

ORDINANCE 2014-03

AN ORDINANCE OF THE CITY OF HIGH SPRINGS, FLORIDA, PERTAINING TO PROPERTY MAINTENANCE AND NEIGHBORHOOD PRESERVATION IN CHAPTER 18 OF THE HIGH SPRINGS CITY CODE BY ADDING SECTION 18-2 REGARDING REGISTRATION OF REAL PROPERTY MORTGAGES IN DEFAULT OR FORECLOSURE; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of High Springs has determined that vacant foreclosed homes quickly may become nuisances, hazards to public health and safety, or become poorly maintained, thereby reducing the value of neighboring residences and threatening entire neighborhoods; and

WHEREAS, a system of registration and tracking of foreclosed homes and homes in default about to go into foreclosure, with personal contact information of the owner or other responsible party who may be responsible for remedying Code violations, would assist in assuring Code compliance, assuring security of the home involved, protecting public health and safety, and preserving neighborhoods;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HIGH SPRINGS, FLORIDA, AS FOLLOWS:

Section 1: That Chapter 18, Section 18-2 is added to the City of High Springs Code of Ordinances as follows:

Sec. 18-2 Purpose and Applicability:

(A) The purpose of this Chapter is to promote the health, safety and welfare of the citizens of the City of High Springs, Florida by:

1. Setting minimum standards necessary for the maintenance of improved lots and parcels, buildings, fences or walls, structures, and vacant or unimproved properties in order to safeguard against potential hazards, and reduce occurrences of blight and other influences considered to cause deteriorating conditions, unattractive neighborhoods, and potential loss of property value.
2. Setting minimum standards for the proper location, control, and care required for the keeping of large animals and livestock within the City's corporate limits.
3. Providing standards for inspecting the interiors of properties being rented and occupied, based on criteria consistent with and specified by the Florida Revised Statutes.
4. PROVIDING FOR REGISTRATION AND TRACKING OF FORECLOSED HOMES AND HOMES IN OR ABOUT TO GO INTO DEFAULT.

(B) This Chapter shall apply to all land within the City of High Springs without regard to the use or occupancy or the date of acquisition, alteration, or improvement of such land.

- (C) The Director of Codes Enforcement or designee shall interpret this Chapter to the public, City departments, and other branches of government subject to the general and specific policies established by the City Commission.
- (D) Appeals of the interpretations of this Chapter shall be filed within 30 days of the date of the decision and shall be reviewed by the Board of Adjustment except when the requirement references the building or fire codes or regulations.
- (E) Registration of foreclosed homes and homes about to go into default:

Definitions:

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Abandoned real property: any real property that is vacant and/or is under a current notice of default, mortgage foreclosure action, notice of trustee's sale, pending tax assessor's lien sale and/or properties that have been the subject of a foreclosure sale where title is retained by the beneficiary of a deed of trust or mortgagee under a mortgage involved in the foreclosure, and any properties transferred under a deed-in-lieu, a short sale, or any other legal means.
2. Default: when a mortgagee declares the obligation to be in default in writing, such as a statement of breach or nonperformance, or by letter; by recording a lis pendens or notice of trustee's sale; or by its actions, such as by commencing judicial or non-judicial foreclosure proceedings.
3. Evidence of vacancy: any condition that on its own, or combined with other conditions present, that would lead a reasonable person to believe that the real property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, electricity, water or other utilities turned off, stagnant swimming pool, statements by neighbors, passers-by, delivery agents, or government agents, among other evidence.
4. Foreclosure: any judicial or non-judicial sale of real property pledged as security for an obligation that is in default.
5. Investor owned: a property owned by any individual or entity which is not occupied by or the residence of the individual or of the owner or controlling person of the entity which owns the property. "Investor owned" includes property owned by a bank or other financial institution, or which is held by a nominee or other entity on behalf of a financial intermediary.
6. Local property manager: an individual property manager, property management company, property maintenance company, or similar person or entity designated by the owner or mortgagee which is responsible for the maintenance of abandoned real property.
7. Mortgagee: a mortgagee under a mortgage, a trustee or beneficiary under a deed of trust, or a vendor under a contract of sale who declares the obligation in default.

