

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5

**WHEREAS**, the Citrus County Board of County Commissioners (“Board”) is the legislative and governing body of Citrus County, Florida authorized to exercise governmental powers pursuant to Article VIII of the Constitution of the State of Florida and Section 125.01, Florida Statutes; and,

**WHEREAS**, the Board would like to have a process to reduce the blight of vacant commercial buildings and to encourage redevelopment and profitability; and,

**WHEREAS**, the Board would also like to have a mechanism in place to protect areas within the County from becoming blighted because of the lack of adequate maintenance of abandoned or vacant commercial buildings.

**WHEREAS**, on March 13, 2018 the Board determined that it wished to have an Ordinance to have vacant buildings registered; and,

**WHEREAS**, the Board finds it is in the best interest of the health and welfare of the citizens of Citrus County to register vacant commercial buildings; and,

**NOW, THEREFORE**, be it ordained by the Board of County Commissioners of Citrus County, Florida as follows:

**Section 1. Addition to Code of Ordinances.** Chapter 19, Citrus County Code Enforcement Ordinance, Article V, Vacant Commercial Property Registration, of the Citrus County Code of Ordinances, is hereby created as follows:

Article V, VACANT COMMERCIAL PROPERTY REGISTRATION.

Sec. 19-80. - Purpose and intent.

It is the purpose and intent of this article to establish a process to reduce blight by improving the appearance of abandoned or vacant commercial property located within Citrus County to encourage occupancy or redevelopment of the property. It is further intended to establish a registration program as a mechanism to protecting areas within

the County from becoming blighted through the lack of adequate maintenance of abandoned or vacant commercial properties located within the County.

Sec. 19-81. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning. Where the context will permit and no definitions are provided herein, the definitions provided in the Florida Building Codes shall apply:

*Abandoned commercial property* means any commercial real property that is seventy-five percent (75%) or more vacant.

*Accessible commercial property* means a commercial property that is accessible through a compromised or breached gate, fence, wall, etc., by unauthorized persons.

*Accessible commercial structure* means a commercial structure that is unsecured or breached in such a way as to allow access to the interior space by unauthorized persons.

*Default* exists where a mortgagee has declared a mortgage to be in default either in writing, by recording a lis pendens, by acceleration, or commences foreclosure proceedings.

*Enforcement officer* means any full-time law enforcement officer, building official, fire inspector or code compliance officer employed by, contracted for, or servicing Citrus County.

*Evidence of vacancy* means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to vacant or empty storefronts, overgrown or dead vegetation, electricity, water or other utilities turned off, or statements by government agents.

*Foreclosure* means the judicial process by which a property, placed as security for a mortgage loan, after a judicial process, is to be sold at an auction to satisfy a debt upon which the borrower has defaulted.

*Local property manager* means an individual property manager, lender representative, property management company, property maintenance company or similar entity located within Citrus County, designated by the owner or mortgagee which is responsible for the maintenance of abandoned real property.

*Commercial building* means any improved commercial real property, or portion thereof, situated in Citrus County, designed or permitted to be used for commercial purposes, and shall include all buildings and structures located on such improved real property.

*Vacant* means that at least 75% of any commercial building, structure, or unit thereof is not lawfully occupied or inhabited by a human being, tenant or active commercial operation.

Sec. 19-82. - Applicability.

This article relates to abandoned and vacant commercial property and to commercial property subject to a mortgage that has been determined by the mortgagee to be in default. This article shall be considered cumulative and is not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to Citrus County in addition to any other state, county and/or local provisions for same.

Sec. 19-83. - Penalties.

Any person who shall violate the provisions of this chapter shall be punished as provided in section 1-9 of the Citrus County Code of Ordinances as applicable. In addition, any violation of this section may be enforced by the code compliance special master as provided in chapter 19, article II, of the Citrus County Code of Ordinances.

Sec. 19-84. - Registration of abandoned commercial real property.

1. Registration by owner.

(a) Any owner of commercial property that is at least seventy-five percent (75%) vacant shall register the property with the code compliance director, designee, or Authorized representative, on forms provided by Citrus County. A registration is required for each commercial property.

(b) Registration pursuant to this section shall contain at a minimum the name of the owner, mailing address, email address and telephone number of owner, and the name, address, email and phone number of the local property manager. The local property manager shall be responsible to inspect, secure and maintain the property.

(c) An annual registration fee, to be determined by resolution, per commercial property shall accompany the registration or a modification of registration. Any person or other legal entity that has registered a commercial property under this article must report any change of information contained in the registration within ten days of the change. There is no fee for modifying contact information within one year of the last registration payment if the organizational information remains the same. In addition to the annual registration fee, an annual external inspection fee, to be determined by resolution, shall be paid by the registrant for external inspection of the property by an Enforcement Officer. After the property has been vacant for three (3) years, an interior inspection shall be conducted by an Enforcement Officer and a fee, to be determined by resolution shall be paid by the registrant for the inspection. Citrus County may assign and delegate the

collection of such fees to an independent contractor, as noted on the registration form

2. Registration by mortgagee holding mortgages in default:

(a) Any mortgagee who holds a mortgage on commercial real property located within Citrus County shall perform an inspection of the property that is the security for the mortgage, upon default by the mortgagor, or issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten days of the inspection, register the property with the code compliance director, designee, or authorized representative, on forms provided by Citrus County. A registration is required for each vacant property. The mortgagee shall also designate in writing a local property manager to inspect, maintain and secure the commercial real property subject to the mortgage in default.

