

**CITY COUNCIL ORDINANCE NO. 2021-2177**

**AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA,  
AMENDING THE CODE OF THE CITY OF LAKE CITY,  
FLORIDA TO PROVIDE FOR LIEN AMNESTY AND  
FORGIVENESS OF FINES AND LIENS ASSOCIATED WITH  
CODE ENFORCEMENT PROCEEDINGS.**

**WHEREAS**, Article X of the Code of the City of Lake, Florida (hereinafter the “Code”) titled “Code Enforcement Board” and chapter 162, Florida Statutes, provide a process for equitable, expeditious, effective, and inexpensive enforcement of the City’s ordinances; and

**WHEREAS**, the Code provides for the ability to assess fines and record liens on the real properties of violators of the Code; and

**WHEREAS**, the City Council recognizes the need to assess fines and record liens against those property owners who violate the ordinances of the City from time to time; and

**WHEREAS**, the City Council also recognizes the need to temper with mercy, the assessment of fines and the recording of liens against violators and their properties and finds the need to create a code enforcement lien amnesty program; and

**WHEREAS**, the City Council desires to further assist the community and finds that the creation of a code enforcement lien amnesty program is in the best interests of the City and its citizens.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are all true and accurate and are hereby incorporated herein and made a part of this ordinance.

**Section 2.** That the Code of the City of Lake City, Florida, is hereby amended by adding an article eleven (XI) to chapter 2 which article shall be titled “CODE ENFORCEMENT LIEN AMNESTY” and shall read as follows:

## **ARTICLE XI. – CODE ENFORCEMENT LIEN AMNESTY**

### **Sec. 2-424. – Code Enforcement Lien Amnesty duration; acceptance of applications; application fee; multiple violations.**

- (a) *Program duration.* Duration of the code enforcement lien amnesty program shall be from February 1, 2021 to January 31, 2022 unless extended by resolution adopted by the City Council.
- (b) *Acceptance of Applications.* Property owners applying to the Code Enforcement Lien Amnesty Program must complete a Code Enforcement Lien Amnesty Program application. Applications will be accepted between February 1, 2021 until January 31, 2022 by the Growth Management Department. Applications are available at City Hall. Completed applications (with application fee if applicable) may be returned in person or via registered mail to the Growth Management Department.
- (c) *Application fee.* Property owners applying to the Code Enforcement Amnesty Program must, in addition, to completing a Code Enforcement Amnesty Program application, submit a \$50.00 nonrefundable application fee.
- (d) *Procedure when multiple violations present.* Property owners with multiple code enforcement liens must apply for amnesty on each lien on the property simultaneously under the program with each lien being subject to the application fee.
- (e) *Intent.* It is the intent of the City Council to provide for amnesty of both code enforcement fines and liens and the provisions located within this article shall afford such intent as to both fines and liens.

### **Sec. 2-425 Ineligible liens.**

- (a) Utility liens are not eligible for the code enforcement lien amnesty program.
- (b) Special Assessment liens or payments due for code enforcement abatement actions, such as lot mowing, debris removal, or demolition are not eligible for code enforcement lien amnesty and such liens must be paid in full prior to a property owner requesting a lien reduction under the terms of this article.

- (c) Code Enforcement liens of less than or equal to one thousand dollars (\$1,000.00) are not eligible for code enforcement lien amnesty.

**Sec. 2-426 Eligibility criteria.**

- (a) Property must be in compliance with all city codes and ordinances in order to be eligible for code enforcement lien amnesty.
- (b) Both commercial and residential properties are eligible to participate in the program.
- (c) Any municipal special assessment liens or other code enforcement abatement costs must be paid in full.

**Sec. 2-427. Application for satisfaction, reduction, or release of code enforcement liens.**

- (a) Where a certified copy of an order imposing a fine, as described in this Code or Florida Statutes, has been recorded in the public records of Columbia County, Florida, and has become a lien against the violator or their land or property, such violator, or the violators successors or assigns, who has an ownership interest in the encumbered property, or a prospective purchaser (collectively the “applicant”) may apply for amnesty or satisfaction of such lien as follows:
  - (1) Upon full payment by the applicant of the fine imposed in accordance with this article, the City Clerk is hereby authorized to execute and record on behalf of the city a satisfaction of lien in the public records of Columbia County, Florida. The applicant shall be responsible for paying all costs of recording.
  - (2) Upon request for amnesty of either a code enforcement fine or lien the applicant shall submit a written application to the Growth Management Department.
- (b) The application for amnesty of the fine or lien shall be in written form, typed or handwritten, by the applicant, on a City provided application, and shall be submitted to the Growth Management Department. The application shall be executed under oath and

sworn to in the presence of a notary public, and shall include, but may not be limited to, the following:

- (1) A copy of the order imposing a fine upon the property including the code enforcement case number;
  - (2) The date upon which the applicant brought the subject property into compliance with the Code;
  - (3) The factual basis upon which the applicant believes the application for amnesty of the lien should be granted;
  - (4) The terms upon which the amnesty of the fine or lien should be granted;
  - (5) The reasons, if any, compliance was not obtained prior to the Order being recorded;
  - (6) A statement verifying whether the applicant was issued any title policy or policies for the subject property encumbered by the lien after the date the lien was recorded in the public records of Columbia County, Florida. If such a policy or policies were issued to the applicant, a copy of any such title policy shall be submitted with the application;
  - (7) Any other information which the applicant deems pertinent to the request, including but not limited to, the circumstances that exist which would warrant the amnesty of the fine or lien.
- (c) The applicant shall submit, at the time of application, payment of \$50.00 to the city to reimburse the city for its costs associated with recording the order imposing a fine and the requested reduction or release of lien. These costs are nonrefundable, without regard for the final disposition of the application.
- (d) Upon receipt of the application for amnesty of the fine or lien and payment provided above, the Growth Management Department shall confirm that the violation which resulted in the order imposing penalty or fine has been brought into compliance. If the violation has been brought into compliance and there is no current code violation upon the property in question, the Growth Management Department shall review and schedule the application

to be presented to the Code Enforcement Special Magistrate at the next scheduled Code Enforcement proceedings. Additional information shall also be required to support the application if the Growth Management Department deems such information is relevant and necessary for the Code Enforcement Special Magistrate to make the final decision on the application. The City Council hereby delegates to the Code Enforcement Special Magistrate the authority to review and consider applications for amnesty of the fines and liens and make determinations as provided herein.

- (e) The Code Enforcement Special magistrate shall review and consider the following factors in making a determination on amnesty of a fine or lien.
  - (1) The amount of any administrative costs incurred by the city which are directly associated with the underlying code enforcement case and lien including, but not limited to, code enforcement staff and attorney time, postage, advertising and recording costs, and other city expenses related to any measure taken by the Code Enforcement Special Magistrate or city to abate a nuisance caused by the violation;
  - (2) The gravity and number of violations;
  - (3) The current property value compared to the amount of the fine or lien;
  - (4) Whether the applicant was responsible for the violation which caused the fine or lien;
  - (5) Whether the applicant is or will be a bona fide purchaser of the subject property and is filing or has filed for a homestead exemption evidencing a desire to reside within the city on a non-transient basis, or whether the property is or will be acquired for investment or other purposes;
  - (6) Whether the applicant acquired the subject property with knowledge, or should have had knowledge, or the subject fine or lien;

- (7) If the title insurance policy was issued upon the purchase of the property and the title insurance policy failed to identify or consider the lien, a waiver for amnesty of the lien shall not be granted. In such cases the lien should have been discovered by the title insurer and providing amnesty of the fines and lien would place the City in the position of indemnifying the title insurer against its losses, which losses should be reflected in premium charges;
  - (8) The time in which it took to bring the property into compliance and associated expenses incurred;
  - (9) With respect to the speculator, non-homestead purchaser of the subject property, the accrued amount of the code enforcement fine or lien as compared to the investment and profit that will be gained as a result of the purchase or sale of the property and the amnesty or satisfaction;
  - (10) Any previous or subsequent code violations pertaining to the property unless an order finding a violation is under appeal at the time of determination;
  - (11) Any previous or subsequent code violations of the applicant pertaining to other properties owned within the city, unless an order finding a violation is under appeal at the time of determination;
  - (12) Any relevant information contained in any title policy required to be submitted to the city under this section;
  - (13) Any financial hardship;
  - (14) Any other mitigating circumstance which may warrant the amnesty of the fine or lien; and
  - (15) Any other administrative review criteria relevant to whether it is equitable to preapprove amnesty of a fine or lien which are adopted by the City Council, in writing, and are intended to be applied to all applications on a uniform basis.
- (f) The Code Enforcement Special magistrate may, in writing, approve, approve with conditions, or deny the application. To the maximum

extent feasible, the Code Enforcement Special Magistrate shall collect, at a minimum, all administrative and out-of-pocket costs incurred by the city as specified in subsection (e)(1). If the Code Enforcement Special Magistrate approves the application and the approved subject to conditions, the instrument providing relief of a fine or lien shall not be prepared or recorded until the condition(s) placed by the Code Enforcement Special Magistrate have been satisfied.

