

35 The Amendments to the Code of Ordinances contained in this Ordinance are
36 hereby amended or created and adopted as follows:

37 **Article V, Code Enforcement**

38 Sec. 2-132. Definitions.

39
40 The following definitions are hereby added to Section 2-132 of the Village of Pinecrest
41 Code of Ordinances, Definitions, to be inserted in alphabetical order:

42 Abandoned real property means any property that is vacant and is subject to a mortgage
43 under a current Notice of Default and/or Notice of Mortgagee's Sale, pending Tax
44 Assessors Lien Sale and/or vacant properties that have been the subject of a foreclosure
45 sale where the title was retained by the beneficiary of a mortgage involved in the
46 foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

47 Evidence of vacancy means any condition that on its own, or combined with other
48 conditions present would lead a reasonable person to believe that the property is
49 vacant. Such conditions may include, but not be limited to, overgrown and/or dead
50 vegetation, accumulation of abandoned real property, as defined herein, statements by
51 neighbors, passers-by, delivery agents or government agents, among other evidence that
52 the property is vacant.

53 Foreclosure means the process by which a property, placed as security for a real estate
54 loan, is sold at public sale to satisfy the debt if the borrower defaults.

55 Property management company means a property manager, property maintenance
56 company or similar entity or individual responsible for the maintenance of abandoned
57 real property.

58 Vacant means any building/structure that is not legally occupied.

59 Sec. 2-174. Schedule of Civil Penalties

60 The following penalties are hereby added to the Village of Pinecrest Schedule of Civil
61 Penalties, as referenced in the Village of Pinecrest Code of Ordinances, Section 2-174,
62 Schedule of Civil Penalties:

<u>Fines Schedule</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Additional Offenses</u>
<u>Failure to register real property pursuant to the requirements of Sec. 2-175 (e)</u>	<u>\$500.00</u>	<u>\$1,000</u>	<u>\$1,000</u>
<u>Failure to properly secure real property pursuant to the requirements of Sec. 2-175 (g)</u>	<u>\$500.00</u>	<u>\$1,000</u>	<u>\$1,000</u>

Note:
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63
64 **Division 4. Abandoned Real Property**
65

66 **Sec. 2-175 (a). Purpose and Intent.**
67

68 It is the purpose and intent of the Village to establish a process for the registration of
69 any property for which a lis pendens has been recorded in the public records of Miami-
70 Dade County and for the maintenance and regulation of any abandoned real property
71 located within the Village. It is the Village's further intent to specifically establish an
72 abandoned residential property program as a mechanism to protect residential
73 neighborhoods from any negative impacts through the lack of adequate maintenance and
74 security of abandoned properties.

75
76 **Sec. 2-175 (b). Applicability.**
77

78 This Division shall be considered cumulative and not superseding or subject to any
79 other law or provision for same, but shall rather be an additional remedy available to
80 the Village above and beyond any other state, county and/or local provisions for same.

81 **Sec. 2-175 (c). Penalties; schedule of civil penalties.**
82

83 Any person who shall violate the provisions of this Division 4 shall, upon conviction, be
84 punished pursuant to the provisions and procedures of Article V of the Village of
85 Pinecrest Code of Ordinances, Code Enforcement, and assessed a penalty as provided
86 in Section 2-174. Schedule of Civil Penalties.

87 **Sec. 2-175 (d). Public Nuisance.**
88

89 All abandoned real property is hereby declared to be a public nuisance, the abatement
90 of which pursuant to the police power is hereby declared to be necessary for the health,
91 welfare and safety of the residents of the Village.

92 **Sec. 2-175 (e). Registration.**
93

94 Upon the filing of a lis pendens or an action to foreclose upon a mortgage or other
95 instrument of debt which debt is secured by the real property of a single-family dwelling
96 unit, whether a house, townhouse, condominium or duplex, the holder or owner of said
97 mortgage or other debt instrument, or the party bringing the foreclosure action, shall
98 immediately register the dwelling unit with the Village of Pinecrest. The registration
99 shall be on forms as designated by the Village Manager and shall be accompanied by the
100 approved registration fee.

101
102 An annual registration and non-refundable fee of \$150 is required for each property.
103

104 Registration pursuant to this Division shall contain the name of the mortgagee, the
105 direct mailing address of the mortgagee, a direct contact name and telephone number of
106 the mortgagee, a facsimile number and e-mail address for the mortgagee, and the name
107 and twenty-four (24) hour contact phone number of the property management
108 company responsible for the security and maintenance of the property.

109
110 This Division shall also apply to properties that have been the subject of a foreclosure
111 sale where the title was transferred to the beneficiary of a mortgage involved in the
112 foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

113
114 Properties subject to this Division shall remain under the registration requirement,
115 security and maintenance standards of this Division as long as they remain in default.

116
117 Any person or corporation that has registered a property under this Division must
118 report any change of information contained in the registration in writing within ten (10)
119 days of the change to the Village Manager or his or her designee.

