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AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, AMENDING CHAPTER 2 OF THE CITY CODE, ENTITLED "ADMINISTRATION," SECTION 2-25 "LIEN REDUCTION PROCEDURES;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Wilton Manors has requested revisions to the Code of Ordinances as provided for herein; and

WHEREAS, the City Commission of the City of Wilton Manors, Florida deems it to be in the best interests of the citizens and residents of the City to amend the Code of Ordinances as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF WILTON MANORS, FLORIDA:**

Section 1: The foregoing “WHEREAS” clauses are hereby ratified as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2: Chapter 2, Section 2-25 “Lien Reduction Procedures” of the City Code of the City of Wilton Manors, shall be amended as follows:

Sec. 2-25. Lien reduction procedures.

The Special Magistrate is authorized to reduce fines, liens, and penalties as follows:

- (1) Application. A signed application for lien reduction from any order imposing a fine or lien by a Special Magistrate must be filed with the Code Compliance unit. The City will process an application for lien reduction provided the subject code case is in compliance, and no other code violations exist on the subject property or any other property within the City owned by the violator. The City will prepare a written analysis of the lien reduction factors to be considered by the Special Magistrate and supplement the record with such written analysis.

1 The application must include:

- 2 a. Name, address, and signature of the applicant. In the event the applicant is not the owner
3 of the property, written consent to apply for the lien reduction from the owner shall be
4 required.
- 5 b. If represented by an attorney, the name and address of the attorney must also be given;
6 and the attorney must either file a notice of appearance or must sign the application.
- 7 c. Address, or brief legal description, or both, of the property on which the violation
8 occurred.
- 9 d. Address, or brief legal description, or both, of all real property owned by the applicant
10 located in the City of Wilton Manors.
- 11 e. Details, including supporting documentation, identifying any and all code violations and
12 code liens on all real property owned by the property owner located in the City of Wilton
13 Manors within the past five (5) years.
- 14 f.e. A non-refundable application fee of two hundred dollars (\$20025.00) with a non-
15 refundable fee of fifty dollars (\$50.00) for each additional lien recorded against the
16 property. The application fees may hereafter be amended by resolution of the City
17 Commission.
- 18 g.f. A brief explanation of the reduction sought, along with all relevant and supporting
19 documentation and evidence, including but not limited to the reason(s) why the lien
20 should be reduced.
- 21 h.g. If the lien reduction request is based upon financial inability, a financial affidavit must be
22 filed with supplemental information that shall include bank account statements for at least
23 six (6) months, and federal income tax returns and supporting documents for the last three
24 (3) years. The financial affidavit and supporting documentation shall be submitted by the
25 property owner and any tenant occupying the property that has caused the violations
26 which have resulted in the lien.
- 27 i.h. If the lien amount exceeds the equity in the subject property, written documentation to
28 support this contention must be provided. Such information shall include a current
29 appraisal or Broward County Property Appraiser's latest valuation.
- 30 j.i. Reduction under this Section is strictly discretionary by the Special Magistrate.
- 31 k. The application shall include a waiver of the right, if any, to seek judicial review of the
32 Special Magistrate's discretionary decision whether or not to reduce the lien.

33
34 (2) Upon the receipt of the complete application, the City's Code Compliance unit shall inspect the
35 applicant's property(ies) and City records to verify compliance.

- 36 a. If the Code Compliance Officer verifies compliance, they shall confirm compliance and
37 update the property record.

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Words in underlined type are additions.

b. If the Code Compliance Officer is not able to confirm compliance, a notice identifying the outstanding issues shall be sent to applicant.

The applicant shall have thirty (30) days from receipt of notice from the City to comply with the outstanding issues. Should the applicant fail to do so, the application will be deemed withdrawn, and should the applicant desire to again request a mitigation of a code compliance lien, a new application will need to be filed, including payment of the required application fee(s).

(3) Initial consideration. No application shall be processed unless and until the code inspector verifies that the subject property is in compliance with all City codes, and the subject property is free of all outstanding debts due to the City which includes, but is not limited to, taxes, local business tax receipts, utility accounts, and other code enforcement cases. The Special Magistrate shall not grant a lien reduction to any applicant whose property is the subject of any pending foreclosure proceedings initiated by the City of Wilton Manors or was purchased at a tax deed sale without the express written consent of the City Attorney.

(4) Hearing. The application will be set for the next available hearing date after the application is reviewed and determined to be complete and in compliance with the requirements of this Section. If all compliance requirements have been met, the Code Compliance Administrator or designee will set a hearing, at which time the Special Magistrate may consider the application and any City response. The Special Magistrate shall only consider testimony and evidence pertaining to the Application for Lien Reduction and not evidence or testimony contesting the underlying violation or the previous finding of violation by the Special Magistrate. The Administrator or designee shall notify the applicant or representative in writing, not less than ten (10) days prior to the scheduled hearing.

(5) Determination. The Special Magistrate shall enter an Order granting or denying the requested relief in whole or in part, or such relief as the Special Magistrate may deem appropriate. The Special Magistrate shall consider all relevant factors to determine what relief, if any, is appropriate including, but not limited to:

- a. The nature and gravity of the violation;
- b. Any actions taken by the owner to correct the violation;
- c. The length of time between the ordered compliance date and the date the violation was eliminated;
- d. Any actual costs expended by the owner to cure the violation as provided by supporting documentation, including payment of City licensing or permit fees;
- e. Any other prior or current violations committed by the owner on the subject property or upon any other property owned by the owner within the City;
- f. Repeat violations committed by the same owner regardless of whether it is on the same property; and
- g. Costs incurred by the City to abate the violation and prosecute the case, including administrative and overhead expenditures.

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- (6) Transfer of ownership after recordation of the City's lien shall not be considered as a factor in the lien reduction; nor shall a lapse of time before seeking enforcement be considered.
- (7) Any reduction granted shall be contingent upon payment within sixty (60) days of the order. The Special Magistrate may grant additional time to remit payment to the City and such additional time must be specified in the order. Failure to remit payment to the City by the date ordered shall cause the original fine to be reinstated.
- (8) The Special Magistrate may reduce the fine upon a finding of good cause, based on the provisions of this Section and any evidence and testimony presented; otherwise the application shall be denied. The Special Magistrate shall set forth the reason(s) for granting the lien reduction in the lien reduction order based upon the factors set forth in subsection (5) above and, the specific reasons for a reduction if based upon a hardship as set forth in subparagraph (10) below.
- (9) The lien for owner occupied property shall not be reduced to an amount less than fifteen (15) percent of the total lien, or to the total of all incurred City costs and expenses including but not limited to attorney's fees, whichever is greater. The lien for all other property shall not be reduced to an amount less than fifty (50) percent of the total lien, or to the total of all incurred City costs and expenses including but not limited to attorney's fees, whichever is greater.
- (10) Upon a finding of extreme hardship, including financial hardship, the Special Magistrate may reduce the fine up to one hundred (100) percent. Such a finding may only be made in rare and extraordinary circumstances. The Special Magistrate shall exercise caution in making such a finding.
- (11) All applicants may appeal the Special Magistrate's decision to the City Commission. The applicant's notice of appeal must be provided to the City in writing within ten (10) days of the date of the order. The notice of appeal shall include any and all reasons why the applicant believes that the Special Magistrate's order should be overturned along with all supporting documents. The appealing party will be notified in writing of the scheduled date of the hearing at least five (5) days prior to the hearing date. A party receiving a lien reduction, shall, in addition to any reduced lien amount, pay to the City an amount determined by the City Commission to be reasonably related to the City's administrative costs of enforcing the City code and collecting the lien amount. The City Commission may affirm, reverse, or modify the Special Magistrate's order. The application fee, if any, to appeal the matter to the City Commission may be established by resolution of the City Commission.

