

## RESOLUTION NO. 14-R20

### A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; APPROVING AMENDMENT TO RULES OF PROCEDURE FOR CODE ENFORCEMENT PROCEEDINGS; AMENDING CRITERIA FOR CONSIDERATION OF LIEN REDUCTION, UNDER RULE 17

WHEREAS, The Code Enforcement Board for the City of Fort Pierce, Florida, at its regular meeting on May 13, 2014, adopted an amendment to Rule 17 (Requests for Reduction of Liens) of its Rules of Procedure, said amendment modifying the criteria governing consideration of whether a lien should be reduced or not, as follows:

**Rule 17.            Requests for Reduction of Liens.**

A respondent may request a reduction of a lien otherwise, imposed by the City after the original violation is in compliance and the Department has issued an affidavit of compliance. No such request shall be made until after the date originally set for compliance has passed and the property is already under penalty. The request shall be made in writing to the Department and shall state reasons for why there should be consideration of reduction. The request should include a description of any supporting documentation which should be considered in furtherance of such request. The Department shall schedule a hearing on the request before the Special Magistrate or Board, with notice to the respondent. After hearing both sides, the Special Magistrate shall make a determination, or the Board shall adopt a motion, recommending to the Commission that the request for reduction of the lien be denied, granted, or granted with conditions. The recommendation will be based upon evidence, upon consideration of the following criteria:

1. The gravity or seriousness of the violation;
2. Any and all actions taken by the violator to correct the violations; or, if the violation was not corrected by the original violator, what action was taken by any other owner or party in interest to bring the violation into compliance;
3. The length of time necessary to bring the property into compliance;
- ~~4. The number of prior violations committed by the violator;~~
4. The number of times the violator was previously found in violation by either the Code Enforcement Board, Special Magistrate, or other quasi-judicial or judicial process, or otherwise admitted guilt in any such proceeding;
5. The number of violation notices the violator has received in the past; as well as their nature and the final disposition of each such notice;
6. Whether or to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship.
7. Whether or to what extent there are pending violation proceedings on the subject property or any other property within the City owned by the respondent.

Any motion of recommendation shall include findings on each criterion. Any recommendation that the lien be reduced in whole or in part shall include provision for payment of administrative costs except that such costs may be waived as appropriate upon

consideration of the same factors upon which the recommendation is based. Any recommendation for reduction may include further recommendation that reduction be conditioned upon payment of the reduced amount within a specified period of time.

**WHEREAS**, CEB Rule 18 of the Rules of Procedure for the Code Enforcement Board and Special Magistrate provide that any amendment to the procedural rules for code enforcement proceedings shall not become effective unless or until subsequently ratified or approved by the City Commission; and

**WHEREAS**, the City Commission considered the proposed amendment to Rule 17 and determines that such amendment is a reasonable exercise of the Board's discretion and provides for procedures governing the orderly disposition of enforcement-related proceedings.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Fort Pierce, Florida, that the aforesaid amendment to the Rules of Procedure for the Code Enforcement Board and Special Magistrate should be and the same is hereby approved.

**IN WITNESS WHEREOF**, this Resolution was duly adopted this 16<sup>th</sup> day of June, 2014.

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Linda Hudson, Mayor

**ATTEST:**

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Linda W. Cox, City Clerk

**APPROVED AS TO FORM AND CORRECTNESS**

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Robert V. Schwerer, Esq.  
City Attorney