
1.05.08 Code Enforcement Order Mitigation Procedures.

Definitions.

Satisfaction of Order. A legal document, as approved by the City Attorney, and the process by which the City acknowledges and confirms that a violator has satisfied all obligations of a Code Enforcement Order imposing a fine.

Release of Order. A legal document, as approved by the City Attorney, and the process by which the City acknowledges and confirms that the City is releasing the violator from some of the obligations of a Code Enforcement Order imposing a fine while other obligations of the order have been satisfied by the violator.

Satisfaction of Lien. A legal document, as approved by the City Attorney, and the process by which the City acknowledges and confirms that a violator has satisfied all obligations of a code enforcement order imposing a fine that has been filed in the public records of Okaloosa County. The City shall file a satisfaction of lien in the public records of Okaloosa County.

Release of Lien. A legal document, as approved by the City Attorney, and the process by which the City acknowledges and confirms that the City is releasing the violator from some of the obligations of a Code Enforcement Order imposing a fine that has been filed in the public records of Okaloosa County, while other obligations of the order have been satisfied by the violator. The City shall file a release of lien in the public records of Okaloosa County.

Mitigation Schedule. A schedule of suggested mitigation percentages, as approved by the city council and amended by resolution if needed, that shall be considered during review of an application for release of an order imposing a fine or release of lien, and that may ensure an equitable, expeditious, and effective method of gaining compliance with the code. The following is the city's suggested mitigation percentage schedule:

Fine Amount	% of Fine Amount to be Paid
\$1,000 to \$20,000	10% of the fine amount*
\$20,001—\$40,000	15% of the fine amount*
\$40,001—and over	20% of the fine amount*

* The fine amount to be paid in a mitigated settlement may be reduced to 10 percent of the Just Market Value of the property as established by the Okaloosa County Property Appraiser in cases where the suggested amount exceeds 10 percent of the certified Just Market Value.

Satisfaction of Order or Lien.

- (1) At any time that a violator/property owner has satisfied all obligations of a Code Enforcement Order, the Mayor, upon request provided by the violator and a statement of compliance provided by the Code Inspector, shall execute a Satisfaction of Order or Lien, whichever is applicable.
- (2) The City Clerk will record any Satisfaction of Lien in the public records of Okaloosa County, Florida, and provide a copy of the recorded document to the property owner.

Release of Lien. If a certified copy of a Code Enforcement Board order has been recorded in the public records and the property that was in violation has been brought into compliance with the code, the violator/property owner may apply to the City for a release of lien as follows:

- (1) The violator/property owner shall apply for a release of lien in writing that includes, at a minimum,
 - a. the address of the subject property,

- b. the date the subject property was brought into compliance,
- c. the factual bases for the request for Release of Lien,
- d. the terms upon which the violator/property owner believes a Release of Lien should be granted,
- e. a statement of compliance by the code inspector, and
- f. the amount of the release in fines sought by the violator/property owner.

(2) Upon receipt of the application for release of lien, the City Manager shall review the request to determine if review by the City Council is appropriate or if the case can be settled by the City Manager. If the request is not consistent with the suggested mitigation schedule or exceeds \$20,000.00, it will be scheduled for the next available Council meeting and Staff will prepare a recommendation to the City Council. If the request is consistent with the suggested mitigation schedule and the settlement amount is less than \$20,000.00, the City Manager can settle the case according to guidelines in this section.

(3) If the property subject to the request is also the subject of a foreclosure proceeding filed by the City against the property and property owner in violation, the City Manager shall issue a written denial of the request that includes name, address and telephone number of the foreclosure attorney and advised the applicant the that matter must be considered as a settlement of the litigation.

(4) The City Manager shall consider request for Release of Lien at pursuant to the following criteria:

- a. The City Manager may take action based solely upon the sworn application and comments of the petitioner, and the recommendation of the City Staff.
- b. The City Manager may reduce the amount of the lien consistent with the mitigation schedule or continue the lien in its full amount.
- c. The City Manager will consider the following in determining whether to approve or deny a request for Release of Lien:
 1. the gravity of the violation;
 2. the time in which it took the violator/property owner to come into compliance;
 3. the accrued amount of the code enforcement fines/lien as compared to the County's Property Appraiser's stated value of the property before exemptions;
 4. any previous code violations; and
 5. consistency with the suggested mitigation schedule.
- d. If the City Manager approves a Release of Lien settlement, the City Attorney shall review the Release of Lien prior to the Mayor executing the release and the City Clerk shall have the release recorded in the public records of Okaloosa County, Florida, and provide a copy to the property owner.

(5) When the request cannot be settled by the City Manager, The City council shall consider the request for Release of Lien at a public meeting pursuant to the following criteria:

- a. The City Council may take action based solely upon the sworn application and comments of the applicant, and the recommendation of the City Manager.
- b. The City Council may reduce the amount of the lien, waive the full amount of the lien or continue the lien in its full amount.

- c. The City Council shall consider the following in determining whether to approve or deny an application for Release of Lien:
 - 1. The gravity of the violation
 - 2. The time in which it took the violator/property owner to come into compliance
 - 3. The accrued amount of the Code Enforcement fines/lien as compared to the County's Property Appraiser's stated value of the property before exemptions
 - 4. Any previous Code Violations and
 - 5. The mitigation schedule.
- d. If the City Council approves a release of lien, the Mayor shall execute such release and the City Clerk shall have the release recorded in the public records of Okaloosa County, Florida, and provide a copy to the property owner.

Waiver or Reduction of Administrative Fees or Costs. The City Council may consider a waiver or reduction of administrative fees or costs that were originally imposed in the Code Enforcement Order or for subsequent remedial actions taken by the City.

(Ord. No. 1930, § 2, 1-26-16)