RESOLUTION NO. 17-05-32

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE IMPLEMENTATION OF A 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 has the authority to execute a satisfaction or release of such code compliance liens;

WHEREAS, the Village Council desires to expedite the process of settlement of wastewater code compliance liens for a limited period of time by establishing a Code Compliance Lien Amnesty Program; and

WHEREAS, the Village Council desires to grant the authority to the Village Manager the ability to reduce such code compliance fine for this limited period of time; and

WHEREAS, only property owners who correct all outstanding violations on all properties owned in the Village and are in good standing will be eligible to settle their outstanding fines and liens during the amnesty program; and
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. Approval of Code Compliance Lien Amnesty Program. The Village
Council of Islamorada, Village of Islands hereby authorizes the Village Manager to establish and
implement the Code Compliance Lien Amnesty Program (the “Program”) for wastewater
connection violations beginning on June 1, 2017 and ending on December 29, 2017, 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 29, 2017.

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 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 Chris Sante, second by Councilwoman Deb Gillis.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

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

YES
YES
YES
YES
YES

PASSED AND ADOPTED this 4th day of May, 2017.

JIM MOONEY, MAYOR

ATTEST:

KELLY TOOTH, 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 June 1, 2017 through December 29, 2017, 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 June 1, 2017, 8:30 A.M. through December 29, 2017 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, 2018. 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: ________________________
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.

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Do not write below this line. For Village use only

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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: ___________________________ Date: __________________

Maria T. Bassett, Deputy Village Manager

cashier’s check: ________ money order: ________