

Ordinance No.: 4910

**AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA AMENDING ORDINANCE 4125, CODIFIED AS §2-356 OF THE CITY CODE OF ORDINANCES, BY PROVIDING FOR PROCEDURES FOR MITIGATION OF CODE ENFORCEMENT LIENS; PROVIDING FOR APPELLATE REVIEW BY THE CITY COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, code enforcement liens constitute a vital and necessary element of ensuring compliance with the City Code of Ordinances; and,

**WHEREAS**, equities sometimes require that such fines be mitigated to a lesser amount; and,

**WHEREAS**, to that end in 2015 the City passed ordinance 4125, codified as §2-356 (the "Ordinance") of the City Code of Ordinances; and,

**WHEREAS**, it is in the City's interest to amend Ordinance as stated below;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA:**

**Section 1.** The above preamble is incorporated herein by reference as if set forth in full.

**Section 2.** Ordinance 4125, codified as §2-356 of the City Code of Ordinances, is hereby amended by the addition of underscored text and ~~deletion of stricken through text~~, as follows:

**Sec. 2-356. - Mitigation.**

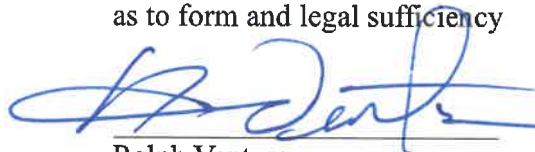
An aggrieved party may by written application submitted to the city clerk ~~mayer~~ request a mitigation of code enforcement fines by the mayor. Such application shall set forth such facts ~~fact~~ and circumstances ~~in favor of the application~~ as the petitioner shall deem appropriate, as well as the amount, if any, offered in such compromise or settlement. A copy of such application shall be served on the city attorney at the time the original is filed. The mayor shall consider such application, sworn testimony and information or documents submitted, may ~~conduct an evidentiary hearing thereon, by either party~~ and after due deliberation, the mayor shall issue a written order mitigating said fine in such amount as he believes appropriate or denying relief and setting forth the grounds for denial. The mayor shall have thirty (30) days to render a decision or the matter shall


Attest:

  
Carmen Garcia,  
City Clerk

Ordinance came back  
with the Mayor's  
Signature. Becomes effective  
on 1-20-23  
cuf.  
Orlando Lopez,  
Mayor

as to form and legal sufficiency

  
Ralph Ventura  
City Attorney

  
Saul Diaz,  
Commission President

Saul Diaz, President of the City Commission	Yes
Isidro Ruiz, Vice President of the City Commission	Absent
Idania Llanio, Commissioner	Yes
Jose Marti, Commissioner	Yes
Reinaldo Rey, Commissioner	Yes
Ian Vallecillo, Commissioner	Yes
Marcos Villanueva, Commissioner	Yes

Date of first reading

December 5, 2022

Date of publication

December 28, 2022

Date of second reading

January 9, 2023

Ord. #4910

automatically pass to the city commission for consideration. shall have the right, duty, power, authority and jurisdiction to make decision to mitigate a fine in accordance with policies adopted by the city commission by resolution. Within thirty (30) days of the mayor's order, the applicant may appeal the mayor's decision to the city commission by filing a written request for such hearing with the city clerk. The city commission shall thereafter consider the appeal *de novo* and shall have the power to mitigate any fine or lien or eliminate them, as it sees fit, but shall not have the power to increase any fine or lien. Rulings by the city commission shall be considered final and non-appealable.

**Section 3.** All ordinances or portions of the Code of Ordinances of the City of Sweetwater in conflict with the provisions of this ordinance shall be repealed upon the effective date hereof.

**Section 4.** It is the intention of the Mayor and the City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention codifiers may change the words "ordinance" or "section" to other appropriate words.

**Section 5.** If any portion of this ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of the ordinance.

**Section 6.** This ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or, if vetoed, upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

[CONTINUED ON NEXT PAGE]

Ord. #4910



## ***City of Sweetwater***

***Code Compliance unit***

**11480 W FLAGLER ST**

**Case 2020-00000850**

**JULIO SANCHEZ**

**8/24/2020 Warning of violation (40 YEARS CERTIFICATION)**

**10/08/2020 CVN #004964 \$ 500.00 paid 2/14/2022 but never got a permit**

**8/30/2022 lien file in court \$ 500 per day from 10/18/2020**

**Case 2021-00001150**

**JULIO SANCHEZ/JULIO'S CAR CARE**

**8/24/2021 Warning of violation (PLUMBING, ELECTRICAL, MECHANICAL AND STRUCTURE WORK DONE WITHOUT A PERMIT)**

**10/05/2021 CVN #006502 \$ 500.00 paid 10/19/2021 but never got a permit**

**8/30/2022 lien file in court \$ 500 per day from 10/15/2021**

**Case 2021-00001151**

**JULIO SANCHEZ/REGLA PAINT & BODY SHOP**

**8/24/2021 Warning of violation (PLUMBING, ELECTRICAL, MECHANICAL AND STRUCTURE WORK DONE WITHOUT A PERMIT)**

**10/05/2021 CVN #006503 \$ 500.00 paid 02/14/2022 but never got a permit**

**8/30/2022 lien file in court \$ 500 per day from 10/15/2021**

*Ord. #4910*