

ARTICLE VII. - REGISTRATION OF VACANT, BLIGHTED, UNSECURED OR ABANDONED STRUCTURES

Sec. 30-211. - Intent.

The purpose of this article is to protect the public health, safety and welfare by:

- (1) Establishing a program for identification and registration of real property located within the city that the mortgagee files a lis pendens (intent to foreclose) or become vacant, blighted, unsecured and abandoned.
- (2) Establishing the responsibilities of owners of foreclosed, vacant, blighted, unsecured and abandoned real property.
- (3) Providing for administration, enforcement and penalties.
- (4) Allowing the city police department to enforce the trespassing penalties described in F.S. § 810.08 on vacant, blighted, unsecured, and abandoned structures.
- (5) Providing a fair, equitable, and efficient method of allocating and apportioning the assessed service costs, which constitute a special benefit to residential and commercial properties, among property owners in violation of this article.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-212. - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

Abandoned/vacant real property means any real property or building, as defined herein, or portion thereof, which may have multiple housing, code enforcement or building code violations, or may be illegally occupied and:

- (1) Under a public notice of default, evidenced by the filing of a lis pendens;
- (2) Is the subject of a pending mortgage foreclosure;
- (3) Is the subject of a mortgagee's sale or lien sale;
- (4) Has been the subject of a mortgage foreclosure sale where title is retained by the mortgagee;
- (5) Is property transferred under a deed-in-lieu of foreclosure sale, a short sale or other legal means;
- (6) The property is unsecured and abandoned;
- (7) Unsafe as defined herein or as in article III of chapter 18 of this Code, Building Code, as amended;

- (8) Condemned as defined by this Code, as amended;
 - (9) Vacant for a period of time over 30 days, beginning from the date of city inspection and during which time the enforcement officer has issued an order to correct violations, abate a nuisance, or remove an attractive nuisance;
- (10) Vacant for a period of time over 30 days without evidence of functioning water, electric and/or gas utilities;
- (11) Boarded up, partially destroyed, or partially constructed or incomplete after the building permit authorizing its construction has expired; and
- (12) Accessible to trespassers, criminals or other unauthorized persons.

Approved materials means all city approved materials used to secure a structure.

Blighted property means:

- (1) Structures that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing or malicious mischief;
- (2) Structures whose maintenance is so out of harmony and conformity with the maintenance and quality of adjacent or nearby properties as to cause substantial diminution in the use or property value of such adjacent or nearby properties;
- (3) A structure defined as a public nuisance pursuant to section 46-1, as amended or pursuant to state statute;
- (4) Any individual, commercial, industrial, or residential structure or improvement that endangers the public's health, safety or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, and lacks maintenance as defined by the Florida Building Code; or
- (5) A structure which exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.

Code violations means violations of any code adopted and enforced by the city, which may include, but not be limited to, the National Fire Prevention Code, Florida Building Code, the Palatka Municipal Code.

Codes means all applicable codes, including, but not limited to, National Fire Prevention Code, Florida Building Code, the Putnam County Code and the City Code.

Enforcement officer means code enforcement inspector, code enforcement officer, police officer, building inspector, or manager's designee.

Evidence of vacancy means any condition, on its own or combined with other conditions present, which would lead a reasonable person to believe the property is vacant. Such conditions may include, but are not limited to, overgrown and/or dead vegetation, electricity, water or other utilities turned off; stagnant swimming pool; or statements by neighbors, passer-by, delivery agents or government agents.

Foreclosure means any judicial process by which the property, placed as security for a mortgage loan, is to be sold pursuant to judicial order at an auction to satisfy a debt upon which the borrower has defaulted.

Mortgagee means the creditor, including but not limited to, service companies, lenders in a mortgage agreement, and any agent or employee of the mortgagee, or any successor or assignee to the mortgagee's rights, interest or obligations under the mortgage agreement, the mortgagee or beneficiary of the mortgage foreclosure action obtaining title pursuant to a foreclosure sale. For purposes of this article, real estate brokers and agents, solely marketing or selling real property on behalf of the mortgagee will not be deemed an agent or employee of the mortgagee.

