

ORDINANCE NO. 08-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 6, ARTICLE II OF THE CITY CODE, RELATING TO CODE ENFORCEMENT; CREATING A NEW LIEN AMNESTY PROGRAM; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Council desires to create a new limited-duration Lien Amnesty Program, which provides an incentive for property owners to bring their properties into compliance with the City Code by offering a quick method to receive code enforcement lien reductions and releases of lien; and

WHEREAS, the City Council of the City of Cocoa, Florida, hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Cocoa.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Council of the City of Cocoa.

Section 2. **Code Amendment.** Chapter 6, Article II, Division 1 of the Code of Ordinances, City of Cocoa, Florida, is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of text existing in Chapter 6, Article II, Division 1. It is intended that the text in Chapter 6, Article II, Division 1 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.):

CHAPTER 6 – BUILDINGS, CONSTRUCTION AND PROPERTY REGULATIONS

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ARTICLE II. – CODE ENFORCEMENT

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DIVISION 1. – GENERALLY

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Section 6-707.5. – City Lien Amnesty Program.

- (a) *Creation of Lien Amnesty Program.* In addition to the procedures established in Section 6-707 above, related to satisfaction or release of code enforcement liens, the City Council intends to create a City of Cocoa Lien Amnesty Program, which shall operate as a supplementary method for certain eligible property owners with code enforcement liens affecting their property to come into compliance with the City Code, to obtain a quick reduction of their unpaid liens, and to obtain a release of lien from the City.
- (b) *Eligible Liens for Reduction and Release.* Where a certified copy of an order imposing a penalty or fine, as described above in Section 6-705, has been recorded in the public records and has become a lien against the land and/or property, an eligible property owner may apply for participation in the Lien Amnesty Program to reduce and release the lien, except as otherwise provided in this Section. The Lien Amnesty Program is designed solely for reduction and release of code enforcement liens, except that nuisance abatement liens, special assessment liens, and other city costs for reasonable repairs and abatement actions shall not be reduced and must be paid in full upon submittal of an application for participation in the Lien Amnesty Program. Utility liens are not eligible for reduction and release under the Lien Amnesty Program.
- (c) *Program Duration.* The Lien Amnesty Program shall operate on a limited-duration basis, from January 1, 2021 to June 30, 2022, and as either extended or renewed at times designated by resolution adopted by the City Council.
- (d) *Eligibility of Property Owners.* Property owners seeking to participate in the Lien Amnesty Program shall meet the following criteria:
 - (1) The property owner must have brought the property for which an application is submitted into compliance with all City Codes and Ordinances for which a violation was found by the code enforcement board, as determined by an inspection of the property by Code Enforcement staff, and have no pending code enforcement or nuisance cases affecting such property.

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- (2) The property owner may not be the respondent in a pending foreclosure action instituted by the City.
- (3) The property for which an application is submitted must be used as either a single-family residence, townhome or individually-owned condominium, except that owners of such properties are not eligible if the property is currently the subject of a rental agreement. Vacant, multi-family residential, and homeowner's association or condominium association commonly-owned properties are not eligible for participation in the Lien Amnesty Program.
- (4) Where the code enforcement board has found a repeat violation after two of the same previous violations, the property owner shall not be eligible for participation in the Lien Amnesty Program. A "repeat violation" shall be defined as provided in section 162.04, Florida Statutes, as adopted or hereafter amended.
- (5) The property owner must be current on their property taxes.
- (e) *Procedure for Participation in Lien Amnesty Program.*
 - (1) The property owner must submit an application for participation in the Lien Amnesty Program to the City of Cocoa Police Department, Code Enforcement Division. The application shall be accompanied by an administrative fee established by the City Manager, which shall offset the City's costs associated with releasing an eligible lien and other city administrative costs for the Lien Amnesty Program. The application shall also be accompanied by a cashier's check or money order made payable to the City of Cocoa for all of the City's liens for repair and abatement costs that remain outstanding. This amount may be obtained by consulting with the City's Code Enforcement staff prior to submitting an application. For properties with multiple liens, a single application and administrative fee may be submitted, but the reduced lien amount to be paid shall be separately calculated for each lien in accordance with the formula established in subsection (f) below. Application forms may be obtained from the City of Cocoa Police Department, Code Enforcement Division. The application shall contain the following information:
 - a. Code Enforcement Case Number;
 - b. Property address or Tax Parcel ID number associated with the lien and owner address and contact information; and
 - c. Whether the City Code Enforcement staff has inspected the property and determined that the property is in compliance and date of compliance inspection.
 - (2) Upon reviewing the application and making an initial determination that the property owner and liens requested to be reduced appear to be eligible for participation in the

Lien Amnesty Program, Code Enforcement staff shall schedule an inspection of properties owned by the property owner in the City with either code enforcement liens currently attached, if code enforcement has not already determined the violations to be in compliance, or with pending code enforcement or nuisance cases on the properties.

- (3) If the property owner is found to be in compliance, Code Enforcement staff shall notify the property owner of the reduced lien amount that must be paid, in accordance with the formula established in subsection (f) below, in order for the City to release the lien. The property owner must submit the reduced lien payment within 90 days of the Code Enforcement staff mailing the notification. Upon receipt of the payment, the City Manager or his or her designee shall record a release of lien in the official records. Should the property owner fail to make the payment, the property shall remain subject to the full value of the code enforcement lien, except that any nuisance abatement liens, special assessment liens, and other city costs for reasonable repairs and abatement actions may be released or partially released to the extent that they were paid upon submittal of the application for participation in the Lien Amnesty Program.
- (f) Calculation of lien reductions. The reduced lien payment shall be solely the City's administrative costs associated with the code enforcement case. Should the City Council desire to renew the Lien Amnesty Program in the future, the City Council may adjust the formula as it deems necessary in its resolution renewing the Program.

Section 3. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. **Incorporation Into Code.** This Ordinance shall be incorporated into the City Code for the City of Cocoa, and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Section 5. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

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ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the 27th day of October, 2020.



Jake Williams Jr., Mayor




Carrie Shealy, City Clerk

First Reading: 10/13/2020
Second Reading: 10/27/2020
Legal Ad Published: 10/18/2020
Effective Date: 10/27/2020

