

ORDINANCE NO. 2017-\_\_\_\_\_

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE AMENDING CHAPTER 96, “HEALTH AND SAFETY,” OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.58, “MORTGAGEE REGISTRATION REQUIREMENTS,” TO MODIFY DEFINITIONS AND REQUIREMENTS FOR REGISTRATION OF PROPERTIES IN THE CITY BY LIENHOLDERS IN FORECLOSURE ACTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 96.58, “Mortgagee Registration Requirements,” of Chapter 96, “Health and Safety,” of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

**§ 96.58 MORTGAGEE FORECLOSURE REGISTRATION AND MAINTENANCE REQUIREMENTS.**

(A) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ENFORCEMENT OFFICER.** Any full-time law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector employed within the city.

~~**EVIDENCE OF VACANCY.** Any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, accumulation of abandoned personal real property, stagnant swimming pool, lack of utility service, statements by neighbors, passers by, delivery agents or government agents, among other evidence that the property is vacant.~~

**FORECLOSURE.** The process by which a property, placed as security for a real estate loan, is sold at public sale to satisfy the debt if the borrower defaults.

**NOTICE OF DEFAULT.** A written notice of default and acceleration sent to the borrower (aka Mortgagor) from a mortgage holder/lender (aka Mortgagee) as required by law.

**OUT OF AREA.** Not located in Broward, Dade or Palm Beach Counties.

**PROPERTY MANAGEMENT COMPANY.** A local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

**RESPONSIBLE PARTY.** The mortgage holder/lender (aka Mortgagee) which has sent a Notice of Default to a borrower (aka Mortgagor).

...

(C) *Registration of ~~vacant~~ foreclosure real property.*

(1) Any ~~mortgagee~~ responsible party who ~~holds a mortgage~~ has issued a Notice of Default 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, or upon the issuance of a notice of default,~~ within ten days of issuing the Notice of Default, register the property with the Director of Development Services, or his designee, on forms provided by the City. A registration shall be provided for each such property whether occupied or vacant.

(a) ~~— If the property is found to be vacant or shows evidence of vacancy, the mortgagee shall, within ten days of the inspection, register the property with the Director of Development Services or his designee, on forms provided by the city. A registration is required for each such vacant property.~~

~~(b)~~(a) If the property is ~~occupied but~~ remains in default, it shall be inspected by the mortgagee responsible party monthly until the mortgagor or other party remedies the default, ~~or the property is found to be vacant or shows evidence of vacancy, and the mortgagee shall, within ten days of that inspection, register the property with the Director of Development Services or his designee on forms provided by the city to ensure the property is compliant with the Maintenance Standards in section (E) and Security Requirements for Vacant Properties (F), as applicable. A registration shall be provided for each such property.~~

~~(c) — If the property has been subject to a foreclosure sale where the title has been transferred to a mortgagee in a foreclosure or where title has been transferred to a mortgagee by a deed or other legal means in lieu of a foreclosure sale, the mortgagee shall, within ten days of the transfer of title, regardless if same has been recorded in the public records, register the property with the Director of Development Services or his designee, on forms provided by the city. A registration is required for each such property.~~

(2) Copies of all registrations required under subsection (1) above, shall be provided on a weekly basis to the supervisor of the department responsible for code enforcement duties for the city by the Director of Development Services or the person designated to process the registrations.

(3) Registration pursuant to this section shall contain the name of the mortgagee responsible party, the direct mailing address of the ~~mortgagee responsible party~~, a direct contact name and telephone number of mortgagee responsible party facsimile number and e-mail address and, in the case of a corporation or out-of-area mortgagee responsible party, the local property management company responsible for the security and maintenance of the property.

...

(5) Properties subject to this section shall remain under the annual registration requirement, security and maintenance requirements of this section ~~as long as they remain vacant~~ until such time that they are sold by the responsible party.

(6) Any ~~person or corporation~~ responsible party that has registered a property under this section must report any change of information contained in the registration within ten days of the change.

(D) *Penalties.* Failure of a mortgagee responsible party to register a property as required under this section shall be a violation. Each day the violation occurs shall constitute a separate violation. Such violations shall be punishable before the city's Special Magistrate for Code Enforcement pursuant to

F. S. Chapter 162 and Chapter 37 of this code, which may result in liens placed on the subject property.

(E) *Maintenance requirements.*

(1) Properties subject to this section shall be kept free of the violations listed in §§ 96.26 and 96.40 of this code including, but not limited to, overgrown grass, weeds, and brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items such as furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

...

(5) Failure of the ~~mortgagee and/or property owner of record~~ responsible party to properly maintain the property may result in a violation of the city code and issuance of a citation or notice of violation/notice of hearing by a Code Enforcement Inspector. Pursuant to a finding and determination by the city's Special Magistrate, the city may take the necessary action to ensure compliance with this section.

(F) *Security requirements for vacant properties.*

(1) ~~Properties~~ Vacant properties subject to this section 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 persons to access the interior of the property and/or structure. Broken windows shall be secured by re-glazing or boarding of the window.

(2) If the ~~property is owned by a corporation and/or out of area mortgagee~~ responsible party is located out of the area, a local property management company shall be contracted to perform bi-weekly inspections to verify compliance with the requirements of this section, and any other applicable laws.

...

(6) Failure of the ~~mortgagee and/or property owner of record~~ responsible party to properly maintain the property may result in a violation of the city code and issuance of a citation or notice of violation/notice of hearing by an enforcement officer. Pursuant to a finding and determination by the city's Special Magistrate, the city may take the necessary action to ensure compliance with this section, which may result in liens on the property.

...

(I) *Additional authority.* The Director of Development Services or his designee shall have authority to require the ~~mortgagee and/or owner of record of any property affected by this section,~~ responsible party to implement additional maintenance and/or security measures including, but not limited to, securing any and all door, window or other openings, employment of an on-site security guard, or other measures as may be reasonably required to prevent further decline of the property or to correct any health and safety issue.

...

**SECTION 2.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 3.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

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1/9/17  
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