

**AGENDA**  
**CITY COUNCIL WORKSHOP**  
**February 3, 2020**  
**5:00 p.m. at City Hall**

1. Call to Order
  
2. Roll Call
  
3. Discuss Code Enforcement
  
4. Public Comments

Citizens are encouraged to participate in City of Lake City meetings. The City of Lake City encourages civility in public discourse and requests that speakers direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the City Clerk before meetings or during meetings for inclusion into the public record. Citizens may also provide input to individual council members via office visits, phone calls, letters and e-mail that will become public record.

5. Adjournment

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearings, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to 286.26, Florida Statutes, persons needing special accommodations to participate in this meeting should contact the City Manager's Office at (386)719-5768.

## **CODE ENFORCEMENT OUTLINE**

- **What starts code enforcement procedures?**
- **Action steps to be taken during code enforcement process**
- **Code Enforcement Special Magistrate**
- **Action steps to be taken by Code Enforcement Special Magistrate**
- **Liens procedures**
- **Foreclosures procedures**
- **Demolition procedures**
- **Property cleanup procedures**
- **Costs**
- **Notification**

- **Start of Code Enforcement**

The starting of code enforcement action takes place upon a complaint from a citizen or concerned party and by code enforcement personnel actually seeing the code violation while performing routine duties.

- Upon receipt of the complaint or the seeing of a violation, the code enforcement personnel make the following steps:

1. Visually verify that the violation is an actual violation. If the violation cannot be seen from the street code enforcement personnel cannot enter the premises without permission (code enforcement personnel cannot enter private property except to access the front door without the owner or the tenant authorization).

2. Once the violation has been verified, code enforcement personnel documents the violation with pictures and notifies the owner of the violation and allows for up to 15 days to correct the issue. **(The statute provides that the violator be given "a reasonable time," which may be shorter or longer than 15 days.)**

3. If the owner corrects the violation, nothing more will transpire but **may** have to pay the administrative costs, **which are left to the discretion of the Special Magistrate.**

4. If the owner does not correct the violation within the designated time frame, code enforcement personnel send notification of the violation by one of four methods of service: (1) All notices required by this part must be provided to the alleged violator by:

- (a) Certified mail, and at the option of the local government return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2.;

- (b) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;

- (c) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

- (d) In the case of commercial premises, leaving the notice with the manager or other person in charge. (Per Florida Statute 162.12)

This violation notification also states that a code enforcement procedure has begun and the owner will have to appear before the Code Enforcement Special Magistrate along with the date, time, and location for this code enforcement hearing.

- Code Enforcement Special Magistrate

1. The Code Enforcement Special Magistrate hears the city's complaint and also hears the owner's defense on the violation. The Code Enforcement Special Magistrate then renders their verdict and either dismisses the violation or finds that the violation is justified and sets a timeframe for the owner to correct the violation. The Code Enforcement Special Magistrate also informs the owner that if the violation is not corrected by the end of the timeframe, a fine of up to \$250.00 per day will be assessed until the violation is corrected.

2. If the owner corrects the violation before this expiration of this time frame, the case is dismissed and the owner is directed to pay administrative costs.

3. If the violation is not corrected by the expiration of this time frame, the daily fine starts accruing. At this time a lien **may** be placed on the property at the discretion of the Special Magistrate..

- Liens and Foreclosures

1. Property that is homestead exempted cannot be foreclose on.

2. All other property with liens may be foreclosed on by the city after three months from the lien filing date **with permission from the Special Magistrate.**

3. We need to look at each property with liens separately due to other liens that may be on this property, such as Tax Liens and State of Florida Liens.

4. If the city forecloses on a property **with permission of the Special Magistrate**, the city is responsible to pay off the tax liens and State of Florida liens. The cost of these liens must be weighed against the value of the property.

5. The cost of foreclosure on properties can range from \$1,500.00 to \$10,000.00 and more if an heir search would have to be performed. This would depend if there was a will and has this gone before probate court. All of these costs could make this property not a property that the city would want to foreclose on.

6. If the property is contaminated, the city would be responsible for the cost of cleanup if we foreclosed on the property.

- Property Cleanup

1. The owner is notified of the violation and is given a specified time frame to clean up the property.

2 a. If the property is not cleaned up within the specified time, the owner is notified that the city will clean up the property and charge the owner the amount the city paid for the cleanup. If not paid in thirty days, the city **may** place a lien against the property.

