

RESOLUTION NO. 2022-56

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ADOPTING A FEE SCHEDULE FOR CODE COMPLIANCE AND ESTABLISHING A PROPERTY ENHANCEMENT GRANT PROGRAM ACCOUNT; PROVIDING FOR REPEAL OF CONFLICTS AND AN EFFECTIVE DATE

WHEREAS, the City of Greenacres administers a code compliance program in accordance with Chapter 162, Part I, Florida Statutes, and an alternative citation program for code violations ("Code Compliance Program"); and

WHEREAS, in administering the Code Compliance Program, the City incurs costs to assist property owners in complying with the City's code of ordinances; and

WHEREAS, the Code Compliance Program must recoup such costs to continue to provide services to the City's property owners and its citizens; and

WHEREAS, to assist the City's residential property owners who sometimes face financial hardships or other hurdles in bringing their homestead property into compliance, the Code Compliance Program desires to create a Property Enhancement Grant Program Account based on a percentage of fees received through the Code Compliance Program; and

WHEREAS, the funds deposited into the Property Enhancement Grant Program Account will be segregated to assist in funding the City's property enhancement grant program for homestead property owners seeking to improve the overall appearance of their properties; and

WHEREAS, the City Council of the City of Greenacres desires to establish fees for certain Code Compliance costs and the Property Enhancement Grant Program Account; and,

WHEREAS, the City Council of the City of Greenacres finds the fees set forth herein and the Property Enhancement Grant Program Account are necessary for the health, safety, and welfare of the City and serve a valid public purpose.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The foregoing recitals are incorporated herein as true and correct findings of the City Council of the City of Greenacres.

SECTION 2. That the City is hereby authorized to assess the following fees for the Code Compliance Program:

- A. **Administrative Fee:** Although authorized by Chapter 162, Part I, Florida Statutes, and by the City's Code of Ordinances, the City will not assess an administrative

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fee for a property owner's violation(s) of the City's Code of Ordinances, which violation(s) is timely brought into compliance within the timeframe either set forth by the City or set by the Special Magistrate. However, the City shall assess an administrative cost of \$75.00 per case for each case in which a code compliance lien is imposed. The administrative cost of \$75.00 fairly and accurately represents a minimal fee to cover the City's administrative costs directly attributed to the enforcement of the City's Code of Ordinances at specific properties including, but not limited to, administrative and enforcement costs for all case mailings, copies, postings, photographs, recordings, City staff time beyond the assigned code inspector's time, and all additional administrative time spent on the property owner's request(s) for extension of time, additional inspection(s), and other special requests.

- B. **Application for Fine or Lien Reduction:** The fee for a fine or lien reduction application shall be **\$150.00**, which includes the \$75.00 administrative cost set forth above (unless already paid) and the administrative costs associated with the application, with the fine or lien reduction hearing, preparation of the reduction order, and the recording fee (as applicable). This fee shall apply for each case sought to be reduced.
- C. **Application for Release of Lien or Order:** The fee for a release of lien or other Code Compliance Order application shall be **\$150.00**, which includes the \$75.00 administrative cost set forth above (if not already paid) and the administrative costs associated with the application, City Attorney's review, preparation of the release of lien or order, and the recording fee (as applicable). This fee shall apply for each case lien or order sought to be released.
- D. **Application for Partial Release of Lien:** The fee for a partial release of lien application shall be **\$150.00**, which includes the \$75.00 administrative cost set forth above (if not already paid) and the administrative costs associated with the application, City Attorney's review, preparation of the partial release of lien and the recording fee (as applicable). This fee shall apply for each lien sought to be partially released.

SECTION 3. That there shall be established a Property Enhancement Grant Program Account in which five percent (5%) of all Code Compliance fees, fines, liens, and other charges paid to the City shall be deposited. The City may utilize the Property Enhancement Account to support the City's Property Enhancement Grant Program (as established from time to time) with the specific intent of assisting homestead property owners seeking to improve the overall appearance of their properties within the City. From time to time, the City Manager may recommend to the City Council changes to the use of the funds deposited in the Property Enhancement Grant Program Account. Such recommended changes shall be in the form of a resolution amending this Resolution.

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SECTION 4. That all resolutions in conflict with this Resolution shall be repealed to the extent of the conflict.

SECTION 5. That this Resolution shall become effective upon passage.

RESOLVED AND ADOPTED this 17th day of October 2022.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

John Tharp, Deputy Mayor

Peter Noble, Council Member, *District II*

Judith Dugo, Council Member, *District III*

Susy Diaz, Council Member, *District IV*

Paula Bousquet, Council Member,
District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney