

DIVISION 2. - CODE ENFORCEMENT BOARD

Footnotes:

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Cross reference— *Boards and commissions, § 2-306 et seq.*

Sec. 2-401. - Organization.

- (a) The town council shall appoint a seven-member code enforcement board and legal counsel for the board. The members shall have the qualifications and terms of office specified in this section.
- (b) Members of the enforcement board shall be residents of the town. Appointments shall be made by the town council on the basis of experience or interest in the fields of zoning and building control. The membership of the enforcement board shall, whenever possible, include:
 - (1) An architect.
 - (2) A businessperson.
 - (3) An engineer.
 - (4) A general contractor.
 - (5) A realtor.
 - (6) A subcontractor.
 - (7) A general member.

In consideration of the appointment of a general member, or if it is not possible to fill a selection from any of the other categories set forth above, the town council shall give consideration to the appointment of a member to the code enforcement board with experience in the field of public health.

- (c) In addition, the town council may appoint two alternate members for the purpose of serving in the absence of any of the board members specified above. The alternate members shall be appointed for a term of three years and shall serve in the absence of any regular member of the enforcement board. Alternate members may be appointed from the general public and need not be selected from any specific category of profession, but must be a resident of the town.

(Code 1982, § 2-177(a); Ord. No. 14-95, § 1(2-177(a)), 9-12-95; Ord. No. 15-99, § 1, 11-9-99)

State Law reference— Similar provisions, F.S. § 162.05(1)—(3).

Sec. 2-402. - Terms; removal provisions; absences; conflicts of interest.

- (a) In order that terms of office of all members of the enforcement board will not expire at the same time, the initial appointments to the board shall be staggered. Thereafter, members shall be appointed for terms of three years. A member of the code enforcement board shall not be appointed for more than two consecutive three-year terms, but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term. For members who have already served two three-year terms upon the date of the adoption of this code, they may serve one additional three-year term. The town council has the ability to waive this term limitation in the event the town council determines that it is necessary to extend the term in order to maintain the required number of persons on the code enforcement board.
- (b) All members of the code enforcement board, including alternates, serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three regularly scheduled meetings in any one calendar year. Excused absences due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the office of the chief of police in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this section.
- (c) In the event of excessive conflicts of interest during any one calendar year, the board member shall be automatically removed from the board. Excessive conflicts of interest are defined as five or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application once declared shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2013 calendar year and shall be applicable, thereafter, on a calendar year basis.

(Code 1982, § 2-177(b); Ord. No. 14-95, § 1(2-177(b)), 9-12-95; Ord. No. 15-99, § 2, 11-9-99; Ord. No. 18-04, § 6, 10-1-04; Ord. No. 13-09, § 2, 7-14-09; Ord. No. 16-2011, § 2, 9-13-11; Ord. No. 10-2013, § 1, 7-9-13)

Editor's note— Ord. No. 13-09, § 2, adopted July 14, 2009, changed the title of section 2-402 from "Terms; removal provisions; absences" to "Terms; removal provisions; absences; conflicts of interest."

State Law reference— Similar provisions, F.S. § 162.05(3).