- (g) The applicant shall have thirty (30) days in which to comply with the conditions imposed by the Code Enforcement Special Magistrate or submit a written appeal as provided herein. Failure of the applicant to comply or timely appeal will result in the automatic denial of the application and the original amount of the fine, including costs, shall be automatically reinstated. After the appeal time period has run or is waived by the applicant, in writing, the Code Enforcement Special Magistrate may, for good cause shown, grant additional time in the form of a written estoppel letter to a closing agent for purposes of facilitating a pending closing of the subject property.
- (h) If the application is denied, or if the application is automatically denied due to failure of the applicant to comply with the conditions imposed by the Code Enforcement Special Magistrate or timely appeal, the applicant shall thereafter be barred from applying for a subsequent amnesty of the fine or lien for a period of thirty (30) days from the date of denial. During the thirty (30) day period, the fine or lien may only be satisfied and released upon full payment of the fine or lien imposed in accordance with this article.
- (i) The applicant may appeal the Code Enforcement Special Magistrate's decision to the City Council, by filing a written appeal with the City Clerk within thirty (30) days of the date of the decision. The notice of appeal shall state the decision that is being appealed, the grounds for appeal, and a brief summary of the relief being sought. A nonrefundable filing fee of \$50.00 shall accompany the notice of appeal. Upon submittal of a timely appeal and filing fee, the City Manager shall place the appeal of the determination upon the agenda of the next regularly scheduled City Council meeting to the extent practicable. The City Council shall render a final decision on the application based upon the sworn application and determination of the Code Enforcement Special Magistrate and

any other relevant information or testimony provided to the City Council at the meeting by the applicant, City Manager, or any other interested party. Any decision made by the City Council pursuant to this section shall be deemed final and not subject to any further administrative review by the city. The applicant shall have thirty (30) days in which to comply with any decision of or condition imposed by the City Council or the application shall be deemed automatically denied and thereafter, the applicant shall be barred from applying for a subsequent reduction or release of lien for a period of thirty (30) days from the date of the City Council's decision. During the thirty (30) day period, the lien may only be satisfied and released upon full payment of the fine or penalty imposed in accordance with this division.

- (j) When a fine or lien is satisfied as a result of amnesty as ordered by the Code Enforcement Special Magistrate, the City Clerk is hereby authorized to execute and record in the public records of Columbia County, Florida, a satisfaction of lien on behalf of the city. The \$50.00 application fee shall be utilized for all costs incurred by the city.

**Sec. 2-428. Other lien releases.**

- (a) In addition to the release of fines or liens described above, the mayor shall be authorized to execute a release of a code compliance or code enforcement fine or lien which has been deemed in writing by the City Attorney to be legally unenforceable or uncollectable as described below:
  - (1) The lien is more than twenty (20) years old; or the statute of limitations relating to the lien has otherwise expired;
  - (2) The lien was properly foreclosed by order of the Circuit Court of the Third Judicial Circuit in and for Columbia County, Florida;
  - (3) The lien was properly discharged in a bankruptcy proceeding by the order of a bankruptcy court;
  - (4) The property encumbered by the fine or lien is currently owned by the city;



- (5) Any other reason as determined by the City Attorney that establishes the legal unenforceability or uncollectibility of a lien

**Section 3.** It is the declared intent of the City Council of the City of Lake City that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be valid.

**Section 4.** This ordinance shall be filed in the Office of the City Clerk of the City of Lake City, and in the Office of the Growth Management Director of the City of Lake City.

**Section 5.** All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

*[Remainder of this page intentionally left blank.]*

**Section 6.** This ordinance shall be effective as of the date of its adoption.

**PASSED** upon first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**NOTICE PUBLISHED** on the \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED AND ADOPTED** on the second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF LAKE CITY, FLORIDA**

By: \_\_\_\_\_  
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND  
LEGALITY:

By: \_\_\_\_\_  
Audrey E. Sikes, City Clerk

By: \_\_\_\_\_  
Frederick L. Koberlein, Jr.,  
City Attorney