Section 3: Codification. It is the intention of the City Commission of the

City of Wilton Manors, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code and Ordinances of the City of Wilton Manors, Florida, and that Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance"

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1 may be changed to "Section," "Article," or such other word or phrase in order to accomplish
2 such intention.

3 **Section 4: Severability.** If any clause, section, or other part of this
4 Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid,
5 such unconstitutional or invalid part shall be considered as eliminated and in no way affecting
6 the validity of the other provisions of this Ordinance.

7 **Section 5: Conflicts.** That all Ordinances or parts of Ordinances, Resolutions, or
8 parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such
9 conflict.

10 **Section 6. Effective Date.** Except as otherwise provided for herein, this
11 Ordinance shall take effect immediately upon adoption.

12
13 **THE REMAINDER OF THIS PAGE HAS**
14 **BEEN INTENTIONALLY LEFT BLANK.**
15
16

1 PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF
2 WILTON MANORS, FLORIDA, THIS 25th DAY OF JUNE, 2024.

3
4 PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY
5 COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 24th DAY OF
6 September, 2024.

7 CITY OF WILTON MANORS, FLORIDA

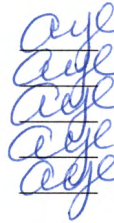
8
9
10 By: 
11 SCOTT NEWTON, MAYOR

12
13 ATTEST:

14 RECORD OF COMMISSION VOTE: 1ST
15 Reading

16 
17 PATRICIA STAPLES, MMC
18 ASSISTANT CITY CLERK

19 MAYOR NEWTON
20 VICE MAYOR BRACCHI
21 COMMISSIONER CAPUTO
22 COMMISSIONER D'ARMINIO
23 COMMISSIONER ROLLI



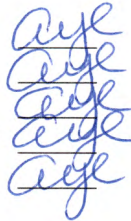
24 I HEREBY CERTIFY that I have
25 approved the form of this Ordinance.

26 /s/ Kerry L. Ezrol

27 KERRY L. EZROL, ESQ.
28 CITY ATTORNEY

29
30 RECORD OF COMMISSION VOTE: 2ND
31 Reading

32 MAYOR NEWTON
33 VICE MAYOR BRACCHI
34 COMMISSIONER CAPUTO
35 COMMISSIONER D'ARMINIO
36 COMMISSIONER ROLLI



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COMMUNITY DEVELOPMENT SERVICES

(954) 390-2180 FAX: (954) 567-6069

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TO: Mayor and City Commission

THRU: Leigh Ann Henderson, City Manager

FROM: Roberta Moore, Community Development Services Director

CC: Gary Blocker, Chief of Police
Abel Alberro, Code Compliance Supervisor

DATE: June 12, 2024 / July 10, 2024 / September 12, 2024

RE: Amendments to Chapter 2 of the City's Code of Ordinances entitled "Administration",
Section 2-25 entitled "Lien Reduction Procedures".

The City Commission gave direction to City staff at the May 14, 2024 City Commission meeting to amend the lien reduction procedures as outlined in Section 2-25 of the City of Wilton Manors Code of Ordinances.

The following outlines the proposed changes.

Section 2-25. Lien reduction procedures

- Subsection (1)a. Ordinance page 2 of 6, lines 2-4. Requires written consent for an applicant who is not the property owner to apply for the lien reduction.
- Subsection (1)e. Ordinance page 2 of 6, lines 11-13. New subsection. Requires supporting documentation be submitted that identifies any and all code violations and code liens on all real property owned by the property owner within the City boundaries within the past five (5) years.
- Renumber subsections (1)e – k based on the addition of subsection (1)e. Ordinance page 2 of 6, lines 11-29.
- New subsection (1)g. Ordinance page 2 of 6, lines 18-19. Adds the requirement for a reason why the lien should be reduced.
- Subsection (8). Ordinance page 4 of 6, lines 5-6. Requires the Special Magistrate set forth the reason(s) for granting the lien reduction in the lien reduction order.
- Subsection (11). Ordinance page 4 of 6, lines 18-20. Requires the applicant's notice of appeal to include the reasons why the applicant believes the Special Magistrate's order should be overturned and all supporting documentation.

