

ORDINANCE NO. 15-188

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING ORDINANCE NO. 14-172, THE CODE ENFORCEMENT LIEN AMNESTY PROGRAM ORDINANCE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY AND REPEAL; PROVIDING FOR EXCLUSION FROM THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SUNSET OF ORDINANCE.

WHEREAS, on September 9, 2014, the Town Council of the Town of Miami Lakes (the “Town”) passed Ordinance No. 14-172, the Code Enforcement Lien Amnesty Program (“Lien Amnesty Ordinance”); and

WHEREAS, the timeline for the Lien Amnesty Program was Wednesday, October 1, 2014 to Friday, December 18, 2015 at 12:00 p.m.;

WHEREAS, over 175 property owners have applied for the Lien Amnesty Program; and

WHEREAS, there are property owners who have timely applied for the Lien Amnesty Program and are working towards full compliance, but, due to circumstances beyond the property owners’ control, have been unable to comply with the requirements of the Lien Amnesty Program by the December 18, 2015 deadline and will therefore be unable to obtain an approval for reduction of their lien amount pursuant to the Lien Amnesty Program; and

WHEREAS, the Lien Amnesty Program is scheduled to sunset on December 31, 2015 at 12:00 p.m.;

WHEREAS, it is recommended that the Town extend the timeframe and deadlines of the Lien Amnesty Ordinance and it is further recommended that the Town grant the Town’s Building Official the discretion to determine whether a property owner has complied with the Lien Amnesty Ordinance in order to be eligible for a lien reduction pursuant to same; 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 amendments to Ordinance 14-172, 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.¹

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Lien Amnesty Ordinance are declared to be severable and if any section, sentence, clause 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 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 immediately upon its adoption on second reading.

Section 7. Sunset date. This Lien Amnesty Ordinance shall terminate on Saturday, December 31, 2016 at 11:59 p.m.

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¹ Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

FIRST READING

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

Mayor Michael A. Pizzi, Jr.	<u>YES</u>
Vice Mayor Tim Daubert	<u>YES</u>
Councilmember Manny Cid	<u>YES</u>
Councilmember Tony Lama	<u>YES</u>
Councilmember Ceasar Mestre	<u>YES</u>
Councilmember Frank Mingo	<u>YES</u>
Councilmember Nelson Rodriguez	<u>YES</u>

Passed and adopted on first reading this 1st day of December, 2015.

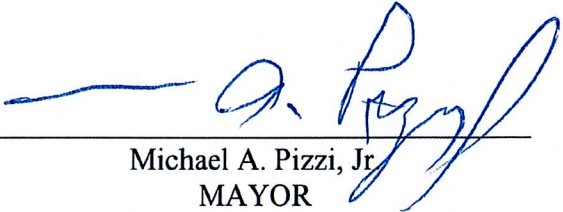
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SECOND READING

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

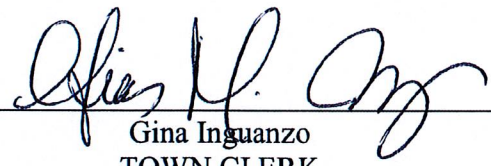
Mayor Michael A. Pizzi, Jr.	<u>yes</u>
Vice Mayor Tim Daubert	<u>yes</u>
Councilmember Manny Cid	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>

Passed and adopted on second reading this 16th day of December, 2015.




Michael A. Pizzi, Jr.
MAYOR

Attest:



Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



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

EXHIBIT "A"²

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.

² Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~. Changes in the text since First Reading are shown in double underline and ~~double strikethrough~~.

- (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. Except as specifically provided for in subsection (d)(2) of this section, 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, no later than December 18, 2015.
 - 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.
- (2) Where work requiring one or more building permits is needed in order to correct a violation subject to a lien, and where said building permit has been issued on or before December 18, 2015 but has not been closed, the Town of Miami Lakes Building Official shall have the discretion to determine whether the property owner is making a good faith effort to close the building permit and correct the violation subject to a lien, and, upon such determination, may extend the time allowed to obtain final approval of the subject Lien Amnesty Application up to and including the sunset date of this ordinance. However, in such case, the reduced lien amount must nevertheless be paid, or an approved payment plan entered into as provided in Subsection (e)(3), no later than December 18, 2015 at 12:00 p.m.

(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, ~~except as specifically provided in subsection (d)(2), but in no case shall the reduced lien amount be paid after Friday, December 18, 2015 at 12:00 p.m., or the property owner shall enter into a payment plan approved by the Town. Where a payment plan is used, it shall be in the form of a written and signed agreement, and shall provide for payment in full to be completed no later than May 27, 2016. If a property owner defaults on a payment obligation under the terms of a payment plan, any lien or liens subject to said payment plan shall revert to the original lien amount.~~
- (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 final approval of the Lien Amnesty Application, 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.~~ December 31, 2016 at 11:59 p.m.