

ORDINANCE 2024-02

AN ORDINANCE OF THE TOWN OF MELBOURNE VILLAGE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE III, SECTION 2-16 OF THE MELBOURNE VILLAGE CODE; AMENDING DEFINITIONS; CREATING SECTION 2-19 OF THE MELBOURNE VILLAGE CODE AND RENUMBERING SUBSEQUENT SECTIONS; CREATING THE OFFICE OF SPECIAL MAGISTRATE AND PROVIDING QUALIFICATIONS, AUTHORITY, DUTIES, AND POWERS, AND CLARIFYING SUCH PROVISIONS ARE SUPPLEMENTAL IN NATURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Melbourne Village has previously adopted Chapter 2, Article III, relating to Code Enforcement; and

WHEREAS, section 162.09, Florida Statutes, authorizes municipalities to appoint special magistrates to act in the same capacity as the Code Enforcement Board; and

WHEREAS, the Town finds that it is in the best interest of the town to create the Office of the Special Magistrate in order to allow for the efficient disposition of code enforcement cases; and

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

Section 1. Legislative Findings and Intent. The foregoing Recitals are hereby ratified and incorporated as findings of the Town Commission and as the legislative intent of this ordinance.

Section 2. Amending Chapter 2, Article III, Section 2-16, Town Code. Section 2-16 of the Town Code is hereby amended as follows:

Chapter 2 – Administration

Article III – Code Enforcement

SECTION 2-16. DEFINITIONS. Definitions as used in this article.

(a) *BOARD*, shall mean the Code Enforcement Board of the Town of Melbourne Village. References in this chapter to an enforcement board shall include the special magistrate if the context permits.

(b) *SPECIAL MAGISTRATE*, shall mean a person who meets the qualifications of Florida law, as contained in Chapter 162, Florida Statutes, and who meets the qualifications of this Article, and who has been duly appointed by the Town Commission to the Office of Special Magistrate.

Section 3. Amending Chapter 2, Article III, Section 2-19, Town Code. Section 2-19 of the Town Code is hereby created as follows, with subsequent sections being renumbered by the code codifier:

SECTION 2-19. OFFICE OF SPECIAL MAGISTRATE CREATED; QUALIFICATIONS AND COMPENSATION; AUTHORITY, DUTIES, AND POWERS OF THE SPECIAL MAGISTRATE; PROVISIONS SUPPLEMENTAL

(1) The office of code enforcement special magistrate is hereby created. The Town Commission may appoint as many special magistrates as it determines is necessary. The town commission may also enter into an interlocal agreement with a municipality or county to utilize the services of that jurisdiction's special magistrate or to permit another jurisdiction to utilize the services of the town's special magistrate.

(2) A special magistrate shall be a member in good standing of the Florida Bar and is an officer of the Town of Melbourne Village. The Town Commission shall appoint the special magistrate and shall approve a contract for services.

(3) A special magistrate shall have all the authority, duties, and powers of the code enforcement board provided in chapter 162, Florida Statutes.

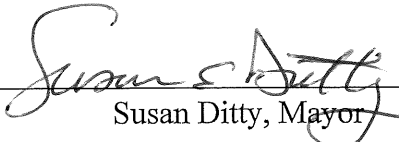
(4) The provisions of this Section are additional and supplemental means of enforcing the town code. Nothing contained in this section shall prohibit enforcement by any other means, including, but not limited to, the enforcement methods and penalties authorized by Chapter 162, Florida Statutes, or other means of enforcement provided for by law or in this code.

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 14 day of August, 2024, and upon its second reading this 27 day of August, 2024.


Susan Ditty, Mayor

ATTEST:


Heather Roberts, Town Clerk