

ORDINANCE NO. 2021-10

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING SECTION 2-270 DEFINITION; NON-AD VALOREM ASSESSMENT TO INCLUDE ADDITIONAL SECTION FOR DEMOLITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, pursuant to Chapter 4, Article I, Section 4-5 of the City’s Code of Ordinances (the “Code”), the City has adopted alternative procedures to address and abate unsafe buildings; and

WHEREAS, Section 4-5 authorizes the City to assess the unpaid costs for such abatement services as a special assessment; and

WHEREAS, the City Council finds that the provision of these demolition services provides a direct, special benefit to the assessed real property; and

WHEREAS, the City Council finds that there is a logical relationship between the provision of demolition and other abatement services by the City and an enhancement in the value and desirability of the assessed real property; and

WHEREAS, the City Council finds that assessing the costs incurred by the city for abating unsafe buildings against the violating properties is fair and reasonable; and

WHEREAS, pursuant to Chapter 2, Article VII, Division 6 of the Code, the City has adopted an ordinance providing for the levy and collection of unpaid nuisance abatement services assessments as non-ad valorem assessments; and

WHEREAS, the City Council wishes to add those abatement costs incurred through the enforcement of the newly adopted Section 4-5 of the Code to this ordinance so that such costs may be collected using the uniform method; and

WHEREAS, the City Council hereby finds that this Ordinance serves a public purpose and is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. Findings. The foregoing recitals are hereby ratified and conformed as being true and correct and are hereby incorporated as findings of the City Council of the legislative intent of this ordinance.

Section 2. Section 2-270 of the City of Greenacres Code of Ordinances is hereby amended to read as follows:

Sec. 2-270. – Definition; non-ad valorem assessment.

- (a) *Definition.* “Nuisance abatement services costs,” when used in this division, shall include the costs incurred by the city to abate the following nuisances:
- (1) Lot cleanings pursuant to sections 7-34, 7-35, and 7-36 of this code;
 - (2) Boarding and securing of structures pursuant to sections 7-34, 7-35, and 7-36 of this code; and
 - (3) Demolition of structures pursuant to section 4-5 of this code and section 116 of the city’s Amendments to the Florida Building Code, as amended from time to time.
- (b) *Non-ad valorem assessment.* Any nuisance abatement service costs that remain delinquent and unpaid as of June 1st of each year shall be a special assessment levied against the benefitted real property as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, title and claims upon the benefitted real property and equal in rank and dignity with a lien for ad valorem taxes.

Section 3. Repeal of Conflicting Ordinances. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part

therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group or persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Inclusion in Code. It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Greenacres; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “section”, “article” or another word.

Section 6. Effective Date. This Ordinance shall take effect upon passage of this Ordinance.

[The remainder of this page intentionally left blank.]

Passed on the first reading this ____ day of _____, 2021.

PASSED AND ADOPTED on the second reading this ____ day of _____,
2021.

Voted

Joel Flores
Mayor

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John Tharp
Deputy Mayor

Attest:

Quintella Moorer, CMC
City Clerk

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Peter A. Noble
Council Member, District II

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Judith Dugo
Council Member, District III

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Jonathan G. Pearce
Council Member, District IV

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Paula Bousquet
Council Member, District V

Approved as to Form
and Legal Sufficiency:

Glen J. Torcivia
City Attorney