

**ORDINANCE 2023-01**

**AN ORDINANCE OF THE TOWN OF MELBOURNE VILLAGE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 2, SECTION 2-18 OF THE MELBOURNE VILLAGE CODE; AMENDING THE CODE ENFORCEMENT BOARD COMPOSITION, TERMS, REMOVAL, AND ORGANIZATION; AMENDING CHAPTER 23, SECTION 23-17 OF THE MELBOURNE VILLAGE CODE; AMENDING THE TOWN REVIEW BOARD COMPOSITION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

*WHEREAS*, the Town of Melbourne Village has previously adopted Chapter 2, Section 2-18 and Chapter 23, Section 17 of the Melbourne Village Code; and

*WHEREAS*, the Town population is less than 5,000 persons, and is therefore allowed by section 162.5, Florida Statutes, to appoint a five-member code enforcement board rather than the seven board members require by current code; and

*WHEREAS*, the Town desires to reduce the code enforcement board membership from seven members to five members, and to eliminate the recommended membership experience; and

*WHEREAS*, the Town desires to reduce the town review board membership from nine members to five members, and to eliminate the composition requirements; and

*WHEREAS*, the Town Commission finds that these changes are in the best interest of the Town of Melbourne Village.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF MELBOURNE VILLAGE, BREVARD COUNTY, FLORIDA THAT:**

**SECTION 1: SECTION 2-18. CODE ENFORCEMENT BOARD CREATED; COMPOSITION; TERMS; REMOVAL; ORGANIZATION.**

(1) The Town Commission shall appoint a five-member Code Enforcement Board whose members are and have been residents of the town twelve (12) months immediately preceding appointment and shall serve without compensation. The Board shall also include one alternate member, who shall attend all meetings and may participate in discussion, but who will only vote when one of the regular members of the Board is absent. The alternate member shall be appointed to a three-year term.

(2) The initial appointments to the board shall be as follows:

- (a) One (1) member appointed for a term of one (1) year each.
- (b) Two (2) members appointed for a term of two (2) years each.
- (c) Two (2) members appointed for a term of three (3) years each.

Thereafter, any appointment shall be made for a term of three (3) years. A member may be reappointed by the town commission for one successive term. Any appointment to fill any vacancy on the board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the Chairperson, the board shall declare the member's office vacant and the town commission shall promptly fill such vacancy. Members may be suspended and removed for cause by the town commission.

(3) At the first meeting of the Code Enforcement Board the members shall elect a Chairperson and Secretary from among the board members. The presence of three (3) or more members shall constitute a quorum necessary to conduct board business.

(4) The board shall establish a schedule for regular meetings at such intervals as the board may determine, and regular meetings may be cancelled by the Chairperson if no cases are pending or necessary business is to come before the board. Special meetings may be convened by the Chairperson, or the Secretary in the absence of the Chairperson, upon giving thereof to each member of the board and the Town Clerk at least seventy-two (72) hours notice in advance.

(5) Minutes shall be maintained of all meetings and hearings held by the board, and all meetings, hearings, and proceedings shall be open to the public.

(6) The town attorney shall either be counsel to the enforcement board or shall represent the town by presenting cases before the enforcement board, but in no case shall the town attorney serve in both capacities, and in the event the town attorney acts as counsel to the enforcement board, the code enforcement officer shall represent the town by presenting cases before the board. The town commission may appoint a practicing member of the Florida Bar to represent the board when required, to be compensated by the town.

**SECTION 2: SECTION 23-17. TOWN REVIEW BOARD.**

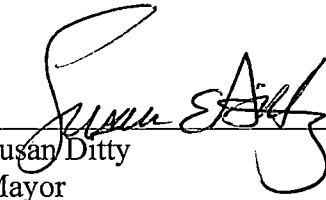
(1) The Town Review Board shall consist of five (5) members with one alternate nominated by the Mayor and appointed by the Town Commission. It shall include a Chairperson and a Secretary elected from and by the membership of the Board. The presence of three (3) or more members shall constitute a quorum necessary to conduct board business.


**SEVERABILITY:** If any phrase, clause, sentence, paragraph, section, or subsection of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections, or subsections of this Ordinance.

