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ORDINANCE NO. 13- 24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING PUBLIC NUISANCE BY ADDING AN ARTICLE V ENTITLED "ABANDONED PROPERTY REGISTRATION PROGRAM"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

12 WHEREAS, the present mortgage foreclosure crisis has serious negative implications for
13 all communities trying to manage the resulting property vacancies, decreases in property values,
14 lack of maintenance, and other problems that stem from the financial crisis; and

15 WHEREAS, distressed homes quickly succumb to the forces of nature and the elements,
16 grass and weeds grow, swimming pools become stagnant public health hazards, landscaping dies
17 from lack of attention or grows out of control, windows are broken, exteriors suffer damage from
18 normal wear-and-tear and vandalism, communities suffer, and these consequences have a
19 negative impact first on neighboring residences and then on entire neighborhoods; and

20 WHEREAS, the conditions identified above negatively impact Leon County and blight
21 neighborhoods; and

22 WHEREAS, Leon County is challenged to identify and locate owners or foreclosing
23 parties who can correct negative impacts and maintain the properties that are in the foreclosure
24 process; and

25 WHEREAS, Leon County finds that neighborhoods should be protected from becoming
26 blighted through the lack of adequate maintenance and security of vacant properties or properties
27 that are distressed; and

1 WHEREAS, Leon County has adopted property maintenance codes to regulate standards
2 for structures and the condition of property as a whole; and

3 WHEREAS, a foreclosed property registration process is necessary for Leon County to
4 provide a monitoring mechanism and additional enforcement for distressed properties; and

5 WHEREAS, Leon County finds that the registration program should include properties
6 that are currently in the foreclosure process; and

7 WHEREAS, the Leon County Board of County Commissioners has determined that the
8 following additions to the County's code will serve and contribute to promoting and protecting
9 the general health, safety and welfare of the residents of Leon County; and

10 WHEREAS, the Board of County Commissioners desires to enact an ordinance creating
11 Chapter 14, Article V. Leon County Code of Laws, relating to an Abandoned Property
12 Registration Program;

13 BE IT ORDAINED by the Board of County Commissioners of the County of Leon,
14 Florida, as follows, that:

15 **Section 1. Recitals Incorporated.** The above recitals are true and correct and by this
16 reference are incorporated herein and made an integral part hereof.

17 **Section 2. Abandoned Property Registration Program Enacted.** Chapter 14. Code
18 Enforcement is amended to add a new Article V of Chapter 14 of the Leon County Code
19 (Abandoned Property Registration Program) to read as follows:

20 **CHAPTER 14. PUBLIC NUISANCE**

21 **ARTICLE V. ABANDONED PROPERTY REGISTRATION PROGRAM**

22 **Sec. 14-70. Purpose and Intent.**

1 It is the purpose and intent of this Ordinance to establish a process to limit and reduce the
2 deterioration of property located within unincorporated Leon County, which property is in
3 mortgage foreclosure, ~~where ownership has been transferred to a lender or mortgagee by any~~
4 ~~legal method, or where property is distressed or deemed to be abandoned due to the actions of a~~
5 ~~mortgagee.~~ It is further intended to establish a registration program as a mechanism to protect
6 neighborhoods from becoming blighted through the lack of adequate maintenance or through
7 distressed and/or abandoned properties that which are subject to mortgages that are subject to
8 foreclosure proceedings. ~~in default.~~

9 **Sec. 14-71. Definitions.**

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

12 *Abandoned* means any Distressed Property containing a building, ~~or structure,~~ or which
13 is vacant real estate that is not lawfully occupied or inhabited as evidenced by overgrown and/or
14 dead vegetation; electricity, water or other utilities turned off or otherwise non-operational;
15 stagnant swimming pool; or statements by neighbors, passers-by, delivery agents or government
16 agents; or other conditions which would indicate that the property is not lawfully inhabited.

17 *Code Inspector* shall mean those authorized agents or employees of the County whose
18 duty it is to ensure compliance with the Leon County Code of Laws.

