

SECTION 1. BACKGROUND

- 1.1 The City of Ocala is governed by a five-member City Council. Four council members are elected by district and one council is elected at large each serving a four-year term. The Mayor is elected at large for a two (2)-year term. The City functions as a Council/Manager form of government with the administrative responsibilities vested with the City Manager. The City Council appoints the City Manager, City Attorney, the City Clerk, and the Police Chief.
- 1.2 The City of Ocala is the largest municipality located in Marion County located in North Central Florida. It also serves as the County seat and serves a population of 68,426 full-time residents. The City encompasses approximately 48 square miles.
- 1.3 Currently, all non-compliant code enforcement cases that have exhausted the administrative correction process are referred to the City Council appointed Code Enforcement Board or special magistrate.
- 1.4 The Code Enforcement Division is currently staffed by a Code Enforcement Manager, four Code Enforcement Officers, two Environmental Officers, two Code Enforcement Specialists, and a Site Inspector.

SECTION 2. QUALIFICATIONS SELECTION AND COMPENSATION

- 2.1 Special Magistrate shall be a member in good standing of the Florida Bar under the rules of the Florida Supreme Court. Special Magistrate may not hold any other appointive or elective office while serving as Special Magistrate.
- 2.2 Selection and compensation for the special magistrates shall be established by a resolution of the City Council and pursuant to a contract approved by City Council.

SECTION 3. TERM AND APPOINTMENT

- 3.1 This Agreement will be for an initial term of **ONE (1) YEAR**, with an optional **one (1) year** renewal.
- 3.2 Special magistrate shall serve until a successor has been duly appointment and qualified unless otherwise directed by City Council or designee.
- 3.3 Special magistrate will be required to serve once a month at City Hall (2nd Floor City Council Chamber) on the final Wednesday of the month starting at 10:30 a.m.

SECTION 4. JURISDICTION

Chapter 2, Article V. Code Enforcement of the City of Ocala Code of Ordinances

Sec. 2-403. - Jurisdiction.

(a) The enforcement board shall enforce and have jurisdiction over the following:

Chapter 10, article III (adult entertainment).

Chapter 10, article II (circuses, carnivals and exhibitions).

Chapter 10, article V, division 2 (teenage dances).

Chapter 14 (animals).

Chapter 18 (aviation).

Chapter 22, article II (fortunetellers).

Chapter 22, article III (security services).

Chapter 22, article V (sidewalk cafes).

Chapter 22, article VI (peddlers, solicitors and vendors).

Chapter 30, article II (alarm systems).

Chapter 34, article II (mosquito control).

Chapter 34, article III (rat control).

Chapter 34, article IV (nuisances generally).

Section 34-122 (abandoned or derelict vehicles) as to derelict or abandoned vehicles on private property only.

Section 34-127(b) (shopping cart identification sign required for retail establishments).

Section 34, Article VI (abandoned properties in foreclosure).

Section 34-151 (screening of storage areas for junked vehicles and equipment).

Section 34-201 (littering; use of recycling containers; removal of waste generated by owners and contractors).

Section 34-202 (distribution of handbills).

Chapter 38, article III, divisions 1, 2, 3 and 4 (fire prevention standards; fire hydrants; hazardous materials).

Chapter 50 (secondhand goods).

Section 54-5 (burial or burning of municipal solid waste or recovered materials).

Section 54-33 (collection of solid waste).

Chapter 54, article III (private collectors of solid waste).

Section 58-121 (sidewalk design and construction standards).

Chapter 58, article IV (use of city rights-of-way).

Chapter 62, article II (public service tax).

Chapter 62, article III (occupational license tax).

Chapter 70, article II (sanitary sewer system).

Chapter 70, article III (water system).

Chapter 74, (vehicles for hire).

Chapters 78 through 122 (land development regulations).

- (b) With the exception of Chapter 42, nuisance abatement board matters which shall be heard exclusively by the nuisance abatement board, the assignment of any action to either the enforcement board or the Special Magistrate for enforcement hearing and action shall initially be determined by the Building Department director or his designee.

SECTION 5. SPECIAL MAGISTRATE RESPONSIBILITIES AND AUTHORITY

- 5.1 Special magistrates are authorized to hear and decide cases involving code violations in the same manner as the code enforcement board, act as a Special Magistrate for the Contractor’s Board of Examiners and Appeals of the City of Ocala and hearing parking cases and appeals (see Section 4)
- 5.2 Special magistrates shall have the authority to hold hearings and assess fines against violators of the City's Code as designated by ordinances specifically calling for adjudication and enforcement by a special magistrate or to hear appeals as set forth in this Code. A Special Magistrate shall have the same status as the Code Enforcement Board where the Special Magistrate is designated to hear the cases involving specific code violations. This includes all the powers designated to the Code Enforcement Board, including the authority to impose fines and liens and to order foreclosure of liens, granted by statute and ordinance. Special magistrates have the power to:
 - Adopt rules for the conduct of hearings;
 - Subpoena alleged violators and witnesses for hearings. Subpoenas shall be served by officers of the Ocala Police Department, deputies of the Marion County Sheriff’s Department, or others authorized to serve process;
 - Subpoena evidence to hearings;
 - Take testimony under oath;
 - Assess and order the payment of civil penalties as provided in this Code; and
 - Issue orders having the force of law to command whatever steps are necessary to bring a violation to compliance.
 - Reduce or rescind fines and release or satisfy City of Ocala Code Enforcement liens

The Special Magistrate must follow and comply with the processes and procedures governing the Code Enforcement Division, the Code Enforcement Board and the Special Magistrate in the City of Ocala Code of Ordinances. The Special Magistrate shall comply with all state and federal governing laws.

- 5.3 Special magistrate shall be required to execute any and all orders provided in accurate and in final form by City within three (3) business days of receipt.

SECTION 6. CITY OF OCALA RESPONSIBILITIES

- 6.1 The Code Enforcement staff provides all clerical duties related to a case or hearing. The duties include preparing notices, mailouts, orders, liens, and minutes.