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VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2019 - 03

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, ESTABLISHING
CERTAIN POLICIES WITH RESPECT TO MUNICIPAL
CODE ENFORCEMENT; PROVIDING FOR DELEGATION
OF AUTHORITY TO THE VILLAGE SPECIAL
MAGISTRATE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Village Council previously adopted Ordinance 2015-14, fully adopting the authority of "The Local Government Code Enforcement Boards Act" contained in Chapter 162, Parts I and II, Florida Statutes; and

WHEREAS, the Village has elected to utilize a Special Magistrate in lieu of a code enforcement board but also specifically retained all supplemental code enforcement procedures authorized under said Act, including the issuance of citations and initiation of civil actions to enforce its municipal codes; and

WHEREAS, the Village Council believes that it is in the best interests of the residents and visitors of the Village of Estero to enforce its municipal codes to the maximum extent permitted by law.

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida:

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution and adopted as policy findings.

Section 2. The Village Council hereby authorizes its Village Manager and Village Attorney, as well as its code enforcement staff, to pursue enforcement of Village regulations and to recover such associated costs thereto, to the maximum extent allowable by law.

Section 3. The Village Council hereby authorizes its Village Manager and Village Attorney, as well as its code enforcement staff, to negotiate settlement of code enforcement liens only where the compliance has been achieved and the Village's costs of enforcement and abatement, if any, are recovered and the Village's interest is further protected by the entry of a cease and desist order to ensure continued compliance.

Section 4. The Village Council hereby delegates authority to reduce liens imposed by the Village's Special Magistrate to the Special Magistrate, consistent with the policy directives provided herein, upon recommendation by the Village Manager and Village Attorney, or their designees. Notwithstanding the foregoing, the Special Magistrate will forward lien reduction requests where the liens exceed \$100,000 and may forward lien reduction

46 requests, with or without a recommendation, to the Village Council for their consideration
47 where the Special Magistrate finds the nature of the violation or lien reduction request warrants
48 the Village Council's attention.
49

50 **Section 5.** The Village Council hereby directs its Community Development
51 Department, to the maximum extent allowable by law, to limit the authorization of
52 development orders, as defined by §380.031, Florida Statutes, on real property which have
53 been found to be in a present state of violation, except where those development orders are
54 necessary for the resolution of the violation in question.
55

56 **Section 6.** This Resolution shall take effect immediately upon adoption.
57

58 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this
59 6th day of April, 2019.
60

61 Attest:

VILLAGE OF ESTERO, FLORIDA

62
63
64 By: Kathy Hall
65 Kathy Hall, MMC, Village Clerk
66

By: Bill Ribble
Bill Ribble, Mayor
67

68 Reviewed for legal sufficiency:

69
70
71 By: Burt H. Saunders
72 Burt Saunders, Esq., Village Attorney