case file shall have a duplicate electronic file housed in Town Docs under the Code Compliance folder and as per Town Clerk's procedure.
- All orders issued by the Magistrate shall be scanned and placed in the electronic file.

1.8 Modernizing Compliance with Technology

- Mobile Applications:
 - Empower officers in the field with mobile tools for:
 - Uploading photos and documentation in real-time.
 - Entering case details directly into the centralized system.
 - Generating reports on-site to reduce paperwork and improve efficiency.
 - Benefits include:
 - Streamlined inspections and quicker resolution times.
 - Up-to-date recordkeeping accessible to both field officers and office staff.
- Geographic Information Systems (GIS):
 - Leverage GIS for spatial analysis and enhanced resource allocation by:
 - Identifying patterns and clusters of code violations.
 - Prioritizing inspections based on high-violation areas.
 - Offering municipal leaders insights into underlying community trends that may require intervention.
 - Integration with code enforcement software provides a comprehensive, real-time view of violations town-wide.
- Data Management Systems:
 - Centralize the management of code enforcement data to:
 - Organize, track, and analyze case information efficiently.
 - Generate reports and dashboards that display real-time updates on violations and outcomes.
 - Enable trend analysis to inform strategic decision-making and foster accountability.
 - Public-facing dashboards can build trust by allowing residents to view enforcement progress transparently.
- Resident Engagement and Digital Notifications:
 - Develop a resident-friendly mobile app for:
 - Reporting violations with uploaded evidence (e.g., photos).
 - Tracking case progress from submission to resolution.
 - Automate digital notifications via email or SMS to:
 - Update residents on case statuses, deadlines, and hearing schedules.
 - Ensure timely communication and transparency.

- Standardize workflows and case management through digital platforms for electronic records, ensuring every case has a digital file accessible to all stakeholders.
- ***Include step-by-step instructions for using the system to minimize errors---please insert what we need here much in same way it is done for Gov Easy only make it better!!!!***

1.9 Public Records

All Code Case files are subject to public records requests.

CHAPTER 2

2.0 Complaint/Incident

In accordance with Section 14-1 of the Town Code of Ordinances, Code Enforcement Officers must use and comply with the provisions of Chapter 162, Part I, Florida Statutes for its code enforcement actions and procedures. In addition, Code Enforcement Officers may use supplement code enforcement procedures through county court procedures as authorized in Chapter 162, Part II, Florida Statutes. Such supplemental procedures include the use of civil citations, which is separately discussed in Chapter 9 of this SOP.

2.1 Case Initiation and Inspection

Inspections may involve accessing the property or a neighbor's property with permission, taking pictures/videos and talking through code requirements to the extent possible with property owner(s) and neighbors so that the Town's process is not weaponized between residents.

Follow up inspections are required to confirm compliance and are performed throughout the process from warning to notice of violation, prior to each hearing, and in order to release lien/issue Affidavit of Compliance.

2.2 Warning Process/Courtesy Notice

Voluntary compliance is the Code Department's main objective.

- If a violation is found based on inspection, a Written or Verbal Warning or Written Courtesy Notice may be issued upon identifying a violation that does not pose an immediate threat to health or safety. The notice must be placed in plain view or mailed to the owner of record, giving the owner or representative of the property a reasonable time to comply.
- For simple violations, the Code Inspector may issue a verbal warning. If the property owner is not home or the Officer cannot enter the property, a doorhanger may be left on the property in plain view providing a description of the violations, contact

information for the officer and giving a reasonable time to comply as noted above. If compliance is not achieved, proceed to issue a Courtesy Notice or a Notice of Violation.

- Record doorhangers, written and/or verbal warnings as well as courtesy notices in the case log, with a reasonable compliance period.

It is imperative to note that while doorhangers, written and/or verbal warnings, and courtesy notices are an essential tool for outreach and voluntary compliance for common violations, not all violations are suitable for these tools. For example, serious violations like bringing fill into a flood hazard area without an FDA permit require more immediate and formal enforcement actions.

