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ORDINANCE NO. O-2021-XXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 8, ARTICLE VII, SECTION 125 ENTITLED "ABANDONED REAL AND PERSONAL PROPERTY"; PROVIDING FOR THE INCLUSION OF DEFAULTED PROPERTY TO BE SUBJECT TO REGISTRATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is important for the City of Oakland Park to establish a process to address the amount of abandoned real and personal property within the City; and

WHEREAS, the City recognizes an increase in the number of vacant and abandoned properties located throughout the City; and

WHEREAS, the presence of vacant and abandoned properties can lead to a decline in property value, create aesthetic nuisances, and lead to general decrease in neighborhood and community aesthetics; and

WHEREAS, the current conditions of vacant and abandoned properties present a serious threat to the public health and safety of the community; and

WHEREAS, the presence of vacant and abandoned properties may discourage buyers from purchasing property within the City; and

WHEREAS, many vacant and abandoned properties are the responsibility of lenders and trustees who fail to adequately secure and maintain such properties; and

WHEREAS, the City has a vested interest in protecting the City against the decay caused by vacant and abandoned properties and concludes that it is in the best interest of the residents to amend the Code of Ordinances and impose registration and maintenance requirements on such properties located within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA THAT:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

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SECTION 2. Article VII, Section 125 of the Oakland Park Code of Ordinances, is hereby amended, as follows:

ARTICLE VII. ABANDONED REAL AND PERSONAL PROPERTY REGULATIONS

Sec. 8-125. Abandoned Real and Personal Property.

(b) **Definitions.** The following words, terms, and phrases when used in this section shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

- (1) *Abandoned Personal Property* means wrecked or derelict property, which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has been left abandoned and unprotected from the elements.
- (2) *Abandoned or Defaulted Real Property* means any property that is vacant and/or is under a current Notice of Default and/or Notice of Mortgagees Sale by the lender or a pending Tax Assessors Lien Sale and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale, regardless of occupancy.

(i) Registration of abandoned or defaulted real property.

- (1) Any mortgagee who holds a mortgage on real property located within the City shall perform an inspection of the property that is the security for the mortgage, upon default by the mortgagor, prior to the issuance of a Notice of Default ~~and~~ If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten (10) days of the inspection, register the property with the Community & Economic Development Engineering and Community Development Director, or his or her designee ~~on forms provided by the City.~~ A registration is required for each property, regardless of occupancy and must be renewed annually.
- ~~(2) If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until:~~
 - ~~a. The mortgagor or other party remedies the default; or~~
 - ~~b. It is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of the~~

CODING: Words in ~~struck through~~ type are deletions from existing law; Words in underlined type are additions.

- 1 inspection, register the property with the Engineering and Community
 2 Development Director, or his or her designee, on forms provided by the
 3 City.
- 4 ~~(2)~~(3) Registration pursuant to this section shall contain the name of the
 5 mortgagee, the direct mailing address of the mortgagee, a direct contact
 6 name and telephone number of the mortgagee, facsimile number and e-
 7 mail address and, in the case of a corporation or out-of-area mortgagee, the
 8 local property management company responsible for the security and
 9 maintenance of the property.
- 10 ~~(3)~~(4) An annual registration fee, ~~in the amount of \$150.00 set by Resolution,~~
 11 per property, shall accompany the registration form(s).
- 12 ~~(4)~~(5) This section shall also apply to properties that have been the subject
 13 of a foreclosure sale where the title was transferred to the beneficiary of a
 14 mortgage involved in the foreclosure and any properties transferred under a
 15 deed in lieu of foreclosure/sale.
- 16 ~~(5)~~(6) Properties subject to this section shall remain under the annual
 17 registration requirement, security, and maintenance standards of this section
 18 as long as they remain abandoned.
- 19 ~~(6)~~(7) Any person or corporation that has registered a property under this
 20 section must report any change of information contained in the registration
 21 within ten (10) days of the change.

22
 23 **SECTION 3.** If any clause, section or other part of this Ordinance shall be
 24 held by any Court of competent jurisdiction to be unconstitutional or invalid, such
 25 unconstitutional or invalid part shall be considered as eliminated and in no way
 26 affecting the validity of the other provisions of this Ordinance.

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 28 **SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are
 29 hereby repealed to the extent of such conflicts.

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 31 **SECTION 5.** This Ordinance shall be effective after its passage and adoption
 32 by the City Commission of the City of Oakland Park.

33
 34
 35 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,
 36 FLORIDA, ON FIRST READING, THIS _____, DAY OF _____, 2021.**

37
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 39 A. GORDON _____
 40 M. ROSENWALD _____
 41 M. SPARKS _____
 42 M. CARN _____
 43 J. BOLIN _____

1 PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
2 OAKLAND PARK, FLORIDA, ON SECOND READING, THIS _____, DAY OF,
3 _____, 2021.
4

5 CITY OF OAKLAND PARK, FLORIDA
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10 _____
11 MAYOR JANE BOLIN
12

13 A. GORDON _____
14 M. ROSENWALD _____
15 M. SPARKS _____
16 M. CARN _____
17 J. BOLIN _____
18

19 ATTEST:
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21
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23 _____
24 RENEE M. SHROUT, CMC, CITY CLERK
25

26 LEGAL NOTE:
27

28 I hereby certify that I have approved the form of this Ordinance (O-2021-XXX):
29

30 _____
31 DONALD J. DOODY, CITY ATTORNEY