

**RESOLUTION NO: 88-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH ESTABLISHING FEES FOR THE CODE COMPLIANCE PROGRAM AND ESTABLISHING A PROPERTY IMPROVEMENT ACCOUNT; PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Riviera Beach administers a Code Compliance program in accordance with Chapter 162, Part I, Florida Statutes; and

**WHEREAS**, in administering the program, the City incurs costs to assist property owners in complying with the City's code of ordinances; and

**WHEREAS**, the Code Compliance program must recoup such costs in order to continue to provide services to the City's property owners and its citizens; and

**WHEREAS**, in order to assist the City's property owners and its citizens who face financial hardships or other hurdles in bringing their property into compliance, the Code Compliance program desires to create a Property Improvement Account based on a percentage of fees received through the Code Compliance program; and

**WHEREAS**, the Department of Development Services will establish programs to utilize the funds from the Property Improvement Account to address hardship cases and assist in improving the overall appearance of the City; and

**WHEREAS**, the City Council of the City of Riviera Beach desires to establish fees for certain Code Compliance costs and the Property Improvement Account; and,

**WHEREAS**, the City Council of the City of Riviera Beach finds the fees set forth herein and the Property Improvement Account are necessary for the health, safety, and welfare of the City and serve a valid public purpose.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:**

**SECTION 1.** The foregoing recitals are incorporated herein as true and correct findings of the City Council of the City of Riviera Beach.

**SECTION 2.** That the Code Compliance Division is hereby authorized to assess the following fees for the Code Compliance program:

- A. **First Violation Administrative Fee:** Although authorized by Chapter 162, Part I, Florida Statutes, at this time, the City Council for the City of Riviera Beach shall not assess an administrative fee for a property owner's first violation(s) of the City's Code of

Ordinances. The City Council waives such fee in order for violators to use their available funds to bring their property into compliance in a timely manner. However, the Code Compliance Administrator shall keep track of all administrative costs in order to assure the same are collected in the lien reduction process. Administrative costs shall include, but not be limited to, costs for all case copies, postings, photographs, City staff time beyond the assigned code inspector's time, and all additional administrative time spent on the property owner's request(s) for extension of time, additional inspection(s), and other special requests.

- B. **Repeat Violation Administrative Fee:** For those violators found by the Special Magistrate, or that acknowledge by written stipulation, to have committed a repeat violation, a fee of **\$250 per repeat violation** shall be paid to the City. This administrative fee fairly and accurately represents the total amount of administrative fees the Code Compliance Division could have sought under the original violation, but waived in order for the violator to timely bring the property into compliance; and, the administrative fee the Code Compliance Division could have sought under the repeat violation.
  
- C. **Application for Fine or Lien Reduction:** The fee for a fine or lien reduction application shall be **\$300** which includes the administrative cost associated with the application, with the fine or lien reduction hearing, preparation of the reduction order and the recording fee (as applicable). This fee shall apply for each case (fine or lien) sought to be reduced.
  
- D. **Application for Release of Lien:** The fee for a release of lien (or a Final Order) application shall be **\$300** which includes the administrative cost associated with the application, City Attorney's review, preparation of the release of lien (or Final Order) and the recording fee (as applicable). This fee shall apply for each lien (or Final Order) sought to be released.
  
- E. **Application for Partial Release of Lien:** The fee for a partial release of lien application shall be **\$300** which includes the administrative cost associated with the application, City Attorney's review, preparation of the partial release of lien and the recording fee (as applicable). This fee shall apply for each lien sought to be partially released.

**SECTION 3.** That there shall be established a Property Improvement Account in which ten percent (10%) of all Code Compliance Division fees, fines, liens, and other charges paid to the City shall be deposited. The Development Services Department shall establish policies and programs for utilization of the Property Improvement Account funds to assist homestead property owners who can demonstrate financial need and to assist those other private property owners seeking to improve the overall appearance of their property and the City. These funds shall not be used for projects on City properties or in City Rights-of-Way.

**SECTION 4.** That all resolutions in conflict with this Resolution shall be repealed to the extent of the conflict.

**SECTION 5.** That this Resolution shall become effective upon passage.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED:**

\_\_\_\_\_  
**RONNIE L. FELDER**  
**MAYOR**  
**ATTEST:**

\_\_\_\_\_  
**SHIRLEY D. LANIER**  
**CHAIRPERSON**

\_\_\_\_\_  
**CLAUDENE L. ANTHONY**  
**CERTIFIED MUNICIPAL CLERK**  
**CITY CLERK**

\_\_\_\_\_  
**KASHAMBA MILLER-ANDERSON**  
**CHAIR PRO TEM**

\_\_\_\_\_  
**TRADRICK MCCOY**  
**COUNCILPERSON**

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**JULIA A. BOTEL, Ed.D**  
**COUNCILPERSON**

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**DOUGLAS A. LAWSON**  
**COUNCILPERSON**

**MOTIONED BY:** \_\_\_\_\_

REVIEWED AS TO LEGAL SUFFICIENCY

**SECONDED BY:** \_\_\_\_\_

\_\_\_\_\_  
**DAWN S. WYNN, CITY ATTORNEY**

**T. MCCOY:** \_\_\_\_\_

**K. MILLER-ANDERSON:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**S. LANIER:** \_\_\_\_\_

**J. BOTEL:** \_\_\_\_\_

**D. LAWSON:** \_\_\_\_\_