

ORDINANCE 06-____

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE PINELLAS COUNTY CODE; AMENDING SECTIONS 58-338, 58-340, AND 58-341 RELATING TO LIENS RESULTING FROM COUNTY CLEARANCE OF PROPERTY; AMENDING SECTION 58-339 RELATING TO INTEREST ON LIENS RESULTING FROM COUNTY CLEARANCE OF PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AMENDMENTS THAT MAY ARISE AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners has in place ordinance provisions allowing the Department of Environmental Management to clear properties in violation of Pinellas County Code Chapter 58, Article IX; and

WHEREAS, the current procedures in place require a substantial amount of time to elapse between the expenditure of public funds to clear a property and the filing of a lien on the benefited property; and

WHEREAS, the passage of time has allowed properties to change ownership prior to the application of a lien to the property thereby rendering the imposition of a lien impossible; and

WHEREAS, it is in the best interest of the County to efficiently recover the public funds expended to bring properties into compliance with County codes; and

WHEREAS, the interest provision relating to liens resulting from clearance of property by the County are unclear and need to be clarified.

NOW, THEREFORE, Be It Ordained by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1: Section 58-338 of the Pinellas County Code is hereby amended to read as follows:

Sec. 58-338. Establishment of lien.

The ~~board of county commissioners~~ county administrator or his designee is hereby authorized to assess against property which is cleared by the county or its agent pursuant to this article the actual cost to the county of clearing such property. The ~~county administrator or his designee~~ board is further authorized to assess against property found to be in violation of this article administrative costs, pursuant to the authority granted by section 58-336. Such actual cost of clearance plus such administrative cost shall constitute a lien against such property. A notice of lien in such form as the board of county commissioners shall determine may be filed in the office of the clerk of the circuit court of the county and recorded as other liens are recorded. The same, upon recording, shall be constructive notice of such lien, which may be foreclosed pursuant to general law in the circuit court of the county.

SECTION 2: Section 58-339 of the Pinellas County Code is hereby amended to read as follows:

Sec. 58-339. Interest on liens.

Except as otherwise provided in section 58-340, ~~The principal amount of all assessment liens levied and assessed pursuant to this article shall bear interest at the rate of six percent per annum or fraction thereof from October 1 of the year in which such liens were assessed and such interest as herein provided shall also constitute a lien against the property assessed of equal dignity.~~

SECTION 3: Section 58-340 of the Pinellas County Code is hereby amended to read as follows:

Sec. 58-340. Grace period prior to establishment of the imposition of interest on liens.

~~Prior to assessment of liens by the board of county commissioners in accordance with section 58-338, the department shall provide each property owner with written notice of the cost to clear such property together with the administrative cost, if applicable, which total would be assessed against the property and an invoice for payment thereof. Not less than 30 days after receipt of such notice by the property owner, the department shall provide a second notice of such costs, informing the property owner that unless payment is received by the county within 15 days of receipt of such notice, that amount shall be assessed by the board against such property and shall constitute a lien against such property. If payment is not received within such period by the county, the board of county commissioners may, by resolution, assess such amount against the property in the manner provided by section 58-338. No~~

~~lien shall be assessed by the board against any property prior to the expiration of the grace period set forth by this section.~~

Each lien recorded pursuant to section 58-338 shall provide that no interest shall accrue until the 30th day after the filing of the lien in the official records of the Clerk of the Circuit Court. Notice that a lien has been filed shall be sent via regular U.S. mail to the owner of record, at the address of record with the Pinellas County Tax Collector within 3 business days.

SECTION 4: Section 58-341 of the Pinellas County Code is hereby amended to read as follows:

Sec. 58-341. Satisfaction of lien; authority of ~~chairman~~ for county administrator or designee to execute.

Upon payment to the county of the total amount of the lien established pursuant to this article, plus interest accrued thereon, plus the recording fee necessary to record a satisfaction of such lien, the ~~chairman of the board of county commissioners~~ county administrator or his designee is hereby authorized to execute a satisfaction of such lien which shall be filed by the department in the public records of the county. Such satisfaction of lien shall be filed in accordance with the requirements of general law pertaining to cancellation of liens against property.

SECTION 5: Severability

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

SECTION 6: Effective Date

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County

Commissioners. This Ordinance shall become effective when the acknowledgment is received from the Secretary of State that the Ordinance has been duly filed.

SECTION 7: Inclusion Clause

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

H:\USERS\ATYKB41\WPDOCS\DEM\Code Enforcement Task Force\Lot Clearing Code Revisions 102705.doc