

**ORDINANCE NO. 2023-\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, REPEALING ARTICLE III. CODE ENFORCEMENT. OF CHAPTER 1. ADMINISTRATION. OF THE CODE OF ORDINANCES IN ITS ENTIRETY AND READOPTING THE SAME, AS REVISED; PROVIDING FOR THE REPLACEMENT OF THE CODE ENFORCEMENT BOARD WITH A SPECIAL MAGISTRATE; PROVIDING THAT REFERENCES TO THE CODE ENFORCEMENT BOARD ELSEWHERE IN THE CODE, THE NASSAU COUNTY LAND DEVELOPMENT REGULATIONS AND ANY OTHER CODES, ORDINANCES AND RESOLUTIONS OF NASSAU COUNTY, FLORIDA, ARE DEEMED REFERENCES TO THE SPECIAL MAGISTRATE; GRANTING ALL POWERS AND DUTIES AS PRESCRIBED BY FLORIDA LAW TO THE SPECIAL MAGISTRATE; PROVIDING FOR THE REASSIGNMENT OF ALL CODE ENFORCEMENT BOARD CASES TO THE SPECIAL MAGISTRATE; CONFORMING THE PROVISIONS GOVERNING THE CONDUCT OF HEARINGS, ADMINISTRATIVE FINES, COSTS OF REPAIR AND LIENS, THE DURATION OF LIENS, ABATEMENT OF NUISANCES, AND APPEALS, TO THE CORRESPONDING SECTIONS OF CHAPTER 162, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 162, Florida Statutes, the Board of County Commissioners of Nassau County (the “Board”) has the power to adopt Ordinances necessary for the exercise of its powers and to prescribe fines and penalties for the violation of Ordinances in accordance with law; and

**WHEREAS**, on January 1, 1999, the Board of County Commissioners of Nassau County, Florida, adopted Ordinance 99-02 establishing code enforcement procedures including the establishment of a Code Enforcement Board; and

**WHEREAS**, Chapter 162, Florida Statutes, authorizes the County to appoint a Special Magistrate in lieu of a Code Enforcement Board and provides that the Special Magistrate will have

the same status and powers as a code enforcement board under Chapter 162, Part 1, Florida Statutes; and

**WHEREAS**, the Nassau County Board of County Commissioners finds that the appointment of a Special Magistrate in lieu of a Code Enforcement Board will provide an equitable, expeditious, effective, and inexpensive method to enforce the County's Code of Ordinances; and

**WHEREAS**, the Board finds that, in order to better protect the health, safety and welfare of the citizens, it is necessary to further update the Code Enforcement procedures in order to conform with recent amendments to Chapter 162, Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Nassau County, Florida:

**SECTION 1.** Article III. Code Enforcement. Of Chapter 1. Administration. Is hereby repealed and readopted, as revised; providing that Article III. Code Enforcement. Of Chapter 1. Administration. Shall hereafter read as follows:

**See Exhibit "A", which is attached hereto and made a part hereof.**

## **SECTION 2. CODIFICATION.**

It is the intent of the Board of County Commissioners for Nassau County that the provisions of this Ordinance shall become and shall be made part of the Code of Ordinances of Nassau County, Florida. The sections of this Ordinance may be re-numbers or re-lettered and the words may be changed to section, article or other such appropriate word or phrase in order to accomplish such intention. The Nassau County Clerk of Courts will ensure that this Ordinance is codified into, and published, as part of the Nassau County Code of Ordinances.

### **SECTION 3. CONFLICTING PROVISIONS.**

All ordinances, or parts of ordinances, in conflict with this provisions of this ordinance are hereby repealed to the extent of such conflict.

### **SECTION 4. SEVERABILITY.**

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

### **SECTION 5. EFFECTIVE DATE.**

A certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk to the Board within ten (10) days after adoption of this Ordinance. This Ordinance shall take effect in accordance with law.

**DULY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

\_\_\_\_\_  
KLYNT A. FARMER, ITS CHAIR

ATTEST AS TO CHAIRMAN’S SIGNATURE:

\_\_\_\_\_  
JOHN A. CRAWFORD

Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

\_\_\_\_\_  
DENISE C. MAY

## EXHIBIT “A”

### **ARTICLE III. CODE ENFORCEMENT.**

#### **Sec. 1-51. Intent.**

The intent of this Article is to promote, protect and improve the health, safety and welfare of the citizens of Nassau County by the appointment of a special magistrate and the establishment of the process for the imposition of administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective and inexpensive method of enforcing County code and ordinances where a pending or repeated violation continues to exist pursuant to Chapter 162, Florida Statutes. This Article repeals and replaces all previously adopted Ordinances and Resolutions pertaining to County Code Enforcement procedures.

