

RESOLUTION NO. 18-03-18

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE EXTENSION OF THE CODE COMPLIANCE LIEN AMNESTY PROGRAM TO ENCOURAGE CENTRAL WASTEWATER CONNECTION AND COMPLIANCE WITH THE VILLAGE CODE OF ORDINANCES; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING FOR 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 Code Compliance Lien Amnesty Program effective June 1, 2017 through December 31, 2017; and

WHEREAS, the Village Council desires to expedite the process of settlement of wastewater code compliance liens for a limited period of time by extending the Code Compliance Lien Amnesty Program retroactively from January 1, 2018 for 180 days through June 30, 2018; and

WHEREAS, the Village Council has determined that extension of the Lien Amnesty 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 are incorporated herein by this reference.

Section 2. **Approving Extension of Code Compliance Lien Amnesty Program.** The Village Council of Islamorada, Village of Islands hereby authorizes the Village Manager to extend the Code Compliance Lien Amnesty Program (the "Program") for wastewater connection violations retroactive from January 1, 2018 through June 30, 2018, 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 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 paying 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 on the property shall be in compliance and there shall be no other active code compliance cases with ongoing violations 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 June 30, 2018.
- E. After verifying that the property owner is eligible for participation in the Program, the Village Manager 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 July 31, 2018, 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 Vice Mayor Deb Gillis, second by Councilman Jim Mooney.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Chris Sante	YES
Vice Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

PASSED AND ADOPTED THIS 1ST DAY OF MARCH, 2018.


CHRIS SANTE, MAYOR

ATTEST:


KELLY TOTH, VILLAGE CLERK

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


ROGET V. BRYAN, VILLAGE ATTORNEY



Islamorada, Village of Islands

WASTEWATER CODE COMPLIANCE LIEN REDUCTION AMNESTY PROGRAM

Islamorada, Village of Islands (the "Village") shall offer the Code Compliance Lien Reduction Amnesty Program for the limited time-period from January 1, 2018 through June 30, 2018, 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 January 1, 2018, 8:30 A.M. through June 30, 2018 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.
2. 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.
3. 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 two (2%) percent of outstanding fines and liens.
- Eligible commercial property owners may settle by paying 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 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.