



# Broward County

## Legislation Text

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File #: 20-258, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Henry A. Snizek

**Department:** Environmental Protection

**Division:** Planning & Development Management

### **Information**

#### **Requested Action**

**MOTION TO APPROVE** Resolution No. 2020-079 to levy a land clearance lien against certain described properties resulting from violations of the Property Maintenance regulations contained within Chapter 39 of the Broward County Code of Ordinances (**Commission District 9**), the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, LEVYING A LAND CLEARANCE LIEN AGAINST CERTAIN DESCRIBED PROPERTIES IN UNINCORPORATED BROWARD COUNTY FOR NONPAYMENT OF LAND CLEARANCE COSTS, PURSUANT TO CHAPTER 39, ARTICLE X, OF THE BROWARD COUNTY CODE OF ORDINANCES; PROVIDING FOR THE ACCRUAL OF INTEREST AND CHARGES FOR ADMINISTRATIVE COSTS; PROVIDING FOR RECORDATION IN THE PUBLIC RECORDS OF BROWARD COUNTY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

#### **Why Action is Necessary**

Board approval of a Resolution is necessary to levy land clearance liens pursuant to Chapter 39, "Zoning", Article X, "Property Maintenance", Section 39-138 of the Broward County Code of Ordinances.

#### **What Action Accomplishes**

This item fulfills the requirements of the Broward County Code of Ordinances to levy a land clearance lien on behalf of Broward County against certain described properties for amounts incurred by Broward County for land clearance costs and associated administrative and interest costs.

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

None taken

#### **Summary Explanation/Background**

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT AND THE PLANNING AND DEVELOPMENT MANAGEMENT DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTION.

This item relates to activities in the Broward Municipal Services District (BMSD). The BMSD consists of 11.4 square miles with an estimated population of 15,304 in 2019. The Board of County Commissioners is the governing body of the BMSD and the provider of its municipal services that include, but are not limited to, business development, building permitting and housing development, libraries and parks facilities, roadway maintenance, street enhancements, and zoning and code enforcement.

Chapter 39, "Zoning", Article X, "Property Maintenance", Section 39-138 of the Broward County Code of Ordinances (Property Maintenance Ordinance) authorizes the Board, by Resolution, to levy a land clearance lien, on behalf of Broward County, against the property for costs of clearance, together with interest thereon, plus all costs related to assessment and recording of the lien in the public records of Broward County, Florida. The purpose of these provisions is to establish and define minimum standards for the proper care and maintenance of properties to preserve the public health and safety, protect and enhance property values and enhance the quality of life in the BMSD.

The Lien Resolution (Exhibit 1) includes Exhibit A that identifies the six violations and provides property-specific information and the amount to be levied against each property. The County has complied with all procedural requirements necessary to levy these liens. The property owners were given notice of the violation(s) and failed to have the property cleared of litter, debris, garbage, and/or overgrown vegetation thus, forcing the County or its designee to clear the property.

Chapter 39, Article X, Section 39-138(c) of the Broward County Code of Ordinances provides for an informal pre-assessment hearing, offering the property owner the opportunity to submit documentation or information pertaining to the violation as an additional opportunity to seek settlement, adjustment or compromises of land clearance costs and fees consistent with the provisions of the Property Maintenance Ordinance. All property owners have been re-notified of the proposed levy of land clearance liens. The pre-assessment hearing was held on January 30, 2020. Notice of Publication of Hearing and Intent to Levy Lien was published in the Daily Business Review on January 15, 2020 (Exhibit 2). In the event that settlements are received, staff will update the list of land clearance special assessment liens (Exhibit A) prior to the Board meeting.

#### **Source of Additional Information**

Josie P. Sesodia, AICP, Director, Planning and Development Management Division, (954) 357-6602

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

Approval of the motion may result in recovering \$1,619 from the subject property owners to reimburse the County for costs incurred in the land clearing process.