2.3 Notice of Violation and Notice of Hearing

If the property remains in violation after the compliance period has passed, a Notice of Violation and Notice of Hearing (NOV-NOH) may be issued. This notice must provide a reasonable time to comply , unless an immediate threat to health, life, or safety necessitates urgent action. The goal remains to secure voluntary compliance whenever possible.

The Notice of Violation and Notice of Hearing is issued as follows:

- If there is failure to comply after the Courtesy Notice period, a Notice of Violation/Notice of Hearing (NOV-NOH) may be issued by the Code Officer.
- The Code Officer must verify ownership using the Palm Beach County Property Appraiser Website.
- Each NOV-NOH must have a unique case number assigned.
- The NOV-NOH must include all legally required details as outlined in Florida Statutes 162, meeting all notification timelines and statutory requirements.

2.4 Repeat Violations

A repeat violation occurs when a property owner, previously found in violation and issued a Final Order by the Special Magistrate, commits the same violation within five years.

- Notice and Compliance Requirements:
 - Repeat violations do not require a compliance period or reasonable notice.
 - A Notice of Violation and Notice of Hearing (NOV/NOH) must be sent to the property owner, clearly indicating the case is a repeat violation.
- Fines and Hearing Process:
 - If the violation is a repeat violation, fines may begin accruing immediately upon observation of the repeat offense by the Code Officer, without a need for a reasonable time to correct the violation.
- Documentation Requirements:

- Include detailed records of the original violation, the Violation Order, proof of compliance, and evidence of the repeat offense in the case presentation to the Special Magistrate.

CHAPTER 3

3.0 Special Magistrate

The Town utilizes a Special Magistrate to preside over code case determinations, including issuing fines and directing future actions as needed. This approach is both efficient and neutral, as it eliminates the need for a quorum. The Special Magistrate is a legal professional with relevant expertise and is engaged through a contract.

3.1 Hearing Agenda and Meeting Process

- The Special Magistrate Hearing Agenda will be created by the Town Clerk or designee prior to the hearing. The agenda will be sent to the Special Magistrate, Town Attorney, and other designees as directed by the Town Manager.
- Magistrate hearings are scheduled to occur once a month, on the first Monday of each month, at 9:00 AM, at 155 F Road Town Hall. Changes to this schedule may be made under special circumstances.
- Copies of the Special Magistrate Hearing Agenda will be made available to the public for transparency.
- Town Clerk or designee is responsible to ensure notice is adequately posted.
- Magistrate hearings shall be recorded by video and audio, including publication on YouTube, to meet all criteria for public meetings and ensure accessibility.
- During the hearing, the Code Officer will present the facts of each case to the Special Magistrate, submitting all relevant evidence and providing testimony to support the case.

CHAPTER 4

4.1 Fine Mitigation Requests

- Eligibility: Fine mitigation hearings are permitted only after compliance is achieved and an Affidavit of Compliance is issued.
- Upon verified compliance of a code case that has accumulated fines and resulted in a lien, the property owner may submit an Application for Mitigation Consideration to request a hearing through the Special Magistrate Process.
- Application must be complete and include:
 - Evidence of compliance with the violation.
 - Payment of any required application or petition fees.
 - Documentation of all administrative and abatement costs incurred by the Town.

- A description of the violation(s) and dates of compliance.
- A justification for the mitigation request, including reasons for delays, efforts toward compliance, and any relevant hardships.
- Application will be reviewed by the Code Officer and Town Manager or designee to ensure all required documentation is provided and to assess eligibility for mitigation consideration. If additional information is needed, Town staff may request further details from the applicant.

