

RESOLUTION NO. 21-08-67

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING A FINAL
EXTENSION OF THE CODE COMPLIANCE LIEN AMNESTY
PROGRAM FOR COMPLIANCE WITH CENTRAL WASTEWATER
CONNECTION AND THE VILLAGE CODE OF ORDINANCES;
AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL
NECESSARY AND EXPEDIENT ACTION; AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, Islamorada, Village of Islands (the "Village") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the code compliance liens imposed pursuant to Chapter 2 of the Village Code of Ordinances (the "Village Code") and Chapter 162 of the Florida Statutes, imposed by a Special Magistrate run in favor of the Village; and

WHEREAS, the Village Council of Islamorada, Village of Islands (the "Village Council") has the authority to execute a satisfaction or release of such code compliance liens; and

WHEREAS, on May 4, 2017, the Village Council adopted Resolution No. 17-05-32, thereby establishing the Wastewater Code Compliance Lien Amnesty Program (the "Program") effective June 1, 2017 through December 31, 2017; and

WHEREAS, the Village Council subsequently extended the Program through 2018 and 2019 through the adoption of Resolution Nos. 18-03-18, 18-06-51 and 19-01-01; and

WHEREAS, on January 09, 2020, the Village Council adopted Resolution No. 20-01-01, thereby extending the Program effective January 1, 2020 through December 31, 2020; and

WHEREAS, on December 17, 2020, the Village Council adopted Resolution 20-12-116,

thereby extending the Program from January 1, 2021 through June 30, 2021; and

WHEREAS, on July 1, 2021, the Village Council adopted Resolution 21-07-54, thereby extending the Program from July 1, 2021 through July 30, 2021, to allow the Village manager to evaluate the success of the Program and the need for further extensions thereto; and

WHEREAS, based on discussion during the July 22 Village Council meeting, the Village Manager has recommended expediting the process of settling wastewater code compliance liens for a limited period of time by extending the Program a final time from August 1, 2021 through December 31, 2021; and

WHEREAS the Village Council has determined that a final extension of the Program is in the best interest of the Village and its residents.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and incorporated into this Resolution by this Reference.

Section 2. **Approving Final Extension of Code Compliance Lien Amnesty Program.**
The Village Council of Islamorada, Village of Islands hereby authorizes the Village Manager to extend the Wastewater Code Compliance Lien Amnesty Program (the "Program") for wastewater connection violations retroactively from August 1, 2021 through December 31, 2021, attached as Exhibit "A" hereto and as set forth herein.

- a. The Program is applicable to eligible property owners who have an outstanding code compliance lien for a wastewater connection violation, regardless of when assessed.
- b. Eligible owners of residential properties will be able to settle outstanding code compliance fines or liens by (1) submittal of the Village's fine reduction application, and (2)

payment of any outstanding administrative costs and payment of a reduced amount of two percent (2%) of the outstanding code compliance fine or lien.

c. Eligible owners of commercial properties to settle outstanding code compliance fines or liens by (1) submittal of the fine reduction application for each code compliance fine or lien on the property simultaneously, and (2) payment of any outstanding administrative costs and payment of reduced amount of three percent (3%) of the outstanding code compliance fine or lien.

d. In order to be eligible for the Program, the property owner must meet all the following conditions:

1. All code compliance violations related to central wastewater connection on the subject property shall be resolved and otherwise in compliance and there shall be no other active code compliance cases with ongoing violations related to central wastewater connection on the subject property, or on any other properties owned by the property owner within the Village.

2. All Nuisance Abatement Liens on any property owned by the property owner within the Village shall be paid in full prior to being approved for participation in the Program.

3. The Lien/fine must not have been under an order of the Village's Code Compliance Hearing Officer that reduced the subject lien/fine.

4. The property owner must submit a Code Compliance Lien Amnesty Program Application and Participation Agreement for each lien on the property prior to December 31, 2021.

5. The property owner must apply for a wastewater connection permit for the subject property no later than October 31, 2021.

