

**RESOLUTION NO. 19-01-01**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING AN 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**, on March 1, 2018, the Village Council adopted Resolution No. 18-03-18, thereby extending the Code Compliance Lien Amnesty Program effective January 1, 2018 through June 30, 2018; and

**WHEREAS**, on June 28, 2018, the Village Council adopted Resolution No. 18-06-51, thereby extending the Code Compliance Lien Amnesty Program effective July 1, 2018 through December 31, 2018; and

**WHEREAS**, the Village Council desires to expedite the process of settling wastewater code compliance liens for a limited period of time by further extending the Code Compliance Lien Amnesty Program from January 1, 2019 through December 31, 2019; 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 from January 1, 2019 through December 31, 2019, 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 December 31, 2019.
- 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 January 30, 2020, 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 Councilwoman Cheryl Meads, second by Councilman Jim Mooney.

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS**

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilman Ken Davis	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

**PASSED AND ADOPTED** this 10<sup>th</sup> day of January, 2019.



DEB GILLIS, 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, 2019 through December 31, 2019, 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, 2019, 8:30 A.M. through December 31, 2019 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.



*Islamorada,  
Village of Islands*

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

**CODE COMPLIANCE LIEN & FINES AMNESTY PROGRAM**  
**APPLICATION AND PARTICIPATION AGREEMENT**

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 Code Compliance Lien & Fines Amnesty Program ("Program") as established by Islamorada, Village of Islands (the "Village") Resolution number \_\_\_\_\_ 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 must be complied; (ii) there cannot be any other active code compliance cases with ongoing violations pending on any other property I own within the Village; (iii) 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 (iv) I am completing one 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, 2020. 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. Code Compliance Lien & Fines Amnesty Program – Application and Participation Agreement

Finally, I understand and agree the Village's approval and authorization of this Application and Participation Agreement acknowledges only that the Property has been placed in compliance and the Program's 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 Deputy Village Manager 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 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).

Further, I have verified that there are currently no other liens or fines outstanding on the Property.

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, Deputy Village Manager

Date: \_\_\_\_\_

cashier's check: \_\_\_\_\_ money order: \_\_\_\_\_