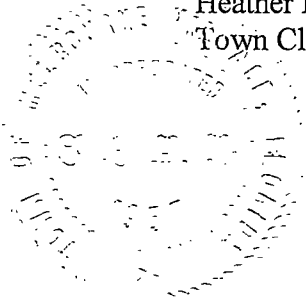
**CONFLICTS:** All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

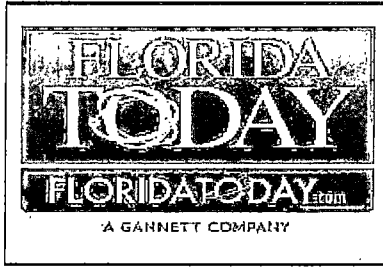
**EFFECTIVE DATE:** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND APPROVED** by the Town Commission of the Town of Melbourne Village on the first reading this 25 day of April, 2023, and upon its second reading this 23 day of May, 2023.

  
\_\_\_\_\_  
Susan Ditty  
Mayor

ATTEST:   
\_\_\_\_\_  
Heather Roberts  
Town Clerk/Treasurer





Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION Florida Today TOLL-FREE 888-516-9220 Local # 321-242-3632 Email BRELegals@gannett.com

Customer: TOWN OF MELBOURNE VILLAGE (TE)

Ad No.: 0005699212

Address: 555 HAMMOCK RD MELBOURNE FL 32904 USA

Pymt Method Invoice Net Amount 121.14

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/12/23

Text of Ad:

Ad#5699212 5/12/2023 Town of Melbourne Village Notice of Public Hearing

On May 23, at 6:30 p.m. or as soon thereafter as the matter may be heard, the Town of Melbourne Village will hold a Public Hearing at Town Hall, 555 Hammock Rd, Melbourne Village, FL 32904 on the following:

ORDINANCE NO. 2023-01

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Ordinances may be inspected by the public in the Town Clerk's Office, 555 Hammock Rd, Melbourne Village, Florida 32904. Interested parties may appear and be heard with respect to the Ordinances. Persons wishing to appeal any decision made during the hearing will need a record of the proceeding and may need to ensure that a verbatim record is made, including the testimony and evidence on which the appeal is to be based. Persons with disabilities needing assistance or an interpreter to participate in this public hearing should contact the Town Clerk, at 321-723-6300, at least 24 hours in advance of the meeting. The public hearing may be continued to a time and date certain by announcement at this scheduled hearing without any further published notice.

Heather Roberts Town Clerk

512-31-02

Handwritten signature of Heather Roberts

## TMV Town Clerk

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**From:** Gannett Legals Public Notices 3 <ganlegpubnotices3@gannett.com>  
**Sent:** Wednesday, May 10, 2023 10:48 AM  
**To:** TMV Town Clerk  
**Subject:** RE: 5699212 Legal notice to run in Florida Today on Friday May 12, 2023  
**Attachments:** OrderConf.pdf

Hi Heather,

The notice has been scheduled on May 12, 2023 in Florida Today as requested. Please see attached order confirmation and proof for your review. The reference number is 5699212. Please note the deadline for any changes to this order is TODAY at 12 p.m.

Thank you,  
Renee Lorditch  
Public Notice Representative



Office: 866-301-5578

**From:** TMV Town Clerk <townclerk@melbournevillage.org>  
**Sent:** Tuesday, May 9, 2023 4:45 PM  
**To:** LEGALS, BRE <BRELEGALS@gannett.com>  
**Subject:** 5699212 Legal notice to run in Florida Today on Friday May 12, 2023

This is a legal notice to run in column, NOT DISPLAY, on Friday May 12, 2023, in the Florida Today newspaper. Please supply confirmation of order and proof of run.

Town of Melbourne Village

Account 6TO201

321-723-8300

POC: Heather Roberts, Town Clerk

*Regards,*

*Heather Roberts*



Heather Roberts, Town Clerk/Treasurer  
**Town of Melbourne Village**  
555 Hammock Road  
Melbourne Village, FL 32904  
321-723-8300 (P)  
321-984-9219 (F)