(b) If the commercial property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned. The mortgagee shall, within ten days of that inspection, register the property with the Citrus County Code Compliance Director, designee, or authorized representative, electronically via Citrus County's website ([www.citrusbocc.com](http://www.citrusbocc.com)) or on forms provided by Citrus County and shall designate in writing a local property manager to inspect, maintain and secure the commercial real property subject to the mortgage in default.

(c) Registration pursuant to this section shall contain at a minimum the name of the mortgagee and servicer along with the corresponding mailing addresses of both mortgagee/servicer, e-mail addresses, and telephone numbers and name of the local property manager and said person's address, e-mail address, and telephone number. The local property manager shall be responsible to inspect, secure and maintain the property. If the subject of the registration is investor or bank owned, the registration shall contain at the minimum the name of the owner, the mailing address of the owner, email address, and telephone numbers and name of the asset manager and said person's address, e-mail address and telephone number.

(d) An annual registration fee, to be determined by resolution, per commercial property shall accompany the registration or a modification of registration. In addition to the annual registration fee, an annual external inspection fee, to be determined by resolution, shall be paid by mortgagee for external inspection of the property by an Enforcement Officer. After the property has been vacant for three (3) years, an interior inspection shall be conducted by an Enforcement Officer and a fee, to be determined by resolution shall be paid by mortgagee for said inspection. Citrus County may assign and delegate the collection of such fees to an independent contractor, as noted on the registration form.

(e) This section shall also apply to commercial properties that have been the subject of a foreclosure sale where title is transferred to a beneficiary of a mortgage involved in the foreclosure and any properties transferred to the mortgagee under a deed in lieu of foreclosure/sale.

(f) Any person or other legal entity that has registered a commercial property under this article must report any change of information contained in the registration within ten days of the change. There is no fee for modifying contact information within one year of the last registration payment if the organizational information remains the same.

(g) Commercial properties subject to this section shall remain under the annual registration requirement, inspection, security, and maintenance standards of this section as long as they remain 75% vacant or subject to having been declared by a mortgagee to be in default or are being actively marketed.

3. Failure to Register. Failure of the mortgagee and/or property owner of record to properly register or to revise from time to time the registration to reflect a change of circumstances as required by this ordinance is a violation of this Code and may result in a citation by the code compliance division. Pursuant to a finding and determination by the code compliance special master that any property is in violation of the Citrus County Code, Citrus County may take the necessary action to ensure compliance with its Code.

#### Sec. 19-85. - Maintenance requirements as to abandoned properties.

(a) Abandoned properties subject to this article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, or any other items that give the appearance that the property is abandoned, unoccupied or not being properly maintained. Weeds, overgrown brush or dead vegetation over the height limitations imposed by the Citrus County Code are prohibited.

(b) The exteriors of commercial buildings, exterior light fixtures, signs and parking areas shall be maintained in good condition and in compliance with applicable building, health and life safety codes. The exterior of buildings may be inspected annually by an enforcement officer.

(c) The interiors of commercial buildings shall be maintained in good condition and in compliance with applicable building, health and life safety codes. The Interior of buildings may be inspected by an enforcement officer every four years.

(d) Failure of the property owner of record to properly maintain the commercial property is a violation of this Code and may result in the issuance of a citation by the code compliance division. Properties not in compliance will be reported to the code compliance special master. Upon a finding and determination of noncompliance by the code compliance special master, Citrus County may take the necessary action to ensure compliance with its Code and may place a lien on the property for the cost of work performed to bring the property into compliance and may assign or foreclose the lien(s) as provided by law.

#### Sec. 19-86. - Security requirements.

- (a) To the extent possible, commercial properties subject to this article shall be maintained in a secure manner prohibiting access by unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings allowing access the interior of the property or structure. Broken windows or doors shall be secured.
- (c) When a commercial property becomes vacant or abandoned, it shall be posted with the name and 24-hour contact telephone number of the local property manager. The posting shall be no less than 8½ inches × 12 inches, and shall be of a font that is legible from a distance of 45 feet. The posting shall be provided to Citrus County and shall contain the following language: **THIS PROPERTY IS MANAGED BY (Name of Local Property Manager). TO REPORT PROBLEMS OR CONCERNS CALL (Telephone number of Citrus County Code Compliance and Local Property Manager).**
- (d) The posting shall be placed by the local property manager on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visual from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- (e) The local property manager shall inspect the property on an as needed basis to ensure that the property is in compliance with this section. Upon the request of Citrus County, or its authorized representative, the local property manager shall provide a copy of the inspection reports to the code compliance division.
- (f) Failure of the mortgagee and/or property owner of record to properly inspect and secure the property, and post and maintain the signage noted in this section, is a violation of this article and may result in the issuance of a notice of violation by a code compliance officer. Pursuant to a finding and determination by the code compliance special master, Citrus County may take the necessary action to ensure compliance with this section, and may place a lien on the property for the cost of work performed to bring the property into compliance and assign or foreclose the lien(s) as provided by law.

#### Sec. 19-87. - Supplemental provisions.

Nothing contained in this article shall prohibit Citrus County from enforcing its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by Code.

**Section 2. Severability.** If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**Section 3. Codification.** The publisher of the County's Code of Ordinances, the

Municipal Code Corporation, is directed to incorporate this article into the Code of Ordinances where indicated.

**Section 4. Modification.** The provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk.

**Section 5. Effective Date.** This Ordinance shall take effect twelve (12) months after adoption.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF COUNTY COMMISSIONERS  
OF CITRUS COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
ANGELA VICK, Clerk

\_\_\_\_\_  
RONALD E. KITCHEN, JR., Chairman

APPROVED AS TO FORM FOR THE  
RELIANCE OF CITRUS COUNTY ONLY:

\_\_\_\_\_  
DENISE A. DYMOND LYN, County Attorney