

STANDARD CODE ENFORCEMENT BOARD HEARING PROCEDURE

1. Chair calls the case number.
2. ~~Board Attorney~~ Code Enforcement Officer gives summary of case including property address, owners of record, and code section involved.
3. Board Attorney questions board members concerning ex parte communications.
4. Board Attorney asks if ~~Defendant(s)~~ Respondent(s) are present. If yes, then Board Attorney explains meeting procedure to the ~~Defendant(s)~~ Respondent(s).
5. ~~All witnesses are sworn in by Board Clerk.~~ Chair confirms that anyone wishing to testify in a case and city officials have filled out and given the *Request to Speak Card* to Board Clerk.
6. Prosecuting ~~City Official~~ Code Enforcement Officer presents case.
7. Board asks questions of City witnesses.
8. ~~Defendant(s)~~ Respondent(s) permitted to question City witnesses.
9. ~~Defendant(s)~~ Respondent(s) present defense and calls any witnesses.
10. Board questions defense witnesses.
11. Prosecuting ~~City Official~~ Code Enforcement Officer presents any rebuttal.
12. Board and ~~Defendant(s)~~ Respondent(s) question any rebuttal witnesses.
13. Chair closes evidence portion of hearing.
14. Board discusses case and makes appropriate motion:
 - i. ~~Guilty, Date for Compliance, Future Fine.~~ First Hearing on matter: **Finding in violation, Date for Compliance, Future Fine.** Motion that Board finds ~~Defendant(s)~~ Respondent(s) in violation of Code Section(s) _____, and that ~~Defendant(s)~~ Respondent(s) be given until _____ (month/day/year) to correct the violation. ~~and then~~ If the violation is not corrected by the that date, that a fine in the amount of \$_____ up to \$250 per day may be imposed for each day the violation continues beyond

the date for compliance ~~date~~.

- ii. ~~**Guilty, Compliance, No Fine, Warning.**~~ Second Hearing on matter:
(alternative 1) Finding violator has brought the property into compliance.
Motion that the Board finds Defendant(s) guilty of violating Code Section(s)
_____, that the Defendant(s) corrected the violation prior to the hearing
and that no fine is imposed warning about repeat violator status. that
Respondent(s) has brought the property into compliance in accordance with
the previous order entered by this board. Warning about repeat violations.
(alternative 2) Finding violator has not brought the property into
compliance, establishing fine. Motion that that the board find that the
violator has not brought the property into compliance as previously ordered
by this Board and that a fine of up to \$250 a day) _____ be imposed
beginning _____ (the day after compliance was due) which shall
continue until the property is brought into compliance. (Optional: Finding
that the violation constitutes a serious threat to the public health, safety
and welfare and that the City is authorized to correct the violation and
charge the Respondent(s) with any costs.)
- iii. ~~**Not Guilty, No Fine.**~~ **Violation, Compliance before hearing, No Fine,**
Warning. Motion that Board finds ~~Defendant(s) guilty of~~ Respondent(s) in
violation of Code Section(s) _____, that the Defendant(s)
Respondents(s) corrected the violation prior to the hearing, and that no fine
is imposed (warning about repeat violator status).
- iv. **No Violation, No Fine.** Motion that Board finds ~~Defendant(s)~~ Respondents(s) are not in violation of Code Section(s) _____ and that
no fine be imposed.
- v. **Repeat Violator.** Special motion required.
- vi. **Continuance.** Motion that Board continue the case to _____
(date and time certain).

VENICE MUNICIPAL CODE ENFORCEMENT BOARD
ORDER OF PROCEDURE

~~In assessing the fine, the Code Inspector shall make a recommendation to the Board considering any and all factors deemed appropriate, including but not limited to the following:~~

- ~~1- The severity of the violation, including its effect on health, safety, morals or welfare of the City of Venice.~~
- ~~2- The duration of the violation.~~

- ~~3. Any remedial efforts attempted by the violator.~~
- ~~4. Any willfulness, recklessness or apparent malice shown by the violator in violating the Code of the City of Venice.~~
- ~~5. The Code Inspector will also estimate the length of time required by the violator, using reasonable diligence, to correct the violation.~~

In determining the amount of the fine, the enforcement board shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

The Board ~~should~~ may ask questions that it believes are relevant to determining if a violation has occurred or if it has been corrected. ~~How a violation should be corrected if one is found. This should not, however, turn out to be a negotiation between the Defendant(s) and the Board, as the Board shall rely upon staff for information on how and when the violation should be decertified rather than negotiating with the Defendant(s).~~

The members of the Board should refrain from asking questions of the witness at the discussion period. The Chair, in its discretion, may reopen the public hearing if warranted. The Building Official should be questioned only as to the meaning of relevant code provisions and not as to the factual matters, unless the Building Official testifies as a factual witness.