4.2 Review and Recommendation to Magistrate

- Review criteria include but are not limited to:
 - gravity of the violation
 - efforts of the owner to bring the property into compliance
 - prior violations by this owner on this property or other property(ies) within the Town
 - any other relevant information, including but not limited to information that the lien reduction is or is not equitable and/or in the best interests of the Town. If additional information is needed, the Town Manager, through Code staff, may request such information from the property owner (if unknown to staff).
- The Town Manager with Code Officer make a determination as to the recommended percentage of the reduction of the lien, if any. The following factors and corresponding percentage reduction amounts in formulating a recommendation to the special magistrate on lien reduction requests.
 - Gravity of the violation (e.g., impact of the violation(s) on the public health, safety, welfare of the occupant(s), neighbors, other affected parties, and surrounding properties, impact on the environment, whether the violation was irreversible or irreparable , and other similar considerations):
 - Time taken to bring the property into compliance, calculated from the date the Notice of Violation was issued (also consider owner efforts to comply, difficulty of compliance, etc.):
 - Previous code violations by the property owner

4.3 Magistrate Determination

- Upon review of complete Application and determination as to lien reduction, if any, the case will be scheduled for a Magistrate Hearing for consideration and determination of the final amount in accordance with FS 162. No other Town employee or Town contractor/consultant shall provide a recommendation on any lien reduction to the Special Magistrate on behalf of the Town without the authorization of the Town Manager or the Town Council.
- Notify the property owner of payment terms as ordered by the Special Magistrate.
- Upon the Magistrate's decision, and after the property owner pays the mitigation amount and all administrative costs, the Town will issue and record a Release of Lien with Palm Beach County.

CHAPTER 5

5.0 Foreclosure Policy and Procedures

Section 162.09, Florida Statutes, authorizes the Town to foreclose code enforcement liens attached to non-homestead properties, as defined by Section 4, Article X of the State Constitution. The purpose of this Foreclosure Policy and Procedure is to establish a reasonable and consistent framework for the assessment of potential foreclosure lawsuits on behalf of the Town. This framework ensures consistency, fairness, and public interest alignment in all foreclosure proceedings.

5.1 Foreclosure Authority

- The Town Council has adopted a Foreclosure Policy and Procedures framework through Resolution No. 2024-___. This policy ensures a consistent and equitable approach to addressing code enforcement liens while safeguarding public interests.
- The Town Council supports the limited use of lawsuits to foreclose on code enforcement liens. To ensure consistency and fairness, the Council requires all foreclosure actions to be evaluated against a standardized policy and procedure. These measures ensure that only high-priority cases proceed, with Town Council approval required before any foreclosure lawsuit is initiated.

5.2 Key Foreclosure Activities

- Approval Process: New foreclosure lawsuits will be filed only upon approval of the Town Council.
- Evaluation Criteria: Staff will recommend foreclosure lawsuits when one or more of the following conditions are met:
 1. The property has more than \$100,000 in unpaid code enforcement fines.
 2. The property has been out of compliance for over one year.
 3. Conditions on the property pose a substantial risk to life, safety, or general welfare.
- Standardized Checklist: Staff will use a standardized checklist to evaluate potential cases.
- Notification: Property owners will receive written notice of the Town's intent to seek authorization for foreclosure.

In exceptional circumstances, Town staff may seek approval to file lawsuits in cases that do not meet the above criteria. Nothing in this policy shall preclude the Town Council from approving or directing litigation to foreclose or otherwise collect on a code enforcement lien when, in its sole discretion, such action is appropriate and in the best interest of the Town.

5.3 Approval Requirements

The Town's administrative staff is authorized to expend funds, in accordance with Town Code Chapter 2, Article V 'Purchasing,' and to take such actions as are necessary to adequately evaluate each potential new case before presenting the case to the Town Council for approval to file a lawsuit.

5.4 Foreclosure Process

- The foreclosure process may begin three (3) months from the filing of a certified copy of an order imposing fines with Palm Beach County. The Town Attorney shall be involved in this process, and shall provide the Town with the necessary guidance to navigate this process.
- Town staff will request foreclosure authorization from the special magistrate and, subsequently, seek Town Council approval before proceeding.
- Once the Orders of Foreclosure is granted by the Special Magistrate the Order may be recorded at Palm Beach County and send to the owner via certified, registered, and regular mail. (Florida Constitution, provides that homestead property shall be exempt from forced sale under process of any court).