2 b. If the property is not cleaned up within the specified time frame, the owner is notified of this violation and the time and date of having to appear before the Code Enforcement Special Magistrate for a hearing on this violation.

3. The Special Magistrate, upon finding that the violation is correct, will issue an order that the violation shall be corrected by a certain date or a fine will be imposed of up to \$250.00 per day until the violation is corrected. The city will then place a lien against the property.

- Liens and Foreclosures

1. Liens and foreclosures may not be enforced on homestead exempted property.

2. The city foreclosing on properties assumes the responsibility of paying off all tax liens and State of Florida liens. The city will need to look at these costs and the value of the property and decide if this is warranted to spend the money.

3. Attorney fees also effect the total cost on foreclosure due to if the owner is deceased, was there a will and has gone before probate court.

4. If the property is contaminated, the city assumes the cost of cleanup upon foreclosure.

- **Demolition where there are “serious threats to the public health, safety, and welfare”** with the concurrence of the Special Magistrate:

1 The Director of Growth Management or the Code Enforcement Special Magistrate may determine if the structure is required to be demolished by the rules set forth in the Code of Ordinances and the ICC International Property Maintenance Code.

2. The owner is notified by certified mail that demolishing this structure is required and the owner is given a specified time to have the demolition completed.

3. If the owner has not met the specified time limit on demolition, the Director of Growth Management shall have the structure demolished at the owner's expense.

4. The owner is given thirty-days to pay the city bill for demolishing the structure and if not paid, a lien is placed on the property.

5. If the structure is a public hazard, the Director of Growth Management may authorize the city to proceed with the demolition and the owner notified after the fact. If the owner has not reimbursed the city for the cost of the demolition, a lien shall be placed on their property.

- Notification

Notification of the Code Enforcement Special Magistrate hearing and the violation shall be by the following methods:

1. Certified Mail to the address of the owner as listed on the Columbia County Property Appraiser records or to the corporation registered agent as found on the State of Florida records.

2. Hand delivered by the sheriff, city police or code enforcement personnel.

3. Leaving the notice at the violator's usual place of residence with ant person, over 15 years of age, and informing them of the contents of the notice.

4. Leaving the Notice with the manager of other person in charge if a commercial establishment.

5. **If certified mail fails**, the city can publish the notice in a newspaper at least 4 times, once each week, prior to the hearing date.

6. **If certified mail fails**, the city can post the notice at city hall and/or on the property in violation at least 10 days prior to the hearing.



# CODE ENFORCEMENT WORKSHOP

FEBRUARY 3, 2020

BY JOE HELFENBERGER, CITY MANAGER

## GETTING STARTED

Complaint is Initiated:

- CITIZEN
- CONCERNED PARTY
- CODE ENFORCEMENT PERSONNEL



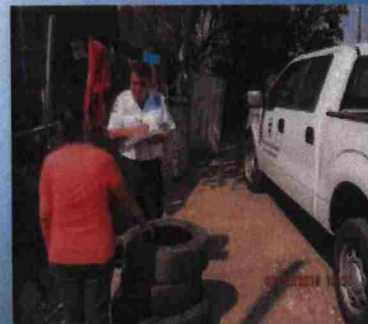
## VERIFY CODE VIOLATION

- PHYSICAL INSPECTION BY CODE ENFORCEMENT STAFF
- DOCUMENTATION OF VIOLATION:
  - PICTURES
  - WRITTEN NARRATIVE



## NOTICE TO CODE VIOLATOR

1. Certified Mail
  - If Corporation owns property, Certify Mail to Registered Agent
2. Hand Delivery
  - Law Enforcement Officer
  - Code Enforcement Staff
3. Leave Notice at Violator's Usual Place of Residence
  - Person at Residence must be at least 15 years old
  - Inform person of contents of notice
4. If Commercial Premises, Leave Notice with Manager





## NOTICE CONTINUED

5. IF CERTIFIED MAIL FAILS, City can public notice in newspaper at least 4 times, once a week, prior to the hearing date.
6. IF CERTIFIED MAIL FAILS, City can post notice at City Hall and/or on the property in violation at least 10 days prior to the hearing.

