

RESOLUTION NO. 2019-

**A RESOLUTION OF THE VILLAGE OF PINECREST,
FLORIDA, RATIFYING THE RE-APPOINTMENT OF
SPECIAL MAGISTRATES/HEARING OFFICERS
PURSUANT TO SECTION 2-141 OF THE CODE OF
ORDINANCES; PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, Section 2-141(d) of the Village Code of Ordinances requires that the mayor appoint special magistrates/hearing officers; and

WHEREAS, the mayoral appointment is subject to Village Council ratification;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA, AS FOLLOWS:

Section 1. That the Village Council hereby ratifies the mayor's appointment of the following to serve a one-year term as a Special Magistrate pursuant to the provisions of Section 2-141 of the Village's Code of Ordinances:

- Mark Buchbinder (Code Compliance)
- Michelle Delancy (Code Compliance)
- Christopher Kurtz (Red Light Hearing)
- Barnaby Min (Red Light Hearing)

Section 2. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 11th day of June, 2019.

Joseph M. Corradino, Mayor

Attest:

Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved as to Form and Legal Sufficiency:

Mitchell Bierman
Village Attorney

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Sec. 2-141. - Procedure; qualifications, appointment and removal, compensation of special magistrates.

(a)

The special magistrate process is designed as an enforcement process pertaining to homeowners and businesses of building, structural, zoning, licensing, and life safety type cases for which corrective action has not been taken. It is an expeditious and inexpensive method to resolve violations which have not been corrected after notice has been provided by the village.

(b)

For the purpose of this article, appointments of special magistrate shall be made by the mayor, subject to confirmation by the village council, as needed on the basis of experience or interest in code compliance. Appointments shall, whenever possible, include persons with zoning or construction experience. Such appointments shall be submitted to the village council for ratification.

(c)

Special magistrates shall be licensed attorneys who are not residents of the village and shall possess outstanding reputations for civic pride, interest, integrity, responsibility and business or professional ability.

(d)

Appointments shall be made for a term of one year. Special magistrates may be reappointed or removed at the discretion of the mayor, subject to ratification by the village council.

(e)

Special magistrates shall be compensated at a rate to be determined by the village council for time spent at hearings only.

(f)

If a special magistrates is removed from a case, the case may be assigned to another special magistrate.

(Ord. No. 99-1, § 2, 1-12-99; Ord. No. 2007-3, § 1, 5-8-07; Ord. No. 2012-7, § 1, 5-8-12; Ord. No. 2012-19, § 1, 11-13-12; Ord. No. 2014-02, § 2, 4-8-14)

Sec. 2-142. - Powers of special magistrate.

Under this article, special magistrates shall have the power to:

(1)

Apply the rules for the conduct of hearings adopted by the village council.

(2)

Subpoena violators and witnesses for hearings. Subpoenas shall be served by the village police department or by the village staff, or as provided by ordinance.

(3)

Subpoena evidence to hearings.

(4)

Take testimony under oath.

(5)

Assess and order the payment or reduction of fines as provided according to ordinance and statute.

(6)

Enter findings of fact, conclusions of law, and issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

(Ord. No. 99-1, § 2, 1-12-99; Ord. No. 2007-3, § 1, 5-8-07; Ord. No. 2012-7, § 1, 5-8-12)