

RESOLUTION NO. 26-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHIPLEY, FLORIDA, ADOPTING A POLICY AUTHORIZING THE CITY ADMINISTRATOR TO ADMINISTRATIVELY APPROVE THE WAIVER OR REDUCTION OF CODE ENFORCEMENT FINES AND EXECUTE RELEASES OF LIENS UPON COMPLIANCE AND PAYMENT OF TEN PERCENT (10%) OF OUTSTANDING FINES PLUS ALL ADMINISTRATIVE AND LEGAL COSTS; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Chipley, Florida (the "City") enforces its codes and ordinances pursuant to Chapter 162, Florida Statutes, and the City Code of Ordinances to protect the health, safety, and welfare of its citizens; and

WHEREAS, pursuant to these regulations, the City's Special Magistrate or Code Enforcement Board may impose daily fines and liens against properties that fail to comply with City codes; and

WHEREAS, these liens run with the land and often accumulate to amounts exceeding the value of the property, potentially hindering the sale, rehabilitation, or improvement of said properties; and

WHEREAS, the City Council desires to encourage property owners to bring properties into compliance and to settle outstanding debts with the City; and

WHEREAS, the City Council finds that an administrative process for settling these liens, rather than requiring every request be presented to the City Council, will streamline operations and expedite the release of liens on compliant properties; and

WHEREAS, the City Council has determined that a policy requiring the payment of all City costs and attorneys' fees in full, along with ten percent (10%) of the accumulated fine, represents a fair and equitable resolution that recovers the City's tangible expenses while offering relief from punitive daily fine accumulations and promotes the public interest by encouraging property improvements and compliance with City codes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHIPLEY, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS

The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. AUTHORITY GRANTED AND LIMITATIONS ON DELEGATION

The City Council hereby authorizes the City Administrator to legally settle outstanding code enforcement liens and execute a "Release of Lien" or "Satisfaction of Lien" without further action by the City Council, provided the applicant meets the strict criteria set forth in Section 3 of this Resolution. The City Administrator shall provide a quarterly report to the City Council summarizing all lien releases approved under this Resolution, including the property address, case number, original fine amount, amount collected, amount waived, date of release, and a brief description of the underlying violation. This authority shall be exercised in accordance with Chapter 162, Florida Statutes, particularly Section 162.09 governing the reduction or waiver of fines, and any applicable provisions of the City Code of Ordinances. Nothing in this Resolution shall be construed to limit the City Council's independent authority under Section 162.09, Florida Statutes, to reduce or waive fines in individual cases.

SECTION 3. CONDITIONS FOR ADMINISTRATIVE APPROVAL

The City Administrator may only approve a waiver of fines and release of lien if all of the following conditions are met. The burden of proof to demonstrate compliance with these conditions shall rest with the property owner or requestor:

1. **Verification of Compliance:** The City Administrator, or their designee, must verify in writing that the property is in full compliance with the specific conditions and orders established by the Special Magistrate or Code Enforcement Board regarding the violation that resulted in the lien. Such verification shall be documented and maintained in the City's records for a minimum of five (5) years.
2. **No Existing Violations:** The City Administrator, or their designee, must conduct an inspection to confirm that no *new* or *other* code violations exist on the subject property as of the date of the request. A written inspection report shall be prepared and maintained in the City's records. If violations are discovered during this inspection, the property owner shall be notified in writing within five (5) business days and given a reasonable opportunity of not less than thirty (30) calendar days to cure such violations before the lien release request is denied, unless a shorter period is justified by imminent threat to public health or safety.
3. **Required Payment:** The requestor must tender payment to the City of Chipley in the form of a cashier's check, money order, wire transfer, or other immediately available funds acceptable to the City Administrator in their sole discretion in an amount equal to the sum of:
 - **Ten percent (10%)** of the total accumulated daily administrative fines; **PLUS**
 - **One hundred percent (100%)** of all reasonable attorneys' fees actually incurred by the City related to the enforcement case, as documented by itemized billing statements; **PLUS**
 - **One hundred percent (100%)** of all reasonable administrative costs actually incurred by the City (including, but not limited to, recording fees, mailing costs, inspection fees, and hard costs for lot clearing or demolition if applicable), as documented by receipts, invoices, or other appropriate documentation.

SECTION 4. LIMITATIONS AND APPEAL RIGHTS

If the property owner requests a reduction greater than that authorized in Section 3 (i.e., requests to pay *less* than 10% of the fines or disputes the costs), the City Administrator shall not have the authority to approve the request administratively. Such requests must be placed on the agenda for consideration by the City Council.

If the City Administrator denies a request for lien release under this Resolution, the City Administrator shall provide written notice of the denial to the property owner within ten (10) business days, stating the specific reasons for denial. The property owner may appeal such denial to the City Council by filing a written request with the City Clerk within thirty (30) calendar days of the date of the denial notice, or within thirty (30) calendar days of the date of mailing if the denial notice is sent by mail. The property owner shall be provided written notice of the City Council meeting date, time, and location at least seven (7) calendar days prior to the meeting by certified mail, return receipt requested, or by personal delivery, and shall have the right to appear and be heard before the City Council, to present evidence, to call witnesses, and to be represented by legal counsel at the property owner's expense.

SECTION 5. IMPLEMENTATION

The City Administrator is hereby authorized to create such forms and administrative procedures as are necessary to carry out the intent of this Resolution, provided that such procedures are consistent with applicable state law, the City Code of Ordinances, and this Resolution. All such forms and procedures shall be made available to the public and posted on the City's website.

SECTION 6. EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption and shall apply only to lien release requests submitted on or after the effective date. This Resolution shall not affect any lien release requests pending before the City Council as of the effective date, which shall continue to be processed under the procedures in effect at the time of submission.

PASSED AND ADOPTED by the City Council of the City of Chipley, Florida, this 9th day of December, 2025.

CITY OF CHIPLEY, FLORIDA

Tracy Andrews, Mayor

ATTEST:

Sherry Snell, City Clerk

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