8. Vacant: any real property that is not lawfully occupied or inhabited by human beings.

(F) Registration of real property in default:

1. Upon default by the obligor or issuance of a notice of default by or on behalf of the mortgagee, a mortgagee of real property located within the city shall become the responsible party for the property.
2. Upon default by the obligor or issuance of a notice of default by or on behalf of the mortgagee, a mortgagee of real property shall perform an inspection of the property that is the security for the mortgage. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within 10 days of the inspection, register the property with the Director of Codes Enforcement, or designee, electronically or on forms provided by the director. A separate registration is required for each vacant property.
3. If the real property is occupied but remains in default, it shall be inspected by the mortgagee or his or her designee monthly until the obligor or other party remedies the default, or the property is found to be vacant or shows evidence of vacancy, at which time it is deemed abandoned, and the mortgagee shall, within 10 days of that inspection, register the property with the Director of Development and Sustainability.
4. Within 10 days of the date the mortgagee declares the obligation to be in default through public notice or recordation, the mortgagee shall register the real property with the Director of Codes Enforcement and/or his/her designee, at the time of registration, shall designate in writing a local property manager to inspect, maintain and secure the real property subject to the obligation in default.
5. Registration pursuant to this subsection shall contain, at a minimum, the name of the mortgagee and servicer along with the corresponding mailing addresses of each, e-mail addresses, and the name, mailing address telephone number, and e-mail address of the local property manager. The local property manager shall be responsible to inspect, secure and maintain the vacant real property. The property manager named in the registration shall be located within Alachua County, Florida, and available to be contacted by a city inspector during regular business hours. If the registered vacant real property is investor owned, the registration shall contain at the minimum the name of the owner, the mailing address, e-mail address, and telephone number of the asset manager or other investor agent along with the other required registration information.
6. Any person that has registered a vacant real property under this subsection must report any change of information contained in the registration within 10 days of the change.
7. A per-property annual registration fee, to be determined by resolution or administrative order, shall accompany the registration or a modification of registration. There is no fee for modifying contact information if the organizational information remains the same and within 1 year of filing of the last registration payment.

8. Properties subject to this subsection shall remain under the annual registration requirements of this subsection so long as they remain vacant or subject to having been declared by a mortgagee to be in default or remains investor owned.
 9. Failure of the mortgagee or property owner of record, as applicable, to register or to revise a prior registration to reflect any changes as required by this subsection may be enforced by a citation for civil sanctions and penalties as provided for by Sec. 1-12 City of High Springs Code of Ordinances.
- (G) Subject to all applicable procurement regulations and policies, the Director of Codes Enforcement, may contract with a designee, to operate a website for registrations of properties or updates to existing registrations, and to collect registration fees.
- (H) Properties subject to this section shall be subject to all maintenance, security, and inspection requirements of this chapter.
- (I) When a property subject to this section becomes vacant or abandoned, the property shall be posted with the name and a 24 hour contact telephone number of the local property manager. The posting shall be no less that 18 inches by 24 inches, in a font legible from a distance of 45 feet, and shall be maintained inside or on the property so that it is visible from the street. The posting shall contain substantially the following language: "This property is managed by [name of local property manager]. To report problems or concerns, call [telephone number of local property manager]."
- (J) The local property manager shall inspect a property subject to this section at least once every 2 weeks to ensure that the property is in compliance with this section. Upon the request of the city inspector, the local property manager shall provide a copy of the inspection reports to the Director of Codes Enforcement.
- (K) This section does not limit the authority of the city to:
1. Perform an exterior inspection of any property in the city at any time.
 2. Upon receipt of a complaint or consent from the owner or occupant perform an interior inspection of any property in the city's jurisdiction.
 3. Perform interior, exterior or construction job site inspections of new construction before issuance of a certificate of occupancy.
 4. Perform interior or exterior inspections of illegal construction that occurred without a required building permit.
 5. Perform an interior inspection of any property during an emergency or natural disaster.
 6. Perform any other inspection authorized by other provisions of the High Springs City Code.