Nuisance means any condition, including but not limited to, an abandoned, unsafe, unsecured residence, building, structure or real property with code violations that constitute a menace to life, property, public health or public welfare, or create a fire hazard; any conditions that may be injurious to the health, safety or welfare of the public; or, any conditions that constitute an attractive nuisance or otherwise endanger the public's safety while in the vicinity thereof.

Owner means any person, legal entity or other party having any ownership interest in real property, including but not limited to, owners identified on the blighted, unsecured or abandoned structures registration form; or a purchaser, devisee, lessee, fiduciary, or holder of an unrecorded deed. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the structure involved, as well any person, legal entity or agent authorized to initiate a foreclosure or collection proceeding against the property, whether or not such proceeding has in fact been initiated. This term shall not apply to the city.

Plan means a city approved proposal required to be submitted by the owner to bring a structure into compliance pursuant to all applicable codes.

Structure means a structure or building as defined by the Florida Building Code.

Unsafe structure means a structure or building which is potentially hazardous to persons or surrounding structures, including, but not limited to:

- (1) A structure which has collapsed, that is in danger of partial or complete collapse, or unable to support the weight of normally imposed loads;
- (2) A structure with any exterior parts which are loose or in danger of falling;
- (3) A structure which is vacant, unguarded and open at doors or windows;
- (4) A structure with an accumulation of debris or other material therein representing a

- hazard of combustion;
- (5) A structure in a condition that creates hazards with respect to means of ingress and egress and fire protection as provided herein for the particular occupancy;
 - (6) A structure or structural parts that are in deterioration;
 - (7) A structure that is partially destroyed;
 - (8) A structure with electrical or mechanical installations or systems creating a hazardous condition contrary to the standards of the Florida Building Code; or
 - (9) A structure that by reasons of use or occupancy, the area, height, type of construction, fire-resistivity, means of ingress and egress, electrical equipment, plumbing, air conditioning or other features regulated by this Code do not comply with this Code for the use and group of occupancy.

Unsecured means an unoccupied structure or a structure without a lawful tenant or occupant which is open to entry by unauthorized persons or covered with unapproved materials and that are not in conformity with the nearby structures or materials not in compliance with the Florida Building Code.

Vacant means a structure that is unoccupied and is not actively used as a place of residence or business by human beings.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-213. - Responsibilities of mortgagee and owners of vacant, blighted, unsecured or abandoned structures.

Mortgagee or owner of a foreclosed, blighted, unsecured or abandoned structure shall maintain said structure and shall comply with the requirements of subsections (1) through (6) as follows:

- (1) A mortgagee or owner of a blighted, unsecured or abandoned structure shall secure and maintain all entrances and all other openings of the structure, including but not limited to windows and doorways. Such blighted, unsecured or abandoned structure shall be secured as follows:
 - a. All entrances, windows and other openings shall be secured with approved materials, provided that such materials completely seal all entrances, windows and other openings, thereby protecting the interior of the structure from wind, rain, and other naturally occurring elements. Entrances and windows above the ground floor shall be regarded as secure if the entrances and windows are locked and not otherwise open to entry and the windows contain glass that is not cracked or broken or shutters that prevent entry.
 - b. If a violation of this section is discovered by a code enforcement officer, said officer is authorized to issue a notice of violation (NOV) requiring the structure to be secured within the time period enumerated in the NOV. If the structure

remains unsecured after the time period enumerated in the notice, the city shall present a case based on the violation to the code enforcement board pursuant to chapter 2, article V of this Code. As part of its case, or at any subsequent properly noticed hearing, the city may present evidence showing that criminal activities or incidents presenting a threat to life and safety are occurring on the property where the unsecured structure is located. If such evidence is presented and the code enforcement board determines that this section has been violated, the owner of the structure at issue may be required to secure all openings with commercial quality, 14-gauge, and rust proof metallic coverings.