19 *Default* means ~~that the mortgagee has filed a foreclosure action or notice of default on the~~
20 ~~mortgage. A mortgage shall be considered in default at such time as the mortgagee declares said~~
21 ~~mortgage to be in default either by letter or notice to property owner, by records ing a lis~~
22 ~~pendens, by commencing foreclosure proceedings, or by any other actions demonstrating a~~
23 ~~breach of a security covenant on a property.~~

1 *Distressed property* means any real property upon which a mortgagee has recorded a lis
2 pendens or has filed a foreclosure action. A property will be considered *Distressed* until the
3 foreclosure action is dismissed or closed, or until the lis pendens is otherwise dissolved, or until
4 such time as the mortgagee takes title to the property. ~~under default, or notice of mortgagee's~~
5 ~~sale, or pending lien sale and/or properties that have been the subject of a mortgage foreclosure~~
6 ~~sale where title is retained by the mortgagee, and/or any properties transferred under a deed in-~~
7 ~~lieu of foreclosure sale, and short sale or any other legal means.~~

8 ~~*Foreclosure* means the judicial process by which a property, placed as security for a~~
9 ~~mortgage loan, after a judicial process, is to be sold at an auction to satisfy a debt upon which the~~
10 ~~borrower has defaulted.~~

11 **Sec. 14-72. Registration and Inspection of Distressed Real Property.**

12 (a) Registration. Within ten (10) days of the date of taking an action which results in
13 a property qualifying as *distressed*, a the mortgagee taking such action who holds a mortgage for
14 ~~any real property located in unincorporated Leon County~~ shall register the property that is the
15 security for the mortgage. A registration is required for each *distressed* property in the
16 unincorporated area of Leon County. Registration pursuant to this section shall contain, at a
17 minimum, the name and mailing addresses of the mortgagee and servicer, as well as the e-mail
18 addresses and telephone numbers of the mortgagee and servicer, and the name of the local
19 property manager and said person's address, e-mail address, and 24-hour telephone number. A
20 local property manager shall be designated at the time of registration and shall be responsible for
21 inspecting, securing, and maintaining the property. The property manager named in the
22 registration shall be located within fifty (50) ~~twenty (20)~~ miles of Leon County and available to
23 be contacted by the County, Monday through Friday between 8:00 a.m. and 5:00 p.m.

1 (b) Within ten (10) days of the date of taking an action which results in a property
2 qualifying as *distressed*, a mortgagee who holds a mortgage for any real property located in
3 unincorporated Leon County shall have the property physically inspected. The inspection must
4 be done in person and scope of the inspection must be lawful.

5 (1) If the property is occupied, but the property remains *distressed*, the mortgagee
6 shall register the property as “occupied” and shall inspect the property quarterly until:

7 (A) the property no longer qualifies as *distressed*, or

8 (B) the property is found to be *abandoned*, in which case the mortgagee shall
9 update the property’s status to “abandoned” with the Leon County Abandoned Property
10 Registration program within ten (10) days of the last inspection.

11 (2) Property which is found to be *abandoned* shall be inspected at least every
12 sixty (60) days by the mortgagee or mortgagee’s designee.

13 (3) The mortgagee or mortgagee’s designee shall certify that each inspection
14 has taken place and the results of each inspection in writing within three (3) working days of the
15 inspection.

16 (c) Properties subject to this section shall remain subject to ~~under the registration~~
17 ~~requirement, and the inspection, security, and maintenance standards~~ of this ordinance as long as
18 they remain *distressed* or abandoned properties.

19 (d) Any person or other legal entity that has registered a property under this
20 ordinance must report a change to the information contained in the registration within ten (10)
21 days of the change.

22 ~~**Sec. 14-73. Annual Registration Fee.**~~

1 (e) An annual registration fee in an amount approved by the Board of County
2 Commissioners shall be paid upon the registration or registration renewal of each *distressed or*
3 *abandoned property*. Registration shall be valid for 1 year from the date of initial registration.
4 Registration of the property must be renewed annually as long as the property remains *distressed*
5 *or abandoned*.

6 **Sec. 14-73. Posting Requirements.**

7 (a) When a *distressed property* ~~property subject to this Ordinance~~ becomes is
8 determined to be *abandoned*, it shall be posted with the name and twenty-four (24) hour contact
9 telephone number of the local property manager, unless such posting is prohibited by recorded
10 covenants and restrictions. The posting shall be of a size and no less than 18 inches x 24 inches
11 ~~and shall be of a font that is legible from a distance of 45 feet.~~ The posting shall contain the
12 following language, at a minimum, with supporting information:

13 THIS PROPERTY IS MANAGED BY _____
14 AND IS INSPECTED ON A REGULAR BASIS.
15 THE PROPERTY MANAGER CAN BE CONTACTED
16 BY TELEPHONE AT _____
17 OR BY EMAIL AT _____

18 (b) The posting required in subsection (a) above shall be placed on the interior of a
19 window facing the street to the front of the property so that it is visible from the street, or secured
20 to the exterior of the building/structure facing the street to the front of the property so that it is
21 visible from the street, or if no such area exists, on a stake of sufficient size to support the
22 posting in a location that is at all times visible from the street to the front of the property.
23 Exterior posting shall be weather-resistant.