#### **Sec 1-52. Definitions.**

(a) Unless the context requires otherwise, the terms used in this article shall have the definitions provided under Chapter 162, Florida Statutes.

(b) As used in this article, and unless the context clearly requires otherwise, the following terms shall have the meanings herein ascribed:

(1) The term “Board” shall mean the Board of County Commissioners of Nassau County.

(2) The term “County” shall mean Nassau County, Florida.

#### **Sec. 1-53. Code enforcement board dissolved; references revised.**

The Code Enforcement Board heretofore established by the adoption of Ordinance No. 99-02 is hereby dissolved effective \_\_\_\_\_, 2023, provided all prior administrative actions, orders,

liens imposed by such Code Enforcement Board shall remain in full force and effect. No cases shall be referred to the Code Enforcement Board on or after \_\_\_\_\_, 2023. All cases remaining pending before the Code Enforcement Board as of \_\_\_\_\_, 2023, shall be transferred to the Special Magistrate. All references to the Code Enforcement Board occurring elsewhere within the Nassau County Code of Ordinances, within the Nassau County's Land Development Code and within any other codes, ordinances and resolutions of the Board shall hereafter be deemed to refer to the Special Magistrate under the authority of this article.

**Sec. 1-54. Special magistrate appointment.**

- (a) The board of county commissioners shall appoint a Special Magistrate by majority vote of the Board. The Board may appoint one (1) or more alternate special magistrates.
- (b) The Special Magistrate shall serve at the pleasure of the Board and may be suspended or removed by a majority vote of the Board.
- (c) Appointment of the Special Magistrate shall be made on the basis of experience and interest in the subject matter, in the sole discretion of the Board. A Special Magistrate must be a member in good standing of the Florida Bar.
- (d) The amount of compensation paid to a Special Magistrate shall be determined by the Board by contract.

**Sec. 1-55. Authority of special magistrate.**

- (a) The Special Magistrate shall have the same status, powers and duties as a Code Enforcement Board as prescribed in Chapter 162, Florida Statutes.
- (b) The Special Magistrate shall have the authority to:

- (1) Adopt rules for the conduct of code enforcement hearings;
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county;
- (3) Subpoena evidence;
- (4) Take testimony under oath; and
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

**Sec. 1-56. Jurisdiction of special magistrate.**

(a) Any contravention of the provisions of any code or ordinance adopted by the Nassau County Board of County Commissioners, including the abatement of an unsafe building, structure or portion thereof, is hereby declared a violation and subject to code enforcement and the jurisdiction of the Special Magistrate as set forth in this Article and pursuant to Chapter 162, Florida Statutes. The Special Magistrate shall have the jurisdiction and authority to hear and decide violations of the ordinances of the County, with the County's designated Code Enforcement Staff bearing the responsibility for the investigation and prosecution of:

- (1) Any codes, ordinances, or resolutions of the County including the County's Land Development Code;
- (2) Any condition of any development order; and
- (3) Any statute, code, rule or regulation incorporated in the County's code by reference.

(b) The authority granted herein is not exclusive and shall not prohibit the County from enforcing its code by any other legal means available.

**Sec. 1-57. Code enforcement officers.**

(a) The Board shall designate code enforcement officers. Qualifications shall be established by the Board.

(b) Any person designated as a code enforcement officer shall have the authority, pursuant to this article, to provide notice of violations and citations for violations.

**Sec. 1-58. Code enforcement procedures.**

(a) It shall be the duty of the code officer to initiate enforcement proceedings of the various codes; however, the Special Magistrate shall not have the power to initiate such enforcement proceedings.

(b) A code officer may not initiate enforcement proceedings for a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the County before an enforcement proceeding may occur. This section does not apply if the code officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

(c) Except as provided in subsections (d) below regarding repeat violations and (e) below regarding violations presenting a serious threat to the public health, safety and welfare hereinbelow, if a violation of the code is found, the code officer shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue

beyond the time specified for correction, the code officer shall notify the Special Magistrate and request a hearing. The Special Magistrate, through clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in Section 162.12, Florida Statutes, to said violator. At the option of the Special Magistrate, notice may additionally be served by publication or posting as provided in Section 162.12, Florida Statutes. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code officer, the case may be presented to the Special Magistrate even if the violation has been corrected prior to the Special Magistrate hearing, and the notice shall so state.

