

Resolution No. 2021- 15

1  
2  
3           **A RESOLUTION PERTAINING TO THE SUBJECT OF**  
4           **CODE ENFORCEMENT; FORMALIZING THE**  
5           **AUTHORITY OF THE MAYOR TO MAKE REFERRALS**  
6           **OF MATTERS TO BROWARD COUNTY FOR CODE**  
7           **ENFORCEMENT AT VILLAGE EXPENSE PURSUANT TO**  
8           **THE INTERLOCAL AGREEMENT BETWEEN THE**  
9           **VILLAGE AND COUNTY FOR CODE ENFORCEMENT;**  
10           **CONFIRMING THE VILLAGE COUNCIL’S AUTHORITY**  
11           **TO AUTHORIZE REFERRALS TO BROWARD COUNTY**  
12           **FOR CODE ENFORCEMENT AT VILLAGE EXPENSE**  
13           **PURSUANT TO THE INTERLOCAL AGREEMENT;**  
14           **DEFINING UNAUTHORIZED REFERRALS; AND**  
15           **PROVIDING AN EFFECTIVE DATE THEREFOR.**  
16  
17

18           **Whereas**, the Village of Lazy Lake and Broward County are parties to an Interlocal  
19 Agreement for Plan Review and Permit Inspection Services Relating to Zoning Approval and  
20 Code Enforcement dated February 27, 2018, as amended effective September 9, 2021;  
21

22           **Whereas**, this Interlocal Agreement explicitly states in Section 1.2 that “*Code*  
23 *enforcement functions, however, shall be performed by the County solely on a referral basis from*  
24 *Village;*” and,  
25

26           **Whereas**, the Interlocal Agreement requires that the Village pay for certain code  
27 enforcement services conducted by County personnel where authorized referrals have been  
28 made; and,  
29

30           **Whereas**, the Village has limited resources to pay for Code Enforcement Services and  
31 wishes to formalize a framework for how the Village intends to make case referrals to Broward  
32 County for Code Enforcement purposes;  
33

34           **NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of**  
35 **Lazy Lake, Florida, that:**  
36

37           **Section 1. Recitals.** The forgoing recitals are hereby approved.  
38

39           **Section 2. Definitions.**  
40

41           A.     Referral. The word “referred” or “refer” or “referral” means to send a matter to Broward  
42 County for Code Enforcement purposes pursuant to the Interlocal Agreement where the Village  
43 pays for the County’s code enforcement services.  
44  
45  
46

47 B. Minor Issues. These kinds of matters typically are corrected by the use of a contractor or  
48 professional service, but in some instances can be safely or properly completed by a non-  
49 professional. Typically, these matters can be corrected within a week. Examples include minor  
50 repairs, alterations, or improvements without permits where an owner/builder or maintenance  
51 permit can be issued. Other examples include minor property maintenance or trash/debris  
52 pickup, or tree abuse viewable from public right of way, or property maintenance issues which  
53 necessitate the use of special equipment operated by professionals to properly and safely  
54 complete.

55  
56 C. Significant Issues. These kinds of matters typically fall into four (4) categories. The  
57 first category concerns property condition where the issue usually cannot be corrected without  
58 plans review, permitting, evaluation, and inspections. This includes significant repairs,  
59 alterations, or improvements which most likely will require the use of a contractor or  
60 professional, where multiple inspections are likely needed, and where a Certificate of Occupancy  
61 is typically issued. The second category involves zoning use issues (i.e., residential property  
62 being used for commercial business) where the use entails customer visits to the property, and  
63 adverse traffic, noise, of other secondary effects - - but which do not pose an immediate threat to  
64 life safety or to the Community's overall health and welfare. The third category involve matters  
65 tending not to be life safety in nature at the time, but which reasonably can become life safety in  
66 nature in the future. Examples include an abandoned structure which is not dilapidated or is not  
67 unsecured, or an ongoing noise issue. The fourth category is the most serious and typically  
68 present an apparent immediate risk to life safety or to the health and welfare of the Community.  
69 Examples include but are not limited to: life safety violations under the Florida Building Code  
70 [including the fire safety code]; unsafe buildings; and matters which have a material likelihood  
71 of affecting other people or property or the public health, such as: (i) unsanitary conditions (i.e.  
72 an open sewage area), (ii) maintaining an area where putrefying solid waste exists; (iii) matters  
73 which affect storm drainage systems, the safe use of public transportation or other public  
74 infrastructure, (iv) abandoned property which appears in a dilapidated state or which is not  
75 secured, or (v) matters concerning the illegal use of property that results in immediate and  
76 significant negative secondary effects of crowd accumulation, roadway obstructions, building or  
77 fire maximum capacity concerns, or possible criminal activity.