5.5 Foreclosure Procedures

- Before presenting a foreclosure case to the Town Council, staff must complete the following steps:
 - Verify that the subject property is not a homestead, as defined by Section 4, Article X of the State Constitution.
 - Confirm that the lien has been recorded for at least three (3) months and remains unpaid.
 - Obtain a title search for the property, reviewed by the Town Attorney.
 - Identify any superior (prior recorded) liens held by other parties.
 - Use a standardized foreclosure checklist for each case, substantially in the form attached and approved by the Town's administrative staff and Town Attorney.
 - Obtain an order from the special magistrate authorizing foreclosure in accordance with Section 162.09, Florida Statutes, with written notice to the property owner.
 - Place the matter on the Town Council meeting agenda for approval.
 - Compile all notices, orders, affidavits, and supporting evidence for the case.
 - Forward a complete file to the Town Attorney for review.
 - Prepare an Agenda Item Report (AIR) for the Town Council to request foreclosure authorization.
- File Foreclosure Authorizations:
 - Submit the Magistrate's foreclosure authorization order to the Clerk of the Court for recording.

- Retain copies of all filed documents in the case file and update Gov-Easy with scanned versions.

5.6 Foreclosure Checklist

The standardized checklist ensures consistency in evaluating potential cases. Below is the form to be completed for each property being considered for foreclosure:

Foreclosure Checklist

Property being considered for foreclosure:

Owner name(s):

Owner mailing address (see Tax Collector's records):

Any other owner address that Town has notice of:

Is the property a homestead: ____ Yes ____ No

[If yes, proceed only after obtaining information from PAPA as to specific portion of property homesteaded, ascertaining if other properties are owned and working with Town Attorney. The portion of the property that is subject to homestead cannot be foreclosed.]

Does the property have a lis pendens recorded against it in an open case:

____ Yes ____ No

[If yes, do not proceed with checklist. This property is already in foreclosure.]

Is the property in compliance: ____ Yes ____ No

Current amount of lien: _____ as of _____, 20__

Daily amount of fine, if still accruing: _____

If the property is not in compliance, what condition is the property in (give details):

Owner made efforts to comply the property: ☐ Yes ☐ No

Owner has an existing hardship: ☐ Yes ☐ No

If yes, explain:

Do the conditions on the property pose a substantial risk to the life, safety, or the general welfare?

☐ Yes ☐ No

Date Town's lien was recorded: _____ Book _____ Page _____

Does Town's lien have the Town Clerk's certification: ☐ Yes ☐ No

Does code enforcement file include the following (check all that apply):

- Notice of violation/notice of hearing ☐ Yes ☐ No
- Notice of fine assessment hearing ☐ Yes ☐ No
- All certified mail return receipts and/or posting notices ☐ Yes ☐ No
- All orders (order finding violation, order assessing fine and lien, authorizing foreclosure, etc.) ☐ Yes ☐ No
- Affidavit(s) of Non-Compliance (dated beyond date set for compliance) ☐ Yes ☐ No
- Photographic evidence of violations ☐ Yes ☐ No
- Copy of recorded lien with proper certification on it? ☐ Yes ☐ No

What superior (recorded prior to Town's lien) mortgage(s) or lien(s) currently exists on the property:

Bank/Mortgagee: _____ Mortgage Date: _____ Balance (if known): _____

Bank/Mortgagee: _____ Mortgage Date: _____ Balance (if known): _____

CHAPTER 6

6.0 Lien and Fine Management

- Track all active liens and running fines in the case management system.

- Update lien records monthly, reflecting payments, accrued interest, or compliance changes.
- Maintain a centralized log summarizing lien amounts and statuses for active properties.
- Conduct quarterly reviews of active liens to determine foreclosure viability.
- Prioritize properties based on:
 - Lien amounts exceeding \$100,000.
 - Non-compliance lasting over one year.
 - Risks to health, safety, or welfare.