June 25, 2024 City Commission

Motion made by Commissioner Caputo and Seconded by Commissioner D'Arminio. A requested amendment to Ordinance No. 2024-004 between First and Second Reading was to clarify what the Special Magistrate has to provide to the City Commission relating to their findings for granting the lien reduction. Motion passed 5-0.

Amendment can be found on Page 4 of 6 of Ordinance No. 2024-004, lines 6-8. Addition of language "based upon the factors set forth in subsection (5) above and, the specific reasons for a reduction if based upon a hardship as set forth in subparagraph (10) below."

July 23, 2024 City Commission

Motion made by Commissioner Caputo and seconded by Commissioner D'Arminio to table Ordinance No. 2024-004 to the September 24, 2024 City Commission meeting. Motion passed 5-0.

Changes from the July 23, 2024 City Commission meeting

Section 2-25(1)(h): Added language that requires the financial affidavit and supporting documentation that is submitted will be by the property owner and any tenant that caused the violation that resulted in the lien. Page 2 of 7, lines 23-25 of Ordinance No. 2024-004.

Section 2-25(5): Added language requiring public notice provided by the applicant for all properties within 300 feet of the property that is requesting a lien reduction. This notice is required to be provided at least ten (10) days prior to the scheduled hearing date. The applicant will be required to provide a "certificate of mailing" or other means acceptable to the City prior to the public meeting date. Page 3 of 7, lines 22-31 of Ordinance No. 2024-004.



City of Wilton Manors
Business Impact Estimate

Note: The business impact estimate must be posted on the City's website no later than the date the notice of proposed enactment is published per Section 166.041(4) Florida Statutes. This business impact estimate may be revised following its initial posting.

Ordinance title/reference:

Amendments to Chapter 2 of the City of Wilton Manors Code of Ordinances entitled "Administration", Section 2-25 entitled "Lien Reduction Procedures".

Does any of the following exceptions to the Business Impact Estimate requirement apply? If so, check the applicable box and leave the remainder of the form blank.

- ☐ The ordinance is required for compliance with federal or state law or regulation;
- ☐ The ordinance relates to the issuance or refinancing of debt;
- ☐ The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the County;
- ☐ The ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

Business Impact:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):
2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Wilton Manors (each is required):
 - 2.1 An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted
 - 2.2 Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible
 - 2.3 An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:
3. A good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
4. Additional information (if any):



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Amendments to Section 2-25 entitled
“Lien Reduction Procedures”
of the City’s Code of Ordinances

September 24, 2024

City Commission

Changes from the July 23, 2024 City Commission meeting

Section 2-25. Lien reduction procedures

- Section 2-25(1)(h): Added language that requires the financial affidavit and supporting documentation that is submitted will be by the property owner and any tenant that caused the violation that resulted in the lien. Page 2 of 7, lines 23-25 of Ordinance No. 2024-004.
- Section 2-25(5): Added language requiring public notice provided by the applicant for all properties within 300 feet of the property that is requesting a lien reduction. This notice is required to be provided at least ten (10) days prior to the scheduled hearing date. The applicant will be required to provide a “certificate of mailing” or other means acceptable to the City prior to the public meeting date. Page 3 of 7, lines 22-31 of Ordinance No. 2024-004.



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Section 2-25 “Lien Reduction Procedures”

Section 2-25. Lien reduction procedures

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- New subsection (1)g. Ordinance page 2 of 6, lines 18-19. Adds the requirement for a reason why the lien should be reduced.
- Subsection (8). Ordinance page 4 of 6, lines 5-6. Requires the Special Magistrate set forth the reason(s) for granting the lien reduction in the lien reduction order.
- Subsection (11). Ordinance page 4 of 6, lines 18-20. Requires the applicant’s notice of appeal to include the reasons why the applicant believes the Special Magistrate’s order should be overturned and all supporting documentation.



Questions

THANK YOU
FOR YOUR SERVICE
TO THE
ISLAND CITY