78  
79  
80 **Section 3. Mayor Referrals.**

81  
82 The Mayor of Lazy Lake is authorized to refer matters that he or she may reasonably conclude in  
83 the exercise of good faith present Significant Issues to Broward County for Code Enforcement  
84 pursuant to the Interlocal Agreement. A referral by the Mayor pursuant to this Section 1 will not  
85 require advance consideration or approval by the Village Council.

86  
87 In recognition that the Mayor may not have all applicable facts and circumstances that might  
88 cause a concern not to be a Significant Issue, the Broward County may rely on a Mayoral  
89 Referral without the need to evaluate the severity of the matter. Further, as long as the Mayor  
90 has exercised good faith, the Mayor shall be deemed to have properly exercised his or her  
91 discretion under this Section in making or not making a referral.

93 **Section 4. Village Council Advance Consideration and Approval of Referrals.**

94  
95 In the event the Mayor of Lazy Lake reasonably concludes in the exercise of good faith that a  
96 matter is not a Significant Issue, the Mayor shall not refer such Issue to Broward County for  
97 Code Enforcement pursuant to the Interlocal Agreement without Village Council Advance  
98 Consideration and Approval.  
99

100 The Village Council may determine that a Minor Issue or Significant Issue should be referred to  
101 Broward County for Code Enforcement pursuant to the Interlocal Agreement. The foregoing  
102 determination shall be made by a majority vote, and after such vote takes place, the Mayor shall  
103 refer the Issue to Broward County for Code Enforcement pursuant to the Interlocal Agreement.  
104

105 In recognition that the Members of the Village Council may not know all of the relevant facts  
106 and circumstances affecting an Issue when a referral is authorized, as long as the Members of the  
107 Village Council have exercised good faith, they shall have been deemed to have properly  
108 exercised their discretion under this Section in determining whether to direct the Mayor to refer  
109 an Issue to Broward County for Code Enforcement pursuant to the Interlocal Agreement.  
110

111  
112 **Section 5. Unauthorized Referrals.**

113  
114 No person other than the Mayor is authorized to make a Referral of an Issue to Broward County  
115 for Code Enforcement pursuant to the Interlocal Agreement. The foregoing sentence does not  
116 prevent a person other than the Mayor from making a complaint to the County; instead, it is  
117 designed to ensure that the Village pay only for those cases which have been properly referred to  
118 Broward County for Code Enforcement pursuant to the Interlocal Agreement.  
119

120  
121 **Section 6. Effective Date.**

122  
123 This Resolution shall become effective immediately upon passage by the Village Council and  
124 signature by the Mayor.  
125

126  
127 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** this \_\_ day of September, 2021.  
128

Council Member	Voice Vote	Absent
Daniel Copher	Yea <u>✓</u> Nay <u>   </u>	<u>   </u>
Patrick Kaufman	Yea <u>✓</u> Nay <u>   </u>	<u>   </u>
Carlton Kirby	Yea <u>✓</u> Nay <u>   </u>	<u>   </u>
Ray Nyhuis	Yea <u>✓</u> Nay <u>   </u>	<u>   </u>
Jeff Grewell	Yea <u>✓</u>	

138

139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167

**SIGNED BY THE MAYOR** this 15<sup>th</sup> day of September, 2021.



\_\_\_\_\_  
MAYOR RICHARD WILLARD

ATTEST:



\_\_\_\_\_  
VILLAGE ADMINISTRATIVE ASSISTANT

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Resolution was received by the Village Administrative Assistant and entered into the Public Record this 15 day of September, 2021.



\_\_\_\_\_  
Village Administrative Assistant