

ORDINANCE NO. 17-__

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL
OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING
CHAPTER 26 “PROPERTY MAINTENANCE AND
CONTROL” OF THE TOWN CODE OF ORDINANCES
RELATING TO THE REGISTRATION OF ABANDONED
REAL PROPERTY; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CONFLICT, INCLUSION IN THE CODE
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Cutler Bay (the “Town”) has adopted regulations establishing a process to address the maintenance of vacant, abandoned and defaulted properties; and

WHEREAS, those regulations were intended to prevent the blight caused by those above-referenced unkempt properties from affecting the surrounding neighbors; and

WHEREAS, the Town Council desires to instill stricter registration requirements to provide for continuing compliance with the Town’s property maintenance standards; and

WHEREAS, the Town Council finds that it is in the best interest of the citizens and residents to impose annual registration requirements on such properties located within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AS FOLLOWS:

Section 1. **Findings.** The above recitals are true and correct and are incorporated herein by reference.

Section 2. **Amendment Code of Ordinances Section 26-251.** The Town Council hereby amends Section 26-251 as follows:

Section 26-251 – Registration of Abandoned Real Property.

(a) Any mortgagee who holds a mortgage on real property located within the town shall, upon default by the mortgagor and prior to the issuance of a notice of default, perform an inspection of the property that is the security for the mortgage. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned real property and the mortgagee shall, within ten (10) days of the inspection, register the property with the town manager, or his or her designee, on forms provided by the town, which registration shall include an identification of the property as vacant (including showing evidence of vacancy). A registration is required for each vacant property.

(i) Any property that has been registered and remains subject to the registration requirements of this section after one (1) year from the date of its registration must complete an annual renewal registration for each year it remains subject to the registration requirements thereafter. An annual renewal registration fee of \$150.00 shall accompany the annual renewal registration. There shall be no fee for modifying contact information if the organizational information remains the same and the modification occurs within one (1) year of filing or renewing the most recent registration .

Section 3. Severability. 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.

Section 4. Conflict. All sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions, or parts of resolutions, in conflict with this ordinance are repealed to the extent of such conflict.

Section 5. Inclusion in the Code. That it is the intention of the Town Council, and hereby ordained, that the provisions of the Ordinance shall become and be made a part of the of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered and/or re-lettered to accomplish such intentions; and that the word, "Ordinance," shall be changed to "Section" or such other appropriate word.

Section 6. Effective Date. This ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this ____ day of October 2017.

PASSED AND ADOPTED on second reading this ____ day of _____, 2017.

PEGGY R. BELL
Mayor

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN

COLE & BIERMAN, P.L.
Town Attorney

First Reading:

Moved By: _____

Seconded By: _____

Second Reading:

Moved By: _____

Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Mary Ann Mixon _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____