



**REGISTRATION FORM FOR ABANDONED OR DISTRESSES PROPERTIES**

Please complete the Registration form for each Property and return the complete form with applicable fee to:

**St. Lucie County Code Compliance Department:**  
2300 Virginia Ave, Fort Pierce, FL 34982

<u>Property Address</u>		
Complete Address	City	Zip code
<u>Parcel ID:</u>		

Local Agent Information (within the boundaries of St. Lucie County)		
<b>Local Agent:</b>		<b>Contact Person</b>
Complete Address	City	Zip code
<b>Telephone #</b>		<b>Email Address:</b>

Mortgagee Information		
<b>Mortgagee:</b>		<b>Mortgagee Contact Person</b>
Complete Address	City	Zip code
<b>Telephone #</b>		<b>Email Address:</b>

All real property registrations are valid for one (1) calendar year. An annual registration fee of one hundred dollars (100.00) for residential real property and one hundred fifty (150.00) for multifamily residential real property or commercial, or such other amount established by the Board of County Commissioners of St. Lucie County by adoption of a resolution shall accompany each registration form. Subsequent annual registrations and fees are due fifteen (15) days before the expiration of the previous registration.

**ANNUAL REGISTRATION FEE:**

\_\_\_\_\_ \$100.00 Residential Property      \_\_\_\_\_ \$150.00 Multi-family Residential or Commercial Property  
 \_\_\_\_\_ The real property was inspected by the local agent.

Any mortgagee that has registered real property under this section must report, in writing, any change of information contained in the registration within ten (10) calendar days of the change. The County will not charge an additional fee for modifications to registrations.

**\*\*\*\*\*Once the real property is no longer abandoned real property or is sold, the mortgagee must provide proof of sale or written notice and proof of occupancy to the St. Lucie County Code Enforcement Division\*\*\*\*\***

**ORDINANCE NO. 10-011**  
**Formerly No. 09-033**

**AN ORDINANCE ESTABLISHING WITHIN THE UNINCORPORATED AREAS OF ST. LUCIE COUNTY AN ABANDONED REAL PROPERTY REGISTRATION SYSTEM; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING REGISTRATION OF ABANDONED PROPERTIES; PROVIDING STANDARDS FOR MAINTENANCE OF ABANDONED PROPERTIES; PROVIDING FOR INSPECTIONS; PROVIDING FOR EXEMPTIONS AND WAIVER; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 125.01, Florida Statutes, the Board of County Commissioners of St. Lucie County has the power to adopt ordinances necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

**WHEREAS**, recent events in the housing market have led to a drastic rise in the number of foreclosed properties in unincorporated St. Lucie County, Florida; and

**WHEREAS**, many of these properties are vacated prior to the conclusion of the foreclosure process, leaving the properties unoccupied for extended periods of time awaiting foreclosure sale, often creating an unattractive public nuisance; and

**WHEREAS**, many of these vacant and abandoned properties are in violation of multiple aspects of state law and local ordinances, including, among other violations, open structures, yards full of junk, trash and debris, unlocked houses, overgrown grass and bushes, and unsecured swimming pools that are not only a threat to children but become breeding grounds for infectious insects such as mosquitos; and

**WHEREAS**, the Board of County Commissioners of St. Lucie County finds that mortgagees have an interest in maintaining vacant and abandoned real property subject to the terms of each mortgage; and

**WHEREAS**, these mortgagees are often located out of state, making it difficult to notify the mortgagees of violations of the codes and ordinances of unincorporated St. Lucie County; and

**WHEREAS**, the Board of County Commissioners of St. Lucie County desires to protect the public health, safety and welfare of the citizens of St. Lucie County and maintain a high quality of life for the citizens of St. Lucie County; and

**WHEREAS**, the Board of County Commissioners of St. Lucie County finds that the registration of vacant and abandoned real properties that have been foreclosed upon or are the subject of foreclosure actions will protect against the devaluation caused by vacant and abandoned properties, and is in the best interest of the public health, safety and welfare.

**WHEREAS**, the Board of County Commissioners of St. Lucie County finds that abandoned real property is unsightly, unsafe and has a negative impact on the community. The Board of County Commissioners of St. Lucie County hereby declares that all abandoned real property in unincorporated St. Lucie County that has been foreclosed upon or is the subject of foreclosure actions or proceedings is a public nuisance, the abatement of which, pursuant to the County's police power, is hereby declared to be necessary for the health, safety and welfare of the citizens of St. Lucie County.

