

ORDINANCE NO. 2018-A13

AN ORDINANCE OF CITRUS COUNTY, FLORIDA, AUTHORIZING THE COUNTY TO COLLECT THE COSTS OF ABATING CODE VIOLATIONS THAT PRESENT A SERIOUS THREAT TO PUBLIC HEALTH, SAFETY, AND WELFARE THROUGH THE IMPOSITION OF SPECIAL ASSESSMENTS; AMENDING SECTION 19-55 OF THE CITRUS COUNTY CODE OF ORDINANCES, PERTAINING TO ADMINISTRATIVE FINES, COSTS OF REPAIR, AND COSTS OF ENFORCEMENT; CREATING SECTION 86-46.1 OF THE CITRUS COUNTY CODE OF ORDINANCES TO PROVIDE PROCEDURES GOVERNING THE IMPOSITION OF CODE ABATEMENT ASSESSMENTS; PROVIDING FOR SEVERABILITY, FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, FOR CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Citrus County Board of County Commissioners (“Board”) adopted Chapter 19 of the Citrus County Code of Ordinances (“Code”) establishing Code Enforcement regulations and procedures; and

WHEREAS, Section 19-55 of the Code permits the County to perform reasonable repairs to bring a property into compliance when a violation presents a serious threat to the public, health, safety and welfare or is irreparable or irreversible in nature; and

WHEREAS, in order to protect public funds and allow the County to more effectively recover the costs associated with making necessary repairs to abate code violations that constitute a serious threat to the public health, safety, and welfare, the Board wishes to amend Chapters 19 and 86 of the Code to allow the County to impose special assessments upon properties that receive a special benefit from the County’s abatement of code violations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals. The above recitals are true and correct and are hereby incorporated herein by reference.

Section 2. The provisions of Section 19-55(c) are amended by replacing those provisions with the following:

Sec. 19-55.- Administrative fines; costs of repair; costs of enforcement; liens.

(c) If the code compliance special master finds that the violation or the condition causing the violation presents a serious threat to the public health, safety, or welfare or if the violation is irreparable or irreversible in nature, the County may secure, repair or demolish

46 the property or take any other action necessary to bring the property into compliance and  
47 charge the violator with the reasonable cost of the repairs along with the fine imposed  
48 pursuant to this section. Making such repairs shall not create a continuing obligation on  
49 the part of the county to make further repairs or to maintain the property. The County's  
50 costs of performing the repairs or undertaking any other necessary corrective action may  
51 be assessed against the property pursuant to chapter 86 of this Code.

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53 **Section 3.** Section 86-46.1 entitled "Property Abatement Assessments" is created as follows:

54 Sec. 86-46.1- Property Abatement Assessments.

55 (a) The Board is hereby authorized to impose property abatement assessments against  
56 properties in violation of the Citrus County Code of Ordinances that require the county to  
57 perform any work necessary to bring the property into compliance.

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59 (b) Any costs incurred by the county, including all actual, administrative, and  
60 collection costs, may be assessed against the property as a special assessment pursuant to  
61 Florida law and, if not paid, may be collected as provided in subsection (e) below. Under  
62 no circumstances shall any fines or penalties be included in such special assessment.

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64 (c) A notice of the special assessment shall be provided to the property owner by first  
65 class mail at the address on record with the Citrus County Property Appraiser's office  
66 specifying: (1) the violation that was repaired or abated, (2) the address and parcel  
67 identification number of the property, (3) the actual cost of the repair or abatement, (4) the  
68 amount of administrative costs (if any), (5) a statement that if not paid in full or an appeal  
69 is not filed in writing with the county administration office within 30 days, a special  
70 assessment will be imposed against the property, and (6) the date by which the cost of the  
71 repair or abatement must be paid. The only issue to be determined on appeal is whether or  
72 not the costs in the notice are the actual costs incurred by the county and/or if the notice  
73 describes the proper property and owners.

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75 (d) If not paid after 30 days of the notice described in subsection (c), a claim of lien for  
76 special assessment shall be recorded in the official records of Citrus County. The lien  
77 created shall be equal in rank and dignity with the liens of all state, county, district, or  
78 municipal taxes and special assessments. The lien created hereby shall accrue from date  
79 of repair or abatement at an interest rate equal to the amount of interest payable on a  
80 judgment lien pursuant to section 55.03, Florida Statutes, as it may be amended from time  
81 to time, until such time as the costs of repair or abatement are placed on the assessment roll  
82 as defined by section 86-1 of the Citrus County Code of Ordinances. The lien created  
83 hereby shall bear, on its face, the rate of interest that is payable on the lien. The failure to  
84 bear the rate of interest on the lien shall not invalidate the lien. The rate of interest shall be  
85 established on the date the violation is repaired or abated by the county.

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87 (e) If not paid after 30 days of the notice described in subsection (c), the county shall  
88 follow the procedures outlined in this chapter to collect the actual costs of repairs or

89 abatement, plus reasonable administrative and collection costs as a non-ad valorem  
90 assessment.

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92 **Section 4. Severability.** If any section, sentence, clause, phrase or provision of this Ordinance is  
93 held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
94 unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining  
95 provisions of this Ordinance.

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97 **Section 5. Modification.** The provisions of this Ordinance may be modified as a result of  
98 considerations that may arise during public hearings. Such modifications shall be incorporated  
99 into the final version of the ordinance adopted by the Board and filed with the Clerk.

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101 **Section 6. Codification.** The publisher of the County's Code of Ordinances, the Municipal Code  
102 Corporation, is directed to incorporate the amendments to the provisions of Chapter 19 and Chapter  
103 86 of the Citrus County Code of Ordinances.

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105 **Section 7. Effective Date.** This Ordinance shall take effect as provided by law.

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108 PASSED AND ADOPTED in Regular Session this 23<sup>rd</sup> day of Oct., 2018.


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111 BOARD OF COUNTY COMMISSIONERS  
112 OF CITRUS COUNTY, FLORIDA

113 ATTEST:

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116 for ANGELA WICK, CLERK

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

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124   
125 DENISE A. DYMOND LYN

126 COUNTY ATTORNEY  
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RONALD E. KITCHEN, JR., CHAIRMAN

