

ORDINANCE NO. 14- 172

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA ADOPTING A TIME-CERTAIN CODE ENFORCEMENT LIEN AMNESTY PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORIZATION OF TOWN MANAGER TO IMPLEMENT THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SUNSET OF ORDINANCE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the Town of Miami Lakes (the “Town”) to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, the Town recognizes that a lien on property and the strict application of the Town’s system of fines and penalties relating to building and land development code violations can make it difficult for a property owner to sell or refinance their property; and

WHEREAS, the Town wishes to provide property owners with a time-certain Code Enforcement Lien Amnesty Program in order to provide an incentive to and opportunity for property owners who may have outstanding code compliance violations to bring their property into compliance, to encourage the payment of outstanding fines and to allow property owners to clear their property titles; and

WHEREAS, the Town’s Neighborhood Services Department has an ultimate goal of compliance as to code violations and the Code Enforcement Lien Amnesty Program provides a reasonable time period during which property owners may take advantage of the opportunity to bring their property into compliance and rectify outstanding code enforcement liens at a reduced amount; and

WHEREAS, the Town Council of the Town of Miami Lakes has determined that it is in the best interest of the citizens of the Town to adopt this Ordinance; and

WHEREAS, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption. The Town Council hereby adopts the Code Enforcement Lien Amnesty Program Ordinance (“Lien Amnesty Ordinance”), the text of which is attached hereto as Exhibit A and which is incorporated herein by reference.

Section 3. Authorization of Town Manager and/or his designee. The Town Manager and/or his designee are authorized to implement a Code Enforcement Lien Amnesty Program. The Town Manager and/or his designee are directed to implement the necessary procedures and develop the necessary documents to give effect to the intent of this Lien Amnesty Ordinance.

Section 4. Severability. The provisions of this Lien Amnesty Ordinance are declared to be severable and if any section, subsection, sentence, clause, provision or phrase of this Lien Amnesty Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Lien Amnesty Ordinance but they shall remain in effect, it being the legislative intent that this Lien Amnesty Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Exclusion from the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Lien Amnesty Ordinance shall be excluded from the Town Code.

Section 6. Effective date. This Lien Amnesty Ordinance shall become effective Wednesday, October 1, 2014.

Section 7. Sunset date. This Lien Amnesty Ordinance shall terminate on Friday, December 31, 2015 at 12:00 p.m.

THIS SPACE INTENTIONALLY LEFT BLANK

FIRST READING

The foregoing ordinance was offered by Councilmember Tim Daubert who moved its adoption on first reading. The motion was seconded by Councilmember Frank Mingo and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	yes
Vice Mayor Manny Cid	yes
Councilmember Tim Daubert	yes
Councilmember Tony Lama	yes
Councilmember Ceasar Mestre	absent
Councilmember Frank Mingo	yes
Councilmember Nelson Rodriguez	yes

Passed and adopted on first reading this 8th day of July, 2014.

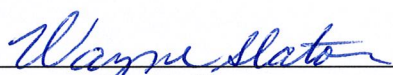
THIS SPACE INTENTIONALLY LEFT BLANK

SECOND READING

The foregoing ordinance was offered by Councilmember Daubert who moved its adoption on second reading. The motion was seconded by Councilmember Mestre and upon being put to a vote, the vote was as follows:


- Mayor Wayne Slaton yes
- Vice Mayor Manny Cid yes
- Councilmember Tim Daubert yes
- Councilmember Tony Lama yes
- Councilmember Ceasar Mestre yes
- Councilmember Frank Mingo yes
- Councilmember Nelson Rodriguez yes

Passed and adopted on second reading this 9th day of September, 2014.




Wayne Slaton
MAYOR

Attest:



Marjorie Tejeda
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT "A"

CODE ENFORCEMENT LIEN AMNESTY PROGRAM ORDINANCE

(a) Amnesty period; acceptance of applications; application fee; multiple violations; application approval.

- (1) *Amnesty program period.* Duration of the Code Enforcement Lien Amnesty Program shall be from Wednesday, October 1, 2014 to Friday, December 18, 2015 at 12:00 p.m.
- (2) *Amnesty application period.* Code Enforcement Lien Amnesty Program applications will be accepted between Wednesday, October 1, 2014 and Friday, March 27, 2015 at 5:00 p.m. by the Town of Miami Lakes Neighborhood Services Department.
- (3) *Delivery of amnesty applications.* Property owners applying to the Code Enforcement Lien Amnesty Program must complete and deliver a Code Enforcement Lien Amnesty Program application during the application period. Applications are available at Government Center or online at www.miamilakes-fl.gov. Completed applications (with application fee) may be returned in person to the Neighborhood Services Department or by mail post-marked on or before Friday, March 27, 2015 to Town of Miami Lakes, Neighborhood Services Department, 6601 Main Street, Miami Lakes, Florida 33014, or by e-mail to the e-mail address listed on the Code Enforcement Lien Amnesty Program application.
- (4) *Application fee.* Property owners applying to the Code Enforcement Lien Amnesty Program must, in addition to completing a Code Enforcement Lien Amnesty Program application, submit a \$70.00 nonrefundable application fee at the time the amnesty application is delivered.
- (5) *Procedure when multiple violations present.* Property owners with multiple code enforcement liens must simultaneously apply for a reduction on each lien on the property under the Code Enforcement Lien Amnesty Program with each lien being subject to the application fee.
- (6) *Application approval.* An application will be deemed approved when all conditions related to the Code Enforcement Lien Amnesty Program application are met in accordance with this ordinance.