6.1 Metrics and Reporting

- Track performance metrics, including but not limited to:
 - Average time to compliance, both overall and for each tool or approach used.
 - Percentage of cases resolved voluntarily v. other methods.
 - Number of repeat violations.
- To accurately reflect the success of voluntary compliance efforts, Code Compliance metrics should include not only Magistrate Hearing outcomes but also the number of violations resolved through informal processes, such as Courtesy Letters, direct phone calls, or in-person meetings. A possible performance metric would be:
 - The types of violations commonly resolved through outreach versus those requiring formal hearings. The types of violations commonly resolved through outreach versus those requiring formal hearings.
- Generate monthly, quarterly and annual compliance reports for internal review and public transparency.

CHAPTER 7

7.0 Provisions for Special Circumstances

- Temporary Adjustments for Emergency Compliance Protocols:
 - Suspend non-urgent compliance efforts during hurricanes or public health emergencies.
 - Establish a priority system for health and safety violations during crises.
 - Coordination with emergency services and other agencies as necessary.
- Community Communication: Notify residents of temporary policy adjustments through email, social media, and public announcements.

7.1 Proactive Inspections and Monitoring

While the Town's code compliance function is focused on reactive enforcement based on complaints, there are occasions where pro-active enforcement is appropriate:

- In anticipation of enforcing compliance with existing code and/or for implementing new code.

- For recurring or high-priority violations, such as life-safety issues, environmental hazards, or habitual offenders.
- For monitoring specific areas or activities, such as wetland protection zones, tree removal or construction sites. For scheduled monitoring and/or as otherwise directed by Council.

7.2 Officer Development and Resources

- Training and Development:
 - Comprehensive Training Curriculum:
 - Certification programs, such as those offered by the Florida Association of Code Enforcement (FACE).
 - Annual refresher courses to stay current with legislative changes, evolving codes, and regulatory requirements.
 - Conflict resolution and communication skills to handle challenging situations effectively.
 - Training on modern inspection tools and technologies, including GIS systems, mobile applications, and digital case management platforms.
 - Field safety protocols to ensure personal safety during inspections.
 - Knowledge Requirements:
 - In-depth understanding of local building codes, zoning ordinances, health and safety regulations, and legislative updates.
 - Analytical and observational skills to identify violations, evaluate their severity, and recommend appropriate corrective measures.
- Supportive Resources:
 - Access to Expertise:
 - On-demand support from legal and technical advisors to address complex cases.
 - Opportunities for site visits and knowledge exchange with neighboring municipalities to share best practices.
 - Wellness Program:
 - Initiatives to address stress and promote mental well-being for officers handling enforcement duties.
- Equipment and Tools:
 - Provide officers with reliable, field-ready equipment, including:
 - Weatherproof tablets for efficient, real-time documentation and data access.
 - Digital measuring devices for precise assessments.
 - Body cameras for transparency and accountability.

7.3 Community Engagement Plan

The Town's rural character, with most properties being a minimum of 5 acres and often enclosed by fences, is a unique characteristic that limits the ability of Code Officers to conduct door-to-door outreach. Nonetheless, educational outreach, coupled with timely communication and proper documentation, ensures a collaborative process between the Town and residents.

- The first point of communication with residents will likely occur after a complaint is made. Code Officers should strive to contact property owners via phone, email, or in person whenever possible before issuing an NOV/NOH.
- Develop and implement a Community Engagement Plan, including:
 - Regular workshops or webinars on code compliance topics.
 - Use of social media for reminders, success stories, and educational posts.
 - Opportunities for residents to provide feedback on compliance challenges.

CHAPTER 8

8.0 Fees, Fines and Administrative Cost Transparency

- Detailed fees and fines for violations, hearings, or mitigation requests are detailed in Appendix A including:
 - Standard fine amounts for common violations.
 - Application fees for mitigation requests or appeals.
 - Lien release fees.