Section 3: EFFECTIVE DATE. This ordinance shall take effect upon its passage at second and final reading.

Section 4: PRESERVATION OF RIGHTS AND DUTIES. The repealing provisions of this Ordinance do not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of the repeal.

Section 5: CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

First reading was held on the 28th day of August, 2014.

DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of High Springs, Florida, at a regular meeting, this 25th day of September, 2014.

BY THE MAYOR OF THE CITY OF HIGH SPRINGS, FLORIDA

Byran D. Williams, Mayor

ATTEST, BY THE CLERK OF THE
CITY COMMISSION OF THE CITY OF
HIGH SPRINGS, FLORIDA:

Jenny L. Parham, City Clerk

APPROVED AS TO FORM AND
LEGALITY:

S. Scott Walker, City Attorney

RESOLUTION 2015-L

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HIGH SPRINGS IMPOSING REGULATORY FEES FOR THE REGISTRATION OF VACANT REAL PROPERTY IN FORECLOSURE; PROVIDING LIMITATIONS ON SUCH REGULATORY FEES; PROVIDING DIRECTIONS REGARDING CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission enacted Ordinance No. 2014-03 on September 25, 2014; and

WHEREAS, Ordinance No. 2014-03 provides for the registration of vacant real property in the process of foreclosure within the City of High Springs; and

WHEREAS, Ordinance No. 2014-03 authorizes the City Commission by resolution to impose regulatory fees for the registration of vacant real property in foreclosure; and

WHEREAS, the City Building Department has reviewed and recommended the amount of the regulatory fees for the registration of vacant real property in foreclosure to be imposed in this Resolution; and

WHEREAS, the City Commission has determined that the regulatory fees imposed in this Resolution are reasonable and necessary for the registration of vacant real property in foreclosure, do not exceed the cost of the regulatory activity required for the registration of such property, and will be used and expended solely for the regulatory purpose of such registration activity.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF HIGH SPRINGS, FLORIDA AS FOLLOWS:

SECTION ONE: Pursuant to Ordinance 2014-03, the City Commission hereby imposes regulatory fees in the amount of \$200.00 per parcel for the registration of vacant real property in foreclosure within the City of High Springs.

SECTION TWO: This Resolution shall not be codified in the High Springs Code of Ordinances.

SECTION THREE: The Commission may adjust and update this fee by enacting subsequent resolutions.

SECTION FOUR: This Resolution and the fees imposed in this Resolution shall take effect immediately after passage.


*City of High Springs
Resolution 2015-L
Vacant Property Registry*

SECTION FIVE: If any word, phrase, clause, paragraph, section or provision of this Resolution or the application hereof to any person or circumstances is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the resolution which can be given without the valid or unconstitutional provisions or application, and to this end the provisions of this Resolution are declared severable.

SECTION SIX: All resolutions and parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

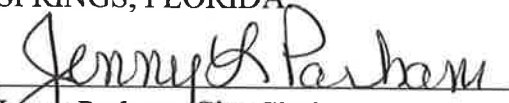
PASSED in regular session of the High Springs City Commission this 27th day of August, 2015.

CITY OF HIGH SPRINGS



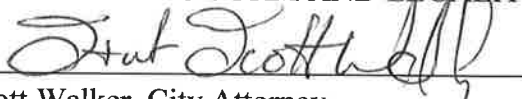
Sue Weller, Mayor

ATTEST, BY THE CLERK OF THE CITY
COMMISSION OF THE CITY OF HIGH
SPRINGS, FLORIDA:



Jenny Parham, City Clerk

APPROVED AS TO FORM AND LEGALITY:



S. Scott Walker, City Attorney