

ORDINANCE NO. 2018-34

AN ORDINANCE OF THE CITY OF PORT ORANGE,  
VOLUSIA COUNTY, FLORIDA, AMENDING SECTION 2-  
226 OF THE CODE OF ORDINANCES RELATED TO  
CODE ENFORCEMENT LIEN REDUCTION PROGRAM;  
PROVIDING FOR REPEAL OF CONFLICTING  
ORDINANCES; PROVIDING FOR SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.

WHEREAS, Code Enforcement has transitioned from Community Development to the Police Department; and

WHEREAS, City Council recognizes it is appropriate to remove the Community Development Director as the approving agent under Section 2-226; and

WHEREAS, authorizing the Code Enforcement Manager to issue approvals as required under Section 2-226 leads to better efficiency and allows appeals to the City Manager; and

WHEREAS, for purposes of this Ordinance text with underlined (underlined) type shall constitute additions to the original text and text with strike-through (~~strike-through~~) type shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1. Chapter 2, Article V, Division 3, Section 2-226 of the Code of Ordinances, City of Port Orange, Florida, is hereby amended, in part, to read as follows:

**Sec. 2-226. - Lien reduction program.**

- (a) *Purpose.* This section shall be known as the Lien Reduction Program. This program is offered to provide eligible property owners with an opportunity to seek a reduction to code enforcement liens recorded against the owner's property in accordance with the procedure described herein.
- (b) *Applications.* Applications shall be made in writing on a form approved by the Code Enforcement Manager, ~~community development director~~. Completed applications shall be submitted to the ~~community development director~~ Code Enforcement Manager, or his or her designee, together with a non-refundable application fee of \$100.00 by mail or hand-delivery to city hall.
- (c) *Eligibility.* In order to be eligible for a lien reduction, the applicant shall meet the following criteria:
  - (1) The applicant owns the property that is the subject of the lien:
  - (2) All property located within the city and owned by the applicant is in compliance with the code and has no uncorrected violations: and
  - (3) The applicant does not have any outstanding debts owed to the city or taxes due to the county, except for the lien sought to be reduced.
- (d) *Exclusions and limitations.*
  - (1) If the applicant owned the property which is the subject of the lien at the time the code enforcement lien sought to be reduced was imposed and meets the eligibility criteria, he or she may only participate in this program once. Any subsequent code enforcement liens imposed on the same property while owned by the same owner shall not be eligible for lien reduction under this program.
  - (2) Any lien reduction pursuant to this program shall be void in the event that an applicant who applies for and receives a lien reduction subsequently rents, leases, sells or otherwise transfers or conveys the property to the individual or entity that owned the property at the time the code enforcement lien was imposed if said transfer or conveyance takes place within a five year period from the date of lien reduction approval. Any voided lien reduction pursuant to this subsection shall result in a new lien being recorded by the city for the full lien amount prior to the reduction.
- (e) *Application approval.* The Code Enforcement Manager ~~community development director~~ shall have the authority to approve or deny applications consistent with this section.
- (f) *Lien reduction and payment.* An applicant who is determined eligible to receive a code enforcement lien reduction shall have 60 days to pay either 20 percent of the outstanding code enforcement lien amount or the city's actual abatement, administrative, and prosecutorial costs incurred during

enforcement, whichever is greater. The city shall record a satisfaction of lien upon payment of the reduced lien amount within 60 days of the lien reduction approval. If the reduced lien amount is not paid within 60 days from the date of approval, the lien amount will revert to the original lien amount and the application fee shall be forfeited.

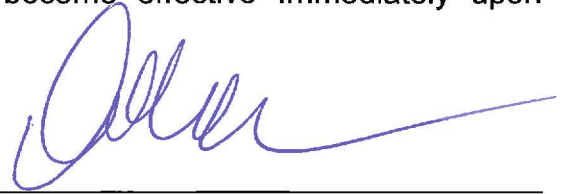
- (g) *Judicially imposed sale.* Any proceeds received by the city through a foreclosure sale, tax deed sale, or other judicially imposed sale, shall be applied to the outstanding lien amount prior to any lien reduction application being processed. The remaining lien amount may then be reduced pursuant to the procedures set forth herein.
- (h) *Appeal.* Any individual or entity aggrieved by the decision of the Code Enforcement Manager ~~community development director~~ regarding an application for lien reduction may appeal the decision to the city manager in writing within ten days of the Code Enforcement Manager decision. A request to appeal shall contain at a minimum the name of the applicant, a copy of the original application, a copy of the City Enforcement Manager's ~~community development director's~~ decision, and the grounds for appeal. The decision of the city manager on appeal shall be final.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

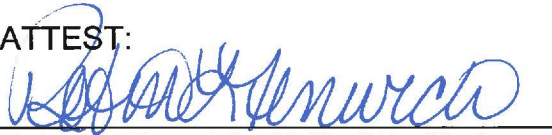
SECTION 4. The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Port Orange and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention. The code codifier is granted liberal authority to codify the provisions of the ordinance.

Section 5. This ordinance shall become effective immediately upon adoption.



MAYOR DONALD O. BURNETTE

ATTEST:



Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the 4 day of December, 2018.

Passed and adopted on second and final reading on the 18 day of December, 2018.

Reviewed and Approved:   
Shannon K. Balmer, Assistant City Attorney