CHAPTER 9

9.0 Civil Citations

In accordance with Section 14-3 of the Town Code of Ordinances, Code Enforcement Officers may use supplement code enforcement procedures through county court procedures as authorized in Chapter 162, Part II, Florida Statutes. Moreover, Sections 162.03(2) and 162.13, Florida Statutes, authorize municipalities to provide other means of obtaining compliance with local codes. Such supplemental procedures and other means include the use of civil citations.

The Town's civil citation process provides for a shorter process for certain code violations wherein a special magistrate hearing is not required unless requested by the violator. The civil citation, generally, provides for (1) Issuance of a warning that provides up to 30 days to comply (unless a serious threat to health and safety); (2) If the violator fails to timely comply the violation, the code officer may issue the violator a citation which generally includes the fine amount, the date compliance is due, and the option to appeal (i.e., special magistrate hearing); (3) Ideally, the violator will comply the violation and pay the citation and the case is closed; and (4) If the violator fails to pay the citation and the does not timely appeal the citation, this failure becomes proof of the violation for proving a future repeat violation.

Appendix A: Fee and Fine Schedule

Appendix B: Forms for Use

The following appendix includes standardized forms used by Code Enforcement Officers to ensure consistency across all cases.

1. Code Enforcement Checklist
2. Notice of Violation and Notice of Hearing
3. Violation Detail
4. Affidavit of Service
5. Letter of Compliance
6. Special Magistrate Agenda
7. Outline Case Presentation – Violation Hearing
8. Outline Case Presentation – Repeat Violation
9. Outline BTR Case Presentation – Violation Hearing
10. Outline Fine Assessment Presentation – Status.Fine Assessment Hearing
11. Affidavit of Compliance

Appendix C: Records Retention Requirements

The retention periods set forth in the general records schedules are based on federal and state laws and regulations, general administrative practices and fiscal management principles. Please note that these are *minimum* retention periods.

CODE VIOLATION RECORDS: CITATION ISSUED Item #398

This record series documents code enforcement activities in response to code or ordinance violations in instances when citations were issued. Records may include, but are not limited to, evidence of verbal or written warnings, photographs, on-site inspection notes, copies of the first and second violation notices, and orders to appear. If the process continues with a

Code enforcement Board hearing or a Special Master proceeding, the records become part of the Code Enforcement Hearing Case Files. Refer to Chapter 162, Florida Statutes, County or Municipal Code Enforcement. See also “CODE VIOLATION RECORDS: HEARING CASE FILES” and “CODE VIOLATION RECORDS: NO CITATION ISSUED.”

RETENTION: 5 fiscal years after case is closed.

CODE VIOLATION RECORDS: HEARING CASE FILES Item #236

This record series consists of case files documenting code violation hearings, whether held before the Code Enforcement Board, a Special Master or other applicable hearing body or official. The series may include, but is not limited to, affidavits, exhibits, letters, photographs, orders, and any supporting documentation and working papers relating to the case. Refer to Chapter 162, Florida Statutes, County or Municipal Code Enforcement. This series also includes records of hearings of red light camera violation appeals heard by the Code Enforcement Board or Special Magistrate in accordance with Section 316.0083(1)(b)1. a., Florida Statutes, Mark Wandall Traffic Safety Program; administration; report. See also “CODE VIOLATION RECORDS” and “MINUTES: OFFICIAL MEETINGS.”

RETENTION: 5 fiscal years after case is closed.

CODE VIOLATION RECORDS: NO CITATION ISSUED Item #237

This record series documents code enforcement activities in response to code or ordinance violations in instances when no citation is issued. Records may include, but are not limited to, evidence of verbal or written warnings, photographs, onsite inspection notes, copies of the first and second violation notices, and orders to appear. If a citation is issued and the process continues to a Code Enforcement Board hearing or a Special Master proceeding, the records become part of the Code Enforcement Hearing Case Files. Refer to Chapter 162, Florida Statutes, County Or Municipal Code Enforcement. See also “CODE VIOLATION RECORDS: CITATION ISSUED” and “CODE VIOLATION RECORDS: HEARING CASE FILES.”

RETENTION: 3 anniversary years after case is closed.