

ORDINANCE NO. C-18-42

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING CHAPTER 18, ENTITLED "NUISANCES," BY AMENDING ARTICLE I, ENTITLED "PUBLIC NUISANCES," BY AMENDING SECTION 18-15, ENTITLED "LIEN FOR COSTS OF ABATEMENT, NOTICE," TO PERMIT THE CITY MANAGER OR DESIGNEE TO AMEND THE NUISANCE ABATEMENT NON-AD VALOREM TAX ROLL WHEN A PROPERTY OWNER PAYS THE CITY DIRECTLY, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE AND RESOLUTION PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, when nuisance violations are corrected by the City and the property owner fails to pay for those administrative costs, the City Commission adopts a resolution assessing the expenses and administrative costs against the property; and

WHEREAS, once the City Commission adopts said resolution, the unpaid expenses and administrative costs are recorded in the public records of Broward County as a special assessment on the property tax roll; and

WHEREAS, on occasion, the property owner will pay the assessment directly to the City; each time this occurs, staff is required to secure approval from the City Commission to modify the non-ad valorem tax roll by resolution; and

WHEREAS, the City Commission finds that a current and accurate non-ad valorem tax roll will be maintained by adopting this ordinance to allow the City Manager or designee to administratively amend the nuisance abatement non-ad valorem tax roll when a property owner pays the City directly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That an amendment to Chapter 18, Article I, Public Nuisances, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

ARTICLE I. PUBLIC NUISANCES

Sec. 18-15. Lien for costs of abatement, notice.

(a) The total expense incurred by the city in causing a public nuisance to be abated under this article and administrative costs shall be a considered a special assessment and lien upon the property upon which the public nuisance was abated.

(b) A statement of the assessed expenses and administrative costs shall be served upon the property owner pursuant to Section 11-16.

(c) The property owner shall have thirty (30) days from the date of the statement of assessed expenses and administrative costs within which to pay to the city the full amount due. Failure to timely pay the amount due or serve upon the Director a written letter to contest the statement of assessed expenses and administrative costs will result in the matter being scheduled before the city commission for consideration and adoption of a resolution assessing against the property the expenses and administrative costs associated with the city's abatement of the nuisance. The resolution may also impose a special assessment lien against the property for the expenses and costs so assessed. A notice of the special assessment lien assessed by the city commission for the unpaid expenses and costs as stated above may be recorded in the public records of Broward County. The assessed costs and liens provided for herein may be foreclosed in the manner provided by law.

(d) Where the property owner remits payment in full directly to the City for all expenses and costs assessed in a special assessment lien, the City Manager or designee may administratively amend the nuisance abatement non-ad valorem tax roll.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That nothing in this ordinance shall be construed so as to affect any past or pending actions, notice of violation, or order of the code enforcement board or special magistrate, or any past, pending, or existing liens, fines, costs, or other obligations arising from code enforcement, or otherwise, all of which shall continue in full force and effect as if this

ordinance has not been adopted.

SECTION 5. That this ordinance shall be in full force and effect thirty (30) days from the date of final passage.

PASSED FIRST READING this the 20th day of November, 2018.

PASSED SECOND READING this the _____ day of _____, 2018.

Mayor

DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFF MODARELLI