

**ORDINANCE 11-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLEAIR BEACH FLORIDA CREATING DIVISION FIVE, ARTICLE FIVE OF CHAPTER TWO OF THE BELLEAIR BEACH CITY CODE PERTAINING TO MAINTENANCE OF RESIDENTIAL PROPERTIES UNDER FORECLOSURE; PROVIDING FOR PURPOSE; REGISTRATION OF PROPERTIES AND DUTY TO PROVIDE NOTICE; MAINTENANCE REQUIREMENTS; INSPECTIONS; ENFORCEMENT AND PENALTIES; AND APPEALS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Belleair Beach, Florida has the responsibility to provide for the health, safety and welfare of the citizens of the city, together protecting the right of quiet enjoyment for all residents of the city; and,

WHEREAS, the lack of proper maintenance of real property abandoned by former residents who are the subject of foreclosure proceeding instituted by lenders or others having an equity interest in such properties constitutes a public nuisance; and,

WHEREAS, the City Council and the City Administration recognize that it is administratively difficult to ascertain the legal status of residential properties that may be subject to foreclosure proceedings without proper registration by a lender or management company having legal jurisdiction over the property,

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEAIR BEACH** as follows:

**Section 1.** Creating Division 5, Article V, Section 2-330 entitled *Purpose* to read:

**Sec. 2-330. - Purpose.**

It is the intent of this division to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by: (i) requiring all property owners, including lenders, trustees, and service companies with an equity interest, to

properly maintain foreclosing properties (ii) regulating the maintenance of foreclosing residential properties to prevent blighted and unsecured residential structures and accessory improvements.

**Section 2.** Creating Section 2-331 entitled *Registration of foreclosing residential properties; duty to provide written notice of mortgage foreclosure* to read:

**Sec. 2-331. - Registration of foreclosing residential properties; duty to provide written notice of mortgage foreclosure.**

(a) All property owners situated within the City of Belleair Beach, their authorized agent, or mortgage lender of record shall register residential properties with the City of Belleair Beach, subject to foreclosure proceedings on forms provided by the city manager.

(b) All registrations must state the owner's, or agent's or mortgagee's phone number and mailing address located within or without the state. The mailing address may be a post office box, but must also include the street address location of the owner's, agent's or mortgagee's place of business. The registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing. If the property is vacant, the owner and/or registrant must designate and retain a local individual or local (Pinellas, Hillsborough or Pasco Counties) property management company responsible for the security and maintenance of the property.

(c) The designation of a property management company must state the individual or company's name, phone number, and local mailing address. The mailing address may be a post office box but must also include the street address location of the individual or company. If the property is in the process of foreclosure, then the registration must be received within seven days of the initiation of the foreclosure process. If the city manager determines that the property is vacant and that foreclosure proceedings have not been initiated, the registration must be received within 14 days of the city's first citation for improper maintenance.

(d) All property registrations are valid for one calendar year. An annual registration fee of \$100.00 must accompany the registration form. Subsequent annual registrations and fees are due within 30 days of the expiration of the previous registration and must certify whether the foreclosing and/or foreclosed property remains vacant or not.

(e) Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of occupancy to the city manager.

**Section 3.** Creating Section 2-332 entitled *Maintenance requirements* to read:

**Sec. 2-332. - Maintenance requirements.**

(a) Properties subject to this division must be maintained in accordance with the relevant property maintenance, codes, building codes, and local regulations concerning external and/or visible maintenance. The property owner, local agent or local property management company must inspect and maintain the property on a regular basis for the duration of the vacancy.

(b) The property must contain a posting with the name and 24-hour contact phone number of the local agent or property management company responsible for the maintenance. This posting must be affixed to the front door of the property.

(c) Adherence to this division does not relieve the owner of any applicable obligations set forth elsewhere in the Belleair Beach City Code or within any covenant conditions and restrictions and/or homeowner's association rules and regulations, if applicable.

**Section 4.** Creating Section 2-333 entitled *Inspections* to read:

**Sec. 2-333. - Inspections.**

The Pinellas County Sheriff's Office in conjunction with the City's code enforcement officer shall have the authority and the duty to inspect properties subject to this division for compliance and to issue citations for any violations. They shall have the discretion to determine when and how such inspections are to be made, provided that its policies are reasonably calculated to ensure that this article is enforced.

**Section 5.** Creating Section 2-334 entitled *Enforcement and penalties* to read:

**Sec. 2-334. - Enforcement and penalties.**

Violations of this article may be cited, reported and considered by the special magistrate pursuant to the provisions of Chapter 2, Article V of the City Code or by any other available means as determined by the city. Each day a violation continues shall be considered a separate offense.

**Section 6.** Creating Section 2-335 entitled *Appeal* to read:

**Sec. 2-335. - Appeal.**

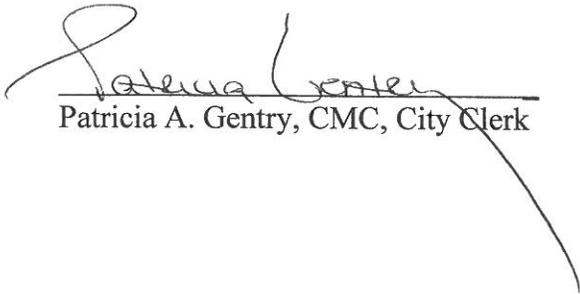
Any person aggrieved by the requirements of this article may seek an administrative appeal to the city manager. Any person aggrieved by a final decision issued under this article by the city may seek relief in any court of competent jurisdiction as provided by the laws of the state.

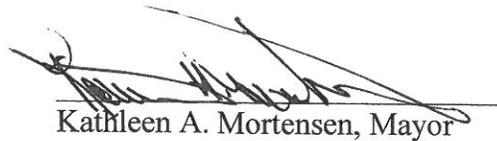
**Section 7. Severability.** It is declared to be the intent of the City Council of the City of Belleair Beach, Florida, that if any section, subsection, sentence, clause or provision of this ordinance is held invalid, or unconstitutional by any court of competent jurisdiction, the remainder of the ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision and shall not be affected by such holding.

**Section 8. Effective Date.** This Ordinance shall take effect upon adoption by the City Council.

The above and foregoing Ordinance was read by title only and passed by a majority vote upon its first reading at a Regular Meeting of the City Council of the City of Belleair Beach, Florida, held on the 5th day of December, 2011.

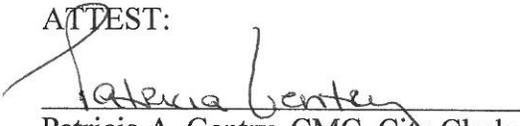
ATTEST:

  
Patricia A. Gentry, CMC, City Clerk

  
Kathleen A. Mortensen, Mayor

The above and foregoing Ordinance was read by title only and was passed by majority vote upon its second and final reading at the Regular Meeting of the City Council of the City of Belleair Beach, Florida, held on the 9th day of January, 2012.

ATTEST:

  
Patricia A. Gentry, CMC, City Clerk

  
Kathleen A. Mortensen, Mayor

Ord. 11-13 – Property Maintenance Under Foreclosure 11-11-11/PJM