1 **Sec. 14-74. Maintenance Requirements for Abandoned properties.**

2 ~~Properties subject to this Article~~ Abandoned properties shall be maintained in accordance
3 with all relevant County regulations, including but not limited to those contained in Chapter 5
4 *Building Construction Regulations*, Chapter 6 *Code Enforcement Board*, Chapter 10 *Land*
5 *Development Code*, and Chapter 14 *Public Nuisances* of the Leon County Code of Laws.

6 (a) ~~Properties subject to this Article~~ Abandoned properties shall be kept free of
7 weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any
8 accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or
9 local law), abandoned vehicles, discarded personal items including, but not limited to, furniture,
10 clothing, large and small appliances, printed material or any other items that give the appearance
11 that the property is Abandoned.

12 (b) The abandoned property shall be maintained free of graffiti or similar markings
13 by removal or painting over with an exterior grade paint that matches the color of the exterior
14 structure.

15 (c) Front, side, and rear yards, including landscaping, shall be maintained in
16 accordance with the Leon County Code of Laws.

17 (d) Pools and spas shall be maintained so that the water remains free and clear of
18 pollutants and debris. Pools and spas shall comply with all requirements of the Leon County
19 Code of Laws and Florida Building Code, as amended from time to time.

20 (e) ~~Properties subject to this Article~~ Abandoned properties shall be maintained in a
21 secure manner so as not to be accessible to unauthorized persons or open to the elements. A
22 “secure manner” shall include, but not be limited to, the closure and locking of all windows,
23 doors, gates and other openings of such size that will not allow a child or adult to access the

1 interior of the structure and pool area, if any. Broken windows or doors shall be secured by
2 reglazing or boarding.

3 **Sec. 14-75. Enforcement.**

4 (a) Failure of the mortgagee ~~and/or property owner of record~~ to properly register or to
5 modify the registration to reflect a change of information as required by this Article is a violation
6 of this Article and shall be subject to enforcement pursuant to the Leon County Code
7 Enforcement procedures established in Chapter 6, Leon County Code of Laws.

8 (b) Failure of the mortgagee ~~and/or property owner of record~~ to ~~properly inspect,~~
9 ~~secure, or properly maintain distressed or abandoned property, and post and maintain the~~
10 ~~signage noted in this Article, comply with the applicable registration, inspection, posting, and~~
11 ~~maintenance requirements~~ is a violation of this Article and shall be subject to enforcement
12 pursuant to the Leon County Code Enforcement procedures established in Chapter 6, Leon
13 County Code of Laws.

14 **Sec. 14-76. Additional Authority.**

15 (a) If an appropriate County Code Inspector has reason to believe that a property
16 subject to the provisions of this Article poses a serious threat to the public health, safety, and
17 welfare, the Code Inspector may bring the violations before the County's Code Enforcement
18 Board or a court of competent jurisdiction as soon as possible to address the conditions of the
19 property.

20 (b) If there is a finding that the condition of the property poses a serious threat to the
21 public health, safety, and welfare, then the Code Enforcement Board or a court of competent
22 jurisdiction may direct the County to abate the violations and charge the mortgagee with the cost
23 of abatement.

1 **Sec. 14-77. Provisions Supplemental.**

2 In addition to the remedies authorized in the Article, the County may enforce its codes by
3 any other means, including, but not limited to, injunction, abatement or as otherwise provided by
4 law or ordinance.

5 **Section 3. Severability.**

6 If any provisions or portion of this Ordinance is declared by any court of competent
7 jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and
8 portions of this Ordinance shall remain in full force and effect.

9 **Section 4. Effective Date.**

10 This ordinance shall become effective as provided by law.

11 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon
12 County, Florida this 10th day of December, 2013.



LEON COUNTY, FLORIDA

By: *Kristin Dozier*
Kristin Dozier, Chairman
Board of County Commissioners

19 ATTESTED BY:
20 BOB INZER, CLERK OF THE COURT
21 AND COMPTROLLER
22 LEON COUNTY, FLORIDA

23 By: *John Stott, Deputy Clerk*

24 APPROVED AS TO FORM:
25 COUNTY ATTORNEY'S OFFICE
26 LEON COUNTY, FLORIDA

27 By: *Herbert W. A. Thiele*
28 Herbert W. A. Thiele, Esq.
29 County Attorney