

Ordinance No. 2016- 4391

An Ordinance of the City of Sanford, Florida pertaining to the code enforcement lien amnesty program; amending Section 26-26-141, 26-143 and 144 of the *Code of Ordinances of the City of Sanford, Florida*; providing for legislative findings; providing for implementing administrative actions; providing for a savings provision; providing for conflicts; providing for severability; providing for codification and providing for an effective date.

Be it Enacted by the People of the City of Sanford, Florida:

Section 1. Legislative Findings.

(a). The City staff report and City Commission agenda memorandum relating to this matter are hereby adopted as if fully set forth herein.

(b). The City of Sanford has complied with all requirements and procedures of controlling Florida law.

(c). The recitals set forth in Ordinance Number 2011- 4251 are hereby adopted, ratified and affirmed as are all resolutions extending the duration of the Code Enforcement Lien Amnesty Program.

Section 2. Amendment to Section 26-141, *City Code*. Section 26-141 of the *Code of Ordinances of the City of Sanford, Florida* is amended to read as follows:

Sec. 26-141. - Program duration; acceptance of applications; application fee; multiple violations.

(a). *Program Duration:* Duration of the Code Enforcement Lien Amnesty Program shall be from ~~October 1, 2014~~ January 1, 2017 to ~~September 31, 2012~~ December 31, 2020 unless extended by resolution adopted by the City Commission; provide, however, that all prior extensions are hereby ratified and affirmed.

Underlined words shall constitute additions to the original text of the *Code of Ordinances of the City of Sanford*, and ~~strike-throughs~~ shall constitute deletions to the *Code of Ordinances of the City of Sanford*.

(b). *Acceptance Of Applications:* Property owners applying to the Code Enforcement Lien Amnesty Program must complete a Code Enforcement Lien Amnesty Program application. Applications will be accepted between ~~October 1, 2014~~ January 1, 2017 until to September 31, 2012 December 31, 2020 by the Community Improvement Department. Applications are available at City Hall or online at www.sanfordfl.gov. Completed applications (with application fee) may be returned in person to Community Improvement or mailed to City of Sanford Community Improvement, Post Office Box 1788, Sanford, Florida 32772.

(c). *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 \$100.00 (One hundred dollars) non-refundable application fee.

(d). *Procedure When Multiple Violations Present.* Property owners with multiple Code Enforcement Liens must apply for a reduction on each lien on the property simultaneously under the program with each lien being subject to the application fee.

Section 3. Amendment to Section 26-143, City Code. Section 26-143 of the *Code of Ordinances of the City of Sanford, Florida* is amended to read as follows:

Sec. 26-143. - Eligibility criteria.

(a). Property must be in compliance with all City codes and ordinances in order to be eligible for the Code Enforcement Lien Amnesty Program.

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(b). Both commercial and residential properties are eligible to participate in the program.

(c). Any Municipal Special Assessment Liens or other code enforcement abatement costs must be paid in full.

~~(e). Any property that has been foreclosed on and is not in compliance may apply for a 90 (ninety) day grace period to bring the property in to compliance by paying a \$1,000.00 (One thousand dollars) application fee. If the property is in compliance within the 90 (ninety) day grace period, the code enforcement lien will be waived. If extensive repairs are required in order to bring the property in to compliance and said repairs are adequately documented in detail within the submitted application, the 90 (ninety) day grace period may be extended for up to a 12 (twelve) month grace period in order to allow for a reasonable amount of time for sufficiently documented repairs to be made and compliance consequently achieved. Any Municipal Special Assessment Liens or other code enforcement abatement costs must be paid in full at time of closing. If the property is not in compliance within the allotted grace period, the lien amount will revert to the original lien amount and the application fee forfeited.~~

Section 4. Amendment to Section 26-144, City Code. Section 26-144 of the *Code of Ordinances of the City of Sanford, Florida* is amended to read as follows:

Sec. 26-144. - Calculation of lien reductions; deadline for payment of reduced lien; consequence of nonpayment of reduced lien by deadline.

(a). *Calculation Of Lien Reductions Based On Lien Matrix.* Code Enforcement liens determined as eligible will have the benefit of the lesser of a 90%

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~~(ninety percent) reduction or maximum payment of \$2,000.00 (Two thousand dollars).~~
based on the date the Code Enforcement Lien Amnesty Application is received as follows:

(1). From January 1, 2017 thru December 31, 2017 the lessor of a 80% (eighty percent) reduction or a maximum payment of \$2,500.

(2). From January 1, 2018 thru December 31, 2018 the lessor of a 70% (seventy percent) reduction or a maximum payment of \$3,000.