6. The central wastewater connection for the subject property must be completed and the permit closed by December 31, 2021.

e. After verifying that the property owner is eligible for participation in the Program, the Village Manager or his designee is authorized to approve the application and to administratively reduce the amount required to satisfy the eligible lien(s) in accordance with this section, plus the cost of lien preparation and recording.

f. If approved, the property owner must pay the Village, by a cashier's check or money order within thirty (30) days of such approval but no later than January 30, 2022, the total sum of the following: (i) the reduced value of the eligible lien(s) on the property; (ii) the full amount due for any lien that was reduced by Order of the Code Compliance Hearing Officer; and (iii) the cost of lien preparation and recording for each lien. After the property owner has paid the total sum due, the Village shall execute and record a release of the lien.

g. Failure of the property owner to pay the total sum due within thirty (30) days of approval by the Village shall result in the approved lien reduction(s) being null and void, and the property owner shall be liable for the entire face value of the lien(s) as if no reduction had ever been imposed.

h. Property owners who are accepted into the Program are not eligible to have approved matters reviewed by the Code Compliance Hearing Officer at a later date.

Section 3. Authorization of Village Officials. The Village Manager is hereby authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilman Mark Gregg, seconded by Councilman David Webb.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III	ABSENT
Vice Mayor Pete Bacheler	YES
Councilman Mark Gregg	YES
Councilman Henry Rosenthal	YES
Councilman David Webb	YES

PASSED AND ADOPTED THIS 19th DAY OF AUGUST, 2021.



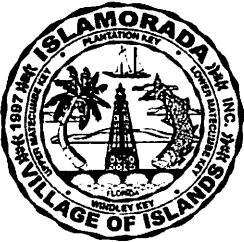
PETER BACHELER, VICE MAYOR

ATTEST:

Kelly S. Toth
KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS:


ROGET V. BRYAN, VILLAGE ATTORNEY



Islamorada, Village of Islands

WASTEWATER CODE COMPLIANCE LIEN REDUCTION AMNESTY PROGRAM

Islamorada, Village of Islands (the “Village”) has offered the Wastewater Code Compliance Lien Reduction Amnesty Program for a limited and final time-period extension from August 1, 2021 through December 31, 2021, during which affected property and business owners may take advantage of this opportunity to obtain a reduction and release for outstanding wastewater code compliance fines and liens on their property. The Village Council has determined that a program such as the lien reduction amnesty program for wastewater connection violations is a benefit to the citizens and businesses in Village. The approved amnesty program criteria will be posted on the Village web page to share the message with the affected property owners and businesses. Please take this opportunity to contact the Code Compliance Department, at 305-664-6435, to (a) identify your eligibility to settle your outstanding code compliance fines and liens and to begin by scheduling a code inspection today.

PROGRAM DURATION: Amnesty program applications will be accepted from August 1, 2021, 8:30 A.M. through December 31, 2021 at 4:00 P.M.

ELIGIBILITY CRITERIA:

1. The amnesty program will only be offered to property owners who are currently in compliance with all Village codes and ordinances in the subject code compliance case related to central wastewater system connection(s).
2. The property owner must apply for a wastewater connection permit for the subject property no later than October 31, 2021.
3. The wastewater connection for the subject property must be completed and the permit closed by December 31, 2021.
4. The property owner or approved designee must schedule a re-inspection by a code compliance inspector to ensure that the subject property is in compliance and may qualify for entry into the amnesty program.
5. The property owner must not have any outstanding wastewater connection violations or cost recovery fees on the subject property or such costs will be added to the approved lien reduction amnesty balance amount.

TERMS OF THE AMNESTY PROGRAM:

- Eligible residential property owners may settle by paying a reduced amount of two (2%) percent of outstanding fines and liens.
- Eligible commercial property owners may settle by paying a reduced amount of three (3%) percent of outstanding fines and liens.