- c. Such metallic coverings shall consist of steel sheet metal, excluding aluminum and copper, which allow for ventilation. Said metallic coverings must have an exterior finish that allows for easy graffiti removal, and be designed to prevent removal from the exterior with a crowbar or other prying device. In addition, the metallic coverings must consist of threaded rods or cables attached on the interior of the structure to a steel cross-brace that spans the opening.
- d. Failure to comply with the requirements of this section of this article shall subject the owner to code enforcement action, as provided in section 30-34 of this chapter.

- (2) All mortgagee or owners of a vacant, blighted, unsecured or abandoned structure shall be responsible for removing unauthorized signs, posters and graffiti from the structure's exterior unless exempted by this article or the city's zoning ordinance.
- (3) Every mortgagee or owner of a vacant, blighted, unsecured or abandoned structure shall keep the premises free from rodents, insects, vermin, and other wild animals.
- (4) The roof of every structure shall be well drained of rain water.
- (5) All materials used to secure blighted, unsecured or abandoned structures shall be painted in a workmanlike fashion in the same color as its other exterior walls.
- (6) When a property subject to this section becomes vacant and/or abandoned, the owner shall be responsible to post the name and contact information for a local property manager that is available 24 hours a day. The posting shall be placed near the main entrance to the structure and shall contain language consistent with the following: "This property is managed by (name of local property manager). To report problems or concerns, call (telephone number of local property manager)".

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-214. - Vacant structure registration.

- (a) Every owner of a commercial or single-family vacant structure shall, at no cost to the owner,

register said structure with the city. Such registration shall include:

- (1) A description of the premises including address, legal description, and folio number;
 - (2) The names, addresses, e-mail addresses and contact telephone numbers of the owner, or agents, or local agents that can be contacted 24 hours a day; and
 - (3) Written consent by the owner allowing the City of Palatka Police Department to enforce the trespassing penalties described in F.S. § 810.08.
- (b) Owners of vacant structures located within a multifamily building shall not have to comply with this section if:
- (1) The multifamily structure has a property manager on the premises;
 - (2) The multifamily structure has a homeowners' association responsible for the management and maintenance of the property;
 - (3) The multifamily structure has security located on or responsible for the property; and
 - (4) The property manager of the multifamily building, at no costs to the property manager, registers the following information with the city:
 - a. A description of the property including address and unit number of all vacant structures within the multifamily building;
 - b. The names, addresses, e-mail addresses and telephone contact number of the property manager or agent who can be contacted within 24 hours;
 - c. Written consent by the owner allowing the city police department to enforce the trespassing penalties described in F.S. § 810.08.
- (c) If any of the requirements of subsections (b)(1) through (4) are not complied with, the individual owner of the vacant structure located within a multifamily building shall register pursuant to subsection 30-196(a).
- (d) This registration must be done upon any transfer of the property and every October 1 thereafter.
- (e) Any person that has registered a vacant real property under this subsection must report any change of information contained in the registration within ten days of the change.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-215. - Foreclosed, blighted, unsecured or abandoned structure registration.

- (a) After any owner of real property allows his/her property to become blighted, unsecured or abandoned structure, as defined in this article, the owner shall register the property with the enforcement officer.

An owner or mortgagee is presumed to have knowledge that a property is vacant/abandoned, blighted, or unsecured, as those terms are defined herein, after the passage of 30 days from the time said condition occurs, or upon receiving actual notice of same from the city or its designee, whichever occurs first.