(b) Ineligible liens.

- (1) A lien arising from a fine imposed pursuant to a violation of Town of Miami Lakes Code of Ordinances Chapter 12, Article III, Burglar Alarms, is ineligible for the Code Enforcement Lien Amnesty Program.
- (2) A special assessment lien and charge imposed pursuant to Town of Miami Lakes Code of Ordinances Section 16-25(2)(d), Chapter 16, Article II, Lot Maintenance, is ineligible for the Code Enforcement Lien Amnesty Program.
- (3) A lien arising from a fine imposed pursuant to a violation of Town of Miami Lakes Code of Ordinances Chapter 37, Article III, Business Tax, is ineligible for the Code Enforcement Lien Amnesty Program.

- (4) Where the Town of Miami Lakes has commenced a civil action to collect on civil penalties or to foreclose a lien, the property owner(s) will be ineligible for the Code Enforcement Lien Amnesty Program. This ordinance shall not serve as a defense against any such action or against any enforcement action brought by the Town.
- (5) Ineligible liens must be paid in full within fifteen (15) days of the Code Enforcement Lien Amnesty Program application being approved.

(c) Eligibility criteria. Property owners are eligible to apply for the Code Enforcement Lien Amnesty Program.

(d) Amnesty application approval conditions.

- (1) To obtain approval of a Code Enforcement Lien Amnesty Program application for a lien reduction, the property owner must satisfy each of the following conditions:
 - a. The property owner must complete and deliver a Code Enforcement Amnesty Program application to the Town of Miami Lakes Neighborhood Services Department with a \$70.00 nonrefundable application fee.
 - b. The property owner must complete all work and obtain any necessary regulatory approvals, such as permits and/or variances, during the Amnesty Period that may be required to bring the liened property into full compliance with the Town Code and, if necessary, the Florida Building Code.
 - c. The property owner must schedule an inspection of the liened property and obtain confirmation of compliance with the Town Code and/or Florida Building Code from the appropriate authority such as the Building Official and/or Code Inspector.
 - d. If the property owner owns other properties that have any outstanding liens within the Town of Miami Lakes, the property owner must provide proof of compliance with the Town's Code and, if necessary, the Florida Building Code for all property owned by the property owner.

(e) Lien reductions; calculation of liens; deadline for payment of reduced lien; consequence of nonpayment of reduced lien by deadline; satisfaction and discharge of lien.

- (1) *Lien reductions.* Upon compliance with the conditions set forth in this ordinance, the code compliance lien which is the subject of the Code Enforcement Amnesty Program application, shall be reduced as follows:
 - a. For non-bank-owned or non-entity-owned residential properties, the lien amount shall be reduced by eighty five (85%) percent.
 - b. For commercial properties, bank-owned residential properties, and entity-owned residential properties, the lien amount shall be reduced by seventy five (75%) percent.
- (2) *Calculation of lien.* The Neighborhood Services Department will calculate the amount of the lien and the administrative costs. Under the Code Enforcement Lien Amnesty Program, the amount of the lien will be reduced based on the date

the Code Enforcement Lien Amnesty Program application is received by the Neighborhood Services Department.

- (3) *Deadline for payment of reduced lien.* The reduced lien amount shall be paid in full within 15 days of the date of approval of the application, but in no case shall the reduced lien amount be paid after Friday, December 18, 2015 at 12:00 p.m.
- (4) *Consequence of nonpayment of reduced lien and ineligible liens by deadline.* If the reduced lien amount and any ineligible lien are not paid by the deadline stated in subsection (e)(3) above, the lien amount will revert to the original lien amount.
- (5) *Satisfaction and discharge of lien.* A satisfaction and discharge of lien shall be issued by the Town Manager and/or his designee upon the property owner's payment in full of the reduced lien amount and payment in full of any ineligible liens. The Town Manager shall not approve, compromise, or settle any code enforcement fine, whether or not it has resulted in a lien on the real property, for which the underlying violation remains uncorrected. The Town Attorney shall review and approve as to form any satisfaction and discharge of lien prior to execution of same by the Town Manager and/or his designee.

(f) Acceptable methods of payment. Acceptable payments under the Code Enforcement Lien Amnesty Program are by credit card, cashier's check, personal check, or money order made payable to the "Town of Miami Lakes."

(g) Future lien reduction requests. If a property owner has a lien placed on his or her property before or during the Application Period and fails to timely submit a Code Enforcement Lien Amnesty Program application, the property owner will be ineligible for a future lien reduction.

(h) Sunset. This Code Enforcement Lien Amnesty Program Ordinance shall terminate on December 31, 2015 at 12:00 p.m.