120
121 **Sec. 2-175 (f). Maintenance Requirements.**

122
123 Properties subject to this Division shall be kept free of weeds over 12 inches in height,
124 overgrown brush, dead vegetation, trash, junk, debris, building materials, any
125 accumulation of newspapers, circulars, flyers, notices (except those required by federal,
126 state, or local law), abandoned vehicles, portable storage devices, discarded personal
127 items including, but not limited to, furniture, clothing, large and small appliances, printed
128 material or any other items that give the appearance that the property is abandoned.

129
130 The property shall be maintained free of graffiti or similar markings by removal or
131 painting over with an exterior grade paint that matches the color of the exterior
132 structure.

133
134 Front, side, and rear yards, including landscaping, shall be maintained in accordance with
135 the Village's Code of Ordinances.

136 Yard maintenance shall include, but not be limited to grass, ground covers, bushes,
137 shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod
138 designed specifically for residential installation. Acceptable maintenance of yards and/or
139 landscaping shall not include weeds over 12 inches in height, gravel, broken concrete,
140 asphalt or similar material. Maintenance shall include, but not be limited to, watering,
141 irrigation, cutting, and mowing of required ground cover and/or landscape and removal
142 of all trimmings.

143
144 Pools and spas shall be maintained so that the water remains free and clear of pollutants
145 and debris. Pools and spas shall comply with all requirements of the Village Code of
146 Ordinances and Florida Building Code, as amended from time to time.

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Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the Village Code and issuance of a citation or Notice of Violation/Notice of Hearing by a Village code compliance officer. Pursuant to a finding and determination by the Village's Special Master, the Village may take the necessary action to ensure compliance with this Division.

Sec. 2-175 (g). Security Requirements.

Properties subject to this Division shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure. Broken windows shall be secured by reglazing of the window.

If the property is owned by a corporation and/or mortgagee that is unable or unwilling to perform maintenance and inspections itself, a property management company shall be contracted to perform bi-weekly inspections to verify compliance with the requirements of this Division, and any other applicable laws.

The mortgagee shall inspect or have inspected the property on a bi-weekly basis to ensure that the property is in compliance with this Division. Upon the request of the Village Manager or his or her designee, the mortgagee shall provide a copy of required inspection reports.

Failure of the mortgagee and/or property owner of record to properly secure the property may result in a violation of the Village Code and issuance of a citation or Notice of Violation/Notice of Hearing by a Village code compliance officer. Pursuant to a finding and determination by the Village's Special Master, the Village may take the necessary action to ensure compliance with this Division.

Sec. 2-175 (h). Immunity of code compliance officer.

Any code compliance officer or any person authorized by the Village Manager or his or her designee shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this Division.

Sec. 2-175 (i). Additional Authority.

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189 The Village Manager, or his or her designee, shall have authority to require the
190 mortgagee and/or owner of record of any property affected by this Division, to
191 implement additional maintenance and/or security measures including, but not limited
192 to, securing any and all door, window or other openings, employment of an on-site
193 security guard, or other measures as may be reasonably required to prevent a decline of
194 the property.

195

196 **Sec. 2-175 (j). Adoption of rules; expenditure of funds; declaration of Village purpose.**

197

198 The Village Manager is authorized and empowered to adopt rules and regulations and
199 expend Village funds as may be reasonably necessary and available to carry out the
200 terms of this Division, the expenditure of such funds being declared a proper Village
201 purpose.

202

203 **SECTION 3. Inclusion in the Code of Ordinances.**

204

It is the intention of the Village Council and it is hereby ordained that the
205 amendments to the Code of Ordinances adopted by this Ordinance shall be included
206 and become a part of the Code of Ordinances of the Village of Pinecrest. The sections
207 of this Ordinance, as adopted, may be renumbered or re-lettered and the word
208 “ordinance” may be changed to “section”, “article”, “division” or other appropriate
209 word.

210

SECTION 4. Conflicts.

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All ordinances or parts of ordinances and all resolutions or parts of resolutions
in conflict with the provisions of this Ordinance are hereby repealed.

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SECTION 5. Severability.

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If any section, clause, sentence or phrase of this Ordinance is for any reason held
invalid or unconstitutional by a court of competent jurisdiction, the holding shall not
affect the validity of the remaining portions of this Ordinance.

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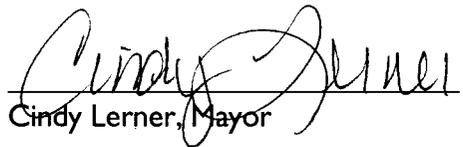
SECTION 6. Effective Date

218 This Ordinance shall be effective immediately upon passage by the Village
219 Council on second reading.

220 PASSED on first reading this 8th day of November, 2011.

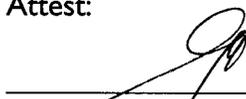
221
222 PASSED AND ADOPTED on second reading this 13th day of December, 2011.

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Cindy Lerner, Mayor

228 Attest:

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230

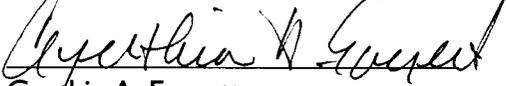


Guido H. Inguanzo, Jr., CMC
Village Clerk

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235 Approved as to Form and Legal Sufficiency:

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Cynthia A. Everett
Village Attorney



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