- (b) The registration shall be submitted on designated forms and shall, at a minimum, include the following information supplied by the owner:
 - (1) A description of the premises, including address, legal description and folio number;
 - (2) The names, addresses, e-mail addresses and contact telephone numbers of the owner, or agents that can be contacted within 24 hours;
 - (3) The names, addresses and contact numbers of all known lien holders and all other parties with an ownership interest in the structure;
 - (4) A plan and timeline for bringing the structure into compliance; and
 - (5) Written consent by the owner allowing the city police department to enforce the trespassing penalties described in F.S. § 810.08.
- (c) The owner shall comply with all applicable laws and codes and close all outstanding City Code violations, unless waived by the appropriate department or agency.
- (d) The owner shall submit a plan and timeline, as described in subsection (b)(4) to be approved by the enforcement officer. The enforcement officer shall require completion of the plan within a reasonable time, not to exceed 90 days. Any repairs, improvements or alterations to structures must comply with any applicable housing and/or building codes.
- (e) The owner shall notify the enforcement officer of any changes to the information supplied on the registration immediately. All plan and timeline revisions and extensions must be approved by the enforcement officer or the city manager's designee.
- (f) The owner of an abandoned vacant real property or blighted real property or unsecured real property shall pay a registration fee:
 - (1) Once a mortgage company files a lis pendens (attempt to foreclose) or the owner of a blighted, unsecured or abandoned structure shall initially register the property with the city and pay an annual registration fee. The schedule is as follows:
 - a. \$200.00 for the first year and each subsequent consecutive year the building remains a blighted, unsecured or abandoned structure.
 - (2) The fee for the first year of registration shall be due and payable, in full, 30 days after the structure is registered as a blighted, unsecured or abandoned structure. If the fee is not paid within 30 days of being due, the owner shall be subject to prosecution as prescribed in section 30-197.
 - (3) The registration fee shall be paid in full prior to the issuance of any permits to repair or rehabilitate with the exception of a demolition permit.
 - (4) All delinquent registration fees, including interest, shall be paid by the owner prior to

any transfer of ownership interest. If the fees are not paid prior to transfer, the new owner shall be responsible for all outstanding fees no later than 30 days after the transfer of ownership and subsequent registration fees shall be due and payable in accordance with this article.

(5) The registration fee is reasonably related to the administrative costs for processing the registrations and monitoring of the blighted, unsecured, or abandoned structures. Increasing fees reflect growing costs of identifying, regulating, monitoring and policing of deteriorating structures.

(g) The enforcement officer shall keep a file for all registered blighted, unsecured or abandoned structures, which shall include any information from interested parties or citizens regarding the history, problems, status or blighting influence of such structure.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-216. - Enforcement.

- (a) Failure to comply with the requirements of this article shall subject the owner to code enforcement action, pursuant to F.S. ch. 162, as well as chapter 2, article V of this Code, and specifically section 2-314.
- (b) If the mortgagee or owner fails to comply with the requirements of this article, the city may, pursuant to F.S. ch. 170, secure or cause to be secured and make all reasonable repairs to such blighted, unsecured or abandoned structures which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this article. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith.
- (c) If the work is done or caused to be done by the city, the enforcement officer shall keep an itemized accounting of expenses of the work done and the cost thereof and notify the owner of said expenses. If the statement is not paid within ten days after the owner is notified, interest shall begin to accrue annually at the statutory rate until paid in full.
- (d) Costs resulting from any work undertaken by the city pursuant to this section, as well as service charges, interest, and penalties lawfully imposed, shall become a lien against the real property where the violation occurs when notice of same is recorded in the official records of the county pursuant to F.S. ch. 162. Said liens may be enforced by any method authorized by law, including foreclosure, and in any proceeding brought to enforce said lien, the city shall be entitled to recover all reasonable costs of collection, including reasonable attorney's fees.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-217. - Exemptions.

This article shall not apply to any structures protected by federal, state, or local law or any structures owned by the federal government, state government, Putnam County, or the city.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-218. - Penalties.

Penalties under any provision of this article shall be assessed pursuant to sections 2-314 and 2-315.

(Ord. No. 14-11, § II, 5-8-2014)

Sec. 30-219. - Alternative procedures.

Nothing in this article shall be deemed to preempt existing remedies of the city authorized under existing law.

(Ord. No. 14-11, § II, 5-8-2014)