## NOTIFICATION PROCESS

1. If a violation is noticed by Code Enforcement staff - Courtesy Reminder
2. Minor violation (debris removal or mowing tall grass)
3. If non-compliance, then Official Warning sent certified mail.
  - Minor violation – 10 day deadline
  - New roof – 30 day deadline
  - Structural Repairs – 30 to 45 days
  - If working without permit – stop work order – issue permit
    - Once permit obtained, Code Enforcement is suspended 6 months or until the work is completed, whichever is first. After 6 months if no extension, goes to Magistrate

## DUE PROCESS REQUIREMENTS

- Code Enforcement Staff has to give violator enough time to cure the violation.
- Code Enforcement does not inspect before the deadline unless the violator calls for an inspection prior to the deadline.



## SPECIAL MAGISTRATE

- Hearing to listen to City's Complaint and Owner's Defense
- Renders Verdict
  - Dismisses Violation OR
  - Finds the Violation is Justified
  - Sets time for Owner to Correct the Violation
  - Informs Owner if Violation is not corrected within
  - Time frame, then daily fine assessed
    - Until the problem is corrected





## MAGISTRATE CONTINUED

If violation is corrected before end of time frame:

- Case is dismissed
- Owner may pay administrative costs

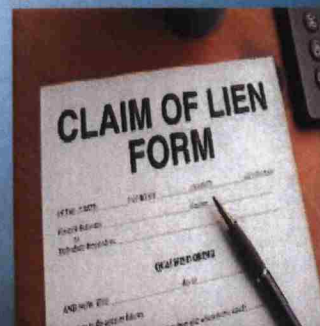
If violation is NOT corrected before end of time frame:

- Daily fines start accruing
- Lien **MAY** be Placed on the property (Special Magistrate's Discretion)



## LIENS AND FORECLOSURES

- Look at each property with liens separately
  - Due to other liens on some properties
    - Tax Liens, State of Florida Liens
- Cannot Foreclose on Homestead Exempted Property
- Other Property with liens may be foreclosed by City
  - After 3 Months from the Lien Filing Date
  - Must have Permission of Special Magistrate



## LIENS/FORECLOSURES CONTINUED

- Costs of Foreclosure on Properties (with Special Magistrate Approval)
  - \$1,500 to \$10,000 if heir search is required
  - Attorney Fees if owner deceased (Will, Probate Court)
  - Cost of Clean Up of Property (if Contaminated)
  - City required to pay off Tax Liens/State of Florida Liens
  - Must weigh these costs against the Value of the Property

## DEMOLITION WHEN THERE ARE SERIOUS THREATS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE

- SPECIAL MAGISTRATE MUST CONCUR
- GROWTH MANAGEMENT DIRECTOR MAY DETERMINE IF STRUCTURE IS REQUIRED TO BE DEMOLISHED BY RULES OF THE CITY CODE AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE
- OWNER NOTIFIED BY CERTIFIED MAIL THAT STRUCTURE MUST BE RAZED
  - Owner is give specific time to complete the demolition
  - If Owner does not meet time frame, Director of Growth Management demolishes structure at owner's expense
  - Owner is given 30 days to pay bill or lien is put on property
  - If structure is a public hazard, Director of Growth Management may authorize city to raze building and owner is notified after the fact. Owner must pay bill in 30 days to avoid lien.



## FY2020 CITY BUDGET (CODE ENFORCEMENT)

• Staffing Costs	\$40,938.00
• Demo of Hazardous Houses/Lot Clean ups	\$15,000.00
• Special Magistrate	\$12,000.00
• Attorney Fees – Foreclosures	\$8,000.00
• Training, Cell Phone, Dues	<u>\$2,217.00</u>
• TOTAL COST	\$78,155.00

## SUMMARY

- The City budgeted over \$78,000 for Code Enforcement this year.
- There are 14 active, nuisance properties currently.
- There are 7 cured properties within the past 3 months.
- Within the last 2 years, there were 23 code cases that resulted in razing properties of which 18 were paid for by the property owner.
- Last week, 3 structures were torn down (at owner expense):
  - 135, NE Escambia, 508 NE Montana, and 1039 NE Otis Court



## RECOMMENDATIONS

1. INCREASE THE NUMBER OF CODE ENFORCEMENT STAFF INITIATED CASES BY 15%.
2. INCREASE THE BUDGET FOR DEMO OF HAZARDOUS HOUSES AND CLEAN UP OF LOTS FROM \$15,000 TO \$45,000.
3. REPORT ON CODE ENFORCEMENT ACTIVITIES QUARTERLY TO THE CITY COUNCIL AND THE PUBLIC.

**THANK YOU!**  
**QUESTIONS?**