- If a determination of ineligibility is made, an applicant must reapply during the program duration period to initiate a re-inspection and a review for a determination of compliance and eligibility.
- Upon authorization by the Village and payment of an approved reduction amount within thirty (30) days of such approval, the Village will issue a Satisfaction of Lien to the property or business owner for each outstanding fine or lien settled pursuant to this amnesty program.
- Failure of applicant to pay the full reduction amount within thirty (30) days of its approval by the Village shall cause the lien to revert to the original lien amount.



*Islamorada,
Village of Islands*

86800 Overseas Highway, Islamorada, FL 33036
Office 305-664-6400 • Fax 305-664-6464

WASTEWATER CODE COMPLIANCE LIEN & FINES AMNESTY PROGRAM
APPLICATION AND PARTICIPATION AGREEMENT
(For Period August 1, 2021 through December 31, 2021)

Code Compliance Case No.: _____ Folio No.: _____

Address of Property: _____ City & Zip Code: _____

I, _____, am the legal owner of the above referenced property ("Property") and I agree to participate in the Wastewater Code Compliance Lien Reduction & Fines Amnesty Program (the "Program") as established by Islamorada, Village of Islands (the "Village") and authorized by Resolution No. 21-_____ in an effort to resolve the code compliance case cited above.

I recognize and fully understand that a code compliance lien from code compliance fines exists on the Property or that code compliance fines exist on the property and, if approved, I wish to pay a reduced amount of two (2%) percent (if residential property owner) or three (3%) percent (if commercial property owner) of the outstanding code compliance fine or lien. I also understand that in order to participate in this Program and be eligible for the aforesaid reduction that: (i) all violations on the subject property related to central wastewater system connection(s) must be resolved and in compliance; (ii) all Nuisance Abatement Liens on any property owned by the property owner within the Village shall be paid in full in order for me to be eligible to qualify for a reduction of the code compliance lien; and (iii) I am completing one (1) Application and Participation Agreement for each lien on the Property.

If approved, I agree to pay the total sum of the reduced value of the eligible lien(s) on the Property payment of any outstanding administrative costs. I will make such payment to the order of Islamorada, Village of Islands and understand and agree that payment in full by cashier's check or money order must be received by the Village within thirty (30) days of such approval but no later than January 31, 2022. Should I fail to make payment within thirty (30) days of such approval, I understand and agree that the approved lien reduction(s) shall be null and void and that I will be liable for the entire face value of the lien(s) as if no reduction had ever been imposed.

In addition, I understand that this agreement is not assignable by me. I also recognize that this Program only addresses wastewater code compliance liens and not any other Village liens which may be levied against the Property including, but not limited to, utility, unsafe structures, and nuisance abatement liens.

Finally, I understand and agree the Village's approval and authorization of this Application and Participation Agreement acknowledges only that the Property has been determined to be in compliance and that the Program's eligibility requirements have been met. The Village's authorization does not bar or prevent any future enforcement actions by the Village for new or repeat violations that may exist on the Property.

Signature: _____

Date: _____

Printed name: _____

Title: _____

Mailing address: _____

City: _____ Zip Code: _____

Telephone number: _____

E-Mail: _____

This ORIGINAL Participation Agreement executed by the Property Owner must be provided to the Finance Director prior to receiving a reduction of any outstanding Code Compliance lien under the Program.

Do not write below this line. For Village use only

VILLAGE'S AUTHORIZATION

I have examined the Village's Code Compliance records which confirm that all violations cited on the Property in the above referenced case have been placed in compliance and that no ongoing code compliance violations related to central wastewater system connections(s) currently exist on the Property. In addition, there are no other orders issued by the Village's Hearing Officer that either reduce the original lien amount in this case or otherwise conflict with the Program's requirements. The total amount owed the Village as a result of the subject Code Compliance case and resulting lien on the property is currently \$ _____ (not including the \$125.00 administrative fee).

This case meets all Program requirements and qualifies for an Order of Reduction by the Village's Hearing Officer to reduce the resulting lien to \$ _____, plus a charge of \$125.00 administrative fee for a total due of \$ _____. Said lien to be paid in full within thirty (30) days of approval.

Sign: _____
Maria T. Bassett, Finance Director

Date: _____