(3). From January 1, 2019 thru December 31, 2019 the lessor of a 60% (seventy percent) reduction or a maximum payment of \$4,000.

(4). January 1, 2020 thru December 31, 2020 the lessor of a 50% (seventy percent) reduction or a maximum payment of \$5,000.

(b). *General Calculation Of Lien.* Code Enforcement 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 of the application, the per diem accrual amount and the lien matrix plus \$400.00 (Four hundred dollars) administrative costs. The \$100.00 (One hundred dollars) application fee will be credited toward the lien payment.

(c). *Deadline For Payment Of Reduced Lien.* The reduced lien amount shall be paid in full within 30 (thirty) days of the date of approval of the application.

(d). *Consequence Of Nonpayment Of Reduced Lien By Deadline.* If the reduced lien is not paid within 30 (thirty) days from the date of approval, the lien amount will revert to the original lien amount and the application fee shall be forfeited.

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Section 5. Implementing Administrative Actions.

The City Manager, or designee, and the City Clerk are hereby authorized and directed to implement the provisions of this Ordinance.

Section 6. Savings.

The prior actions of the City of Sanford relating to the code enforcement lien reductions, the Code Enforcement Lien Amnesty Program and matters relating thereto by the City of Sanford are hereby ratified and affirmed.

Section 7. Conflicts.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 8. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 9. Codification.

The provisions of Sections 2, 3 and 4 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Sanford, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or

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other appropriate word; provided, however, that all other sections shall not be codified.

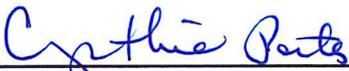
Section 10. Effective Date.

This Ordinance shall become effective immediately upon enactment.

Passed and adopted this 24th day of October, 2016.

**City Commission of the City of
Sanford, Florida**

Attest:

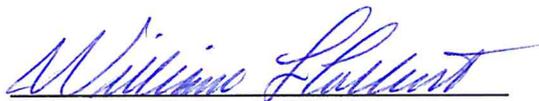


Cynthia Porter, City Clerk



Jeff Triplett, Mayor

Approved as to form
and legal sufficiency.



William L. Colbert, City Attorney

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| WS | ___ | RM | _X_ |
| Item No. | 7.A | | |

**CITY COMMISSION MEMORANDUM 16-287
OCTOBER 24, 2016 AGENDA**

TO: Honorable Mayor and Members of the City Commission
PREPARED BY: Cynthia Porter, City Clerk &
Darrel L. Presley, Director of Community Improvement
SUBMITTED BY: Norton N. Bonaparte, Jr., City Manager
SUBJECT: Lien Amnesty Program

STRATEGIC PRIORITIES:

- Unify Downtown & the Waterfront
- Promote the City's Distinct Culture
- Update Regulatory Framework
- Redevelop and Revitalize Disadvantaged Communities

SYNOPSIS:

Ordinance No. 2016-4391, amending City Code to extend the Lien Amnesty Program, is being submitted for second reading and adoption.

FISCAL/STAFFING STATEMENT:

None

BACKGROUND:

Effective Code Enforcement is accomplished through various elements of City action including, but not limited to, inspections, notices of violation, Special Magistrate hearings and ultimately the imposition of fines and liens. Code Enforcement fines are most often imposed at a set amount per day by the Special Magistrate. Should the violation not be corrected, the fines continue to accrue on a daily basis until compliance is achieved. At times, violators fail to achieve compliance for months or years. Even when compliance is achieved the violator may fail to provide payment.

Code Enforcement has the ultimate goal of voluntary compliance. On September 12, 2011, the City Commission enacted the Code Enforcement Lien Amnesty Program. The program has been successful in providing property owners an opportunity and motivation to bring their property into compliance with City Code and rectify outstanding Code Enforcement liens at a reduced cost.

To date the program has resulted in 100 properties with code enforcement liens coming into compliance and an additional 16 municipal liens being paid. The total amount of liens collected was \$171,324.

The proposed changes in the Ordinance will extend the Lien Amnesty Program to December 31, 2020, with an annually decreasing reduction on a code enforcement lien available to a property owner.

The City Commission approved the first reading of Ordinance No. 2016-4391 on October 10, 2016.

The City Clerk advertised notice of the public hearing in the Sanford Herald on October 9, 2016.

LEGAL REVIEW:

The City Attorney's office prepared the proposed Ordinance.

RECOMMENDATION:

It is Staff's recommendation that the City Commission adopt Ordinance No. 2016-4391.

SUGGESTED MOTION:

"I move to adopt Ordinance No. 2016-4391.

Attachment: Ordinance No. 2016-4391