(d) If a repeat violation is found, the code officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code officer, upon notifying the violator of a repeat violation, shall notify the Special Magistrate and request a hearing. The Special Magistrate, through clerical staff, shall schedule a hearing and shall provide notice pursuant to Section 162.12, Florida Statutes. The case may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing, and the notice shall so state. If the repeat violation has been corrected, the Special Magistrate retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the Special Magistrate.

(e) If the code officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is



irreparable or irreversible in nature, the code officer shall make a reasonable effort to notify the violator and may immediately notify the Special Magistrate and request a hearing.

(f) If the owner of property that is subject to an enforcement proceeding before the Special Magistrate transfers ownership of such property between the time the initial notice was served and the time of the hearing, such owner shall:

1. Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
2. Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
3. Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
4. File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.
5. Failure to make the disclosures described in subsections (1), (2), and (3) hereinabove *before* the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

#### **Sec. 1-59. Notices.**

(a) All notices required by this part must be provided to the alleged violator by:

1. Certified mail, and at the option of the County, return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The County may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subsections (b) 2.a. and b. below;

2. Hand delivery by the sheriff or other law enforcement officer, code officer, or other person designated by the County;

3. Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

4. In the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a) above, at the option of the Special Magistrate or the County, notice may be served by publication or posting, as follows:

1. a. Such notice shall be published in print in a newspaper or on a publicly accessible website as provided in s. 50.0311 for 4 consecutive weeks. If published in print, the notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper in the county where the Special Magistrate is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

b. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

2. a. In lieu of publication as described in subsection (b) above, such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse or the main county governmental center in said county.

b. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

3. Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a).

4. Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

#### **Sec. 1-60. Conduct of hearings.**

(a) Upon request of the code officer, or at such other times as may be necessary, the Special Magistrate may call a hearing. Minutes shall be kept of all hearings of the Special Magistrate, and all hearings and proceedings shall be open to the public. The County shall provide clerical and administrative personnel as may be reasonably required by the Special Magistrate for the proper performance of its duties.

- (b) Each case before the Special Magistrate shall be presented by the County attorney or by a member of the administrative staff of the County. If the County prevails in prosecuting a case before the Special Magistrate, it shall be entitled to recover all costs incurred in prosecuting the case and such costs may be included in the lien authorized under s. 162.09, Florida Statutes.
- (c) The Special Magistrate shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The Special Magistrate shall take testimony from the code officer and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (d) At the conclusion of the hearing, the Special Magistrate shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in s. 162.09, the cost of repairs may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the Special Magistrate shall issue an order acknowledging

compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

**Sec. 1-61. Administrative fines; costs of repair; liens.**

(a) A Special Magistrate, upon notification by the code officer, that an order of the Special Magistrate has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the Special Magistrate for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code officer. In addition, if the violation is a violation described in s. 162.06(4), the Special Magistrate shall hold a hearing and issue an order notifying the County to make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the County to make further repairs or to maintain the property and does not create any liability against the County for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the Special Magistrate finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b) below.

(b) (1) A fine imposed pursuant to this section shall not exceed one thousand dollars (\$1000.00) per day for a first violation and shall not exceed Five Thousand Dollars

(\$5000.00) per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a). However, if the Special Magistrate finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed fifteen thousand dollars (\$15,000.00) per violation.

(2) In determining the amount of the fine, if any, the Special Magistrate shall consider the following factors:

a. The gravity of the violation;

b. Any actions taken by the violator to correct the violation; and

c. Any previous violations committed by the violator.

(3) The maximum amount of a code enforcement lien shall be no more than 35 percent of the assessed value of a property as determined by the county property appraiser at the time of the imposition of the code enforcement lien.

(4) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant

to this section runs in favor of the County, and the County may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, the Special Magistrate may authorize the County attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.

**Sec. 1-62. Duration of lien.**

No lien provided under this article shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant to s. 162.09 in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The County shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

**Sec. 1-63. Lien reduction or forgiveness procedures; application; eligibility; no right to appeal.**

- (a) Any time before the commencement of a foreclosure action, a property owner may request that the Board reduce or forgive the amount of a code enforcement lien. The request shall be submitted to Code Enforcement Department on forms provided by the

County and shall be executed under oath and sworn to in the presence of a notary public. The form shall require, at a minimum, that the applicant provide the following:

1. The mailing address, phone number, and email address for the applicant;
2. A copy of the order imposing a lien on the property;
3. The date upon which the subject property was brought into compliance;
4. The reasons, if any, compliance was not obtained prior to the date the lien was recorded;
5. The factual basis upon which the applicant believes the application for reduction of the lien should be granted and any other information, documents, or evidence which support, or which the applicant deems pertinent to, the request, including but not limited to the circumstances that exist which would warrant the reduction or forgiveness of the lien;
6. The amount of the reduction of the lien requested by the applicant;
7. Information concerning any outstanding mortgages on the property subject to the lien, including the date such mortgage or mortgages were recorded and whether the mortgage or mortgages are currently in default;
8. A certification that all ad valorem property taxes, special assessments, county utility fees, and other government-imposed liens against the subject property have and that the applicant is not personally indebted to the County for any reason;



9. A certification that all county code violations on the subject property have been corrected under necessary permits issued therefor; and
  10. A waiver of the applicant's right, if any, to seek judicial review of the Board's discretionary decision whether or not to reduce or forgive the lien.
- (b) The Board may establish by resolution a fee to be paid in advance by any party submitting an application for reduction of a lien pursuant to this Section. Such fee shall be non-refundable, without regard to the final disposition of the application, and shall be due each time an application is submitted.
- (c) No application for reduction or forgiveness of a lien may be granted if:
1. The applicant purchased the property after the date the lien was recorded. In such cases, the lien should have been identified and satisfied at the time of purchase of the property;
  2. A title insurance policy was issued at the time the property was purchased and the title insurance policy failed to identify or consider the lien. In such cases, the lien should have been discovered by the title insurer and reduction or forgiveness would serve to indemnify the title insurer against losses due to negligent examination of title;
  3. The Board has previously reduced the amount of the lien, without regard to whether the current applicant was the recipient of the previous reduction or not;
  4. Either the lien or the subject property is the subject of any pending foreclosure proceeding filed by the County or other county enforcement proceeding;

5. Any ad valorem property taxes, special assessments, county utility fees, or other government-imposed liens against the subject property are outstanding;
  6. The applicant is personally indebted to the County for any reason; or
  7. Any county code violations on the subject property have not been corrected under necessary permits issued therefor.
- (d) The Special Magistrate shall first conduct a hearing to review and consider the sworn application for the reduction forgiveness of the lien. The burden of proof shall be on the applicant to show cause for reducing or forgiving the lien. The Special Magistrate shall forward the Special Magistrate's recommendation to the Board. The Board shall then hear the request for code enforcement lien reduction. The Special Magistrate and the Board shall use the criteria set forth in section 1-61 hereinabove in evaluating a request for a reduction or forgiveness of a code enforcement lien.
- (e) Board approval of a reduction in the amount of the lien shall be contingent upon payment in full of the reduced amount within thirty (30) days of the Board approval date. Upon timely payment in full of the reduced amount, the County Attorney is authorized to execute and record, at the applicant's expense, a satisfaction or release of lien. If the reduced amount is not paid in full within thirty (30) days, the approval of the reduction shall automatically become null and void and the full amount of the lien shall remain due and payable.
- (f) If the application for reduction or forgiveness of the lien is denied, or if the application is automatically denied due to the failure of the applicant to comply with any condition

imposed by the Board or to timely pay the reduced amount, the applicant shall thereafter be barred from applying for a subsequent reduction or forgiveness of the lien for a period of one (1) year from the date of denial. During the one-year period, the lien may only be satisfied and released upon full payment of the lien, including accrued interest.

- (g) A lien is an asset of the County. Any decision or action by the Board on an application for reduction or forgiveness under this Ordinance is strictly discretionary, not quasi-judicial, and shall not constitute a final administrative order for purposes of Section 162.11, Florida Statutes. An applicant has no right to the requested reduction or forgiveness of a fine, penalty, costs, and/or lien. Due process, including the opportunity for appeal, was provided to the property owner/violator through the proceedings before the applicable Code Enforcement Body, and an application for reduction or forgiveness a lien under this Ordinance shall not constitute, or be used for purposes of, rehearing or appeal of the underlying code enforcement action or the order imposing the fine, penalty, or costs. The procedures in this Ordinance are not intended, and shall not be deemed, to create additional substantive or procedural due process rights.

#### **Sec. 1-64. Satisfaction and release of lien.**

Where a certified copy of an order imposing a fine for a code enforcement violation has been recorded in the public records and has become a lien against real or personal property, a person may apply for a satisfaction or release of such lien. Upon proof of payment of the full amount or amount as reduced by the Board, the County Attorney is hereby authorized to execute and record, at the person's expense, a satisfaction or release of lien. The Board may establish by

resolution a fee to be paid in advance by any party submitting such a request for satisfaction or release of lien, which such fee shall include the actual costs incurred by the County in processing and reviewing such a request.

**Sec. 1-65. Appeals.**

An aggrieved party, including the County, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

**Secs. 1-66 -- 1-70. Reserved.**