

General Questions and Answers Concerning the Code Enforcement Process.

1. ***Q. Why do we have codes and regulations?***
 - A. Codes and regulations are adopted by the City Council of the City of Plantation in order to protect the public health, safety, and welfare of all citizens and to increase property values.

2. ***Q. What is the Code Enforcement process all about?***
 - A. The code enforcement division of the Police Department, as well as the Building, Zoning, Fire and Landscape Departments investigate alleged violations of City ordinances and seeks their correction. The procedure can result in fines up to \$250.00 per violation, per day for first time offenders and \$500.00 per violation, per day for repeat violators, as well as foreclosure against your property to collect the fine.

3. ***Q. Why is the Code Inspector prosecuting me when there are other properties down the street and next door that have violations?***

4. When a violation of City codes has been observed on a property the code enforcement officer issues a Notice of Violation; generally as violations occur throughout the community properties are cited accordingly.

5. ***Q. What is a Notice of Violation?***
 - A. This is the formal City document charging a person with a City offense. It contains a deadline for correcting the offense. The violation must be corrected by the deadline, or you risk being fined. The City is considered a “prosecutor” (a/k/a “Petitioner”) and you are considered a “defendant” (a/k/a “Respondent”). The case against you will be decided by the Code Enforcement Board or a Special Magistrate (which are referenced herein as the “Tribunal”).

6. ***Q. Must I attend the hearing indicated in the notice, even if someone at the City tells me that attendance is not necessary or that a case will be continued?***
 - A. Yes. The Code Enforcement process is adversarial and you should attend all hearings. The Code Inspector and City Staff who may discuss your case with you have no authority to waive or relinquish fines or grant extensions to the time to comply with the code or continue cases, although they may recommend to the Tribunal that this occur. Your case must be considered by the Tribunal, and only the Tribunal can grant extensions of time to comply, continue cases, or waive or reduce fines while the case is before it.

7. ***Q. Can I have my attorney represent me at a Tribunal hearing or otherwise?***
 - A. Yes.

8. **Q** *What does the Tribunal do if it determines that I have violated the Code?*
- A. The Tribunal enters a “Final Order” imposing a fine if you do not comply with the Code. The Tribunal is not required to give you additional time to comply with the Code.
9. **Q** *What happens if, after the Final Order is entered, I decide that I need more time to comply with the violation or something else occurs that might affect my case and my ability to comply with the Tribunal’s Final Order, or if I feel the fine should be suspended?*
- A. You can file a written request with the department generating the violation (i.e. Code Enforcement, Landscape or Planning and Zoning) who will then set your request for a hearing before the Tribunal. You need to attend this hearing and present any evidence you wish as to why you believe the tribunal should grant you the relief you are requesting. The Tribunal may or may not grant you any relief. These requests are called a “motion for a case status conference”. The City is not concerned with what you call your writing, just be as complete and detailed as possible in both your justifications for relief, and in exactly what relief you are requesting. You may make as many “motions” as you wish, up until the time the case is over. The case is over when the Tribunal enters a Supplemental Order/Claim of Lien (see paragraph 10 below).
10. **Q** *What do I do if I disagree with the Tribunal’s Final Order determining that I am in violation and responsible to pay a fine?*
- A. You may file an Appeal of this ruling within (30) days in the 17th Judicial Circuit Court in and for Broward County, Florida; otherwise, the Final Order will become no longer subject to judicial review.
11. **Q** *What happens if I do not comply with the Tribunal’s Final Order imposing the fine?*
- A. The case will be returned to the Tribunal for a Supplemental Order Claim of Lien hearing. The Tribunal will review your case again and may choose to grant and extension of time, or may confirm the fine. If the Tribunal confirms the fine, it will issue a “Supplemental Order/Claim of Lien”. At this point, the case before the Tribunal is formally over. When a certified copy of this document is recorded in the Broward County real property records, any property which you own in the Broward County will become subject to the claim of lien. The City will initiate litigation in Court to collect the fine by foreclosing the lien.
12. **Q** *What do I do if I disagree with the Tribunal’s Supplemental Order Claim of Lien?*
- A. You may file an Appeal of this ruling within thirty (30) days in the Circuit Court for the 17th Judicial Circuit in and for Broward County, Florida; otherwise, the Supplemental Order/Claim of Lien will no longer be subject to judicial review.

13. *Q. Can I have a fine or lien reduced after I come into compliance?*

A. Yes. The City has adopted a discretionary procedure for the reduction of fines once compliance is achieved. The City is not required to reduce fines. An Application for Fine Reduction is available at the Office of the City Clerk.

CONCLUDING OBSERVATIONS

Please contact the Code Inspector noted on the citation immediately if your property has been cited for a violation of City codes. Contacting the Code Inspector as soon as your property has been cited is important because it is at that time you can find out how to correct the problem and do so promptly before any fines accrue. It is very important that you communicate in writing with the Code Inspector throughout the entire time you are in the code enforcement process. It is also important that you communicate with the Code Enforcement Board or Special Magistrate any time when your case is being heard by them; therefore, you should attend all hearings concerning your case. Keep the Tribunals informed about your progress by using written requests for case status conferences or for extensions of time. Remember, only the Special Magistrate or Code Enforcement Board can grant you additional time to comply or grant you other relief. It is up to you to correct the violation(s) and do what you can to avoid any fines and/or liens.

The City is supplying the above information in order to educate participants in a general sense about the Code Enforcement process. Nothing stated above should be construed as legal advice, and the Respondent should consult with his (or her) attorney with respect to answering any questions he (or she) may have.