**WHEREAS**, it is the intent and purpose of this Ordinance to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by (i) identifying the vacant properties, (ii) requiring all mortgagees, including lenders, trustees, and service companies, to register abandoned properties that have been foreclosed upon or are the subject of foreclosure actions or proceedings; and (iii) regulating the maintenance of abandoned properties that have been foreclosed upon or are the subject of foreclosure actions or proceedings, to prevent blighted and unsecured residences.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St. Lucie County, Florida:

**Part A. Section II. Abandoned Property, Garbage, Trash, Junk and Debris, of Chapter 1-9, "Garbage, Trash and Refuse", of the Code of Ordinances of St. Lucie County, Florida, is amended as follows:**

**Sec. 1-9-16. Definitions**

**ABANDONED PROPERTY** means wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements and is visible from the adjacent property and/or public right-of-way adjacent to the property on which the article is located, and shall include wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, white goods, building materials, refrigerators, washing machines, plumbing fixtures, furniture, and any similar article which has no value other than nominal salvage value, if any. The presence of a current license plate on a motor vehicle shall raise a rebuttable presumption that the motor vehicle is not abandoned property. The presence of a current registration decal on a boat shall raise a rebuttable presumption that the boat is not abandoned property. For the purpose of this Section, a motor vehicle, boat or trailer shall be deemed abandoned property if it is inoperative for a period of longer than five (5) days and is not stored in an enclosed building, or at an authorized junk or auto wrecking yard. Evidence of

removed or flat tires; partial or complete dismantling motor vehicle, boat or trailer in other than an upright or operable manner; or lack of a current license plate or current registration decal shall raise a rebuttable presumption that the motor vehicle, boat or trailer is abandoned property.

**ABANDONED REAL PROPERTY** means any real property in unincorporated St. Lucie County that is vacant and is under a current Notice of Default and is the subject of a foreclosure action or proceeding, is the subject of a foreclosure sale where the title was retained by the mortgagee involved in the foreclosure, and/or has been transferred under a deed in lieu of foreclosure or sale to the mortgagee.

**DEBRIS** means fragments or accumulations of pieces of metal, rubber, plastic, cloth or any other natural, manufactured or vegetative matter.

**ENFORCEMENT OFFICER** means Sheriff, code enforcement officer or any other officer designated by resolution of the Board of County Commissioners to enforce the provisions of this Section.

**FORECLOSURE** means the legal process by which a parcel, tract, lot or other defined area of real property, placed as security for a real estate loan, is prepared for sale by the lender/mortgagee to satisfy the debt if the borrower/mortgagor defaults. This definition shall include all processes, activities and actions, by whatever name, associated with the described process.

**GARBAGE** means any waste part of food or other discarded animal or vegetable matter subject to bacterial decay.

**JUNK** means pieces, parts, or discarded whole units of metal, rubber, plastics, glass, or other objects manufactured from either organic or inorganic materials.

**LOCAL** means within the boundaries of St. Lucie County, Florida.

**LOCAL AGENT** means an agent, located in St. Lucie County, designated by the mortgagee upon registration as required under this Section.

**MORTGAGEE** means the creditor, including but not limited to, trustees; service companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement. For purposes of this Section only, the term Mortgagee does not apply to governmental entities.

**OWNER** means every person, entity, or service company, who alone or severally with others:

1) has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, building, structure, or parcel of land, vacant or otherwise, including a mobile home park; or

2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or

3) is a mortgagee in possession of any such dwelling, dwelling unit, mobile dwelling unit, building, structure, or parcel of land, vacant or otherwise, including a mobile home park; or

4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such dwelling, dwelling unit, mobile dwelling unit, building, structure, or parcel of land, vacant or otherwise, including a mobile home park; or

5) is a person who operates a rooming house.

**PERSON** means any individual firm, business, partnership, corporation, or unincorporated association.

**TRASH** means broken parts of trees, prunings, clippings, or other pieces or fragments of vegetative matter.

**VACANT** means any building structure or dwelling, dwelling unit, mobile dwelling unit, building, structure, or parcel of land, vacant or otherwise, including a mobile home park that is not legally occupied for more than fifteen (15) days.

#### **Section 1-9-19.5. Registration of Abandoned Real Properties**

##### **(a) Duty to Provide Written Notice of Abandoned Real Property**

1. Upon the filing of a lis pendens and/or any action to foreclose upon a mortgage or similar instrument, all mortgagees must register with the St. Lucie County Code Enforcement Division, on forms provided by the Division or, when available, electronically, all abandoned real property within ten (10) calendar days after the mortgagee determines the real property is abandoned. The mortgagee must designate and retain a local individual or local property management company as the local agent responsible for the security and maintenance of the real property. All registrations must state the property address; the owner's name, mailing address and telephone number; the mortgagee's name, mailing address, and telephone number; and the local agent's name, mailing address, telephone number and e-mail address. Mailing

addresses may not be a post office box. This registration must also certify that the real property was inspected and is abandoned real property.

2. All real property registrations are valid for one (1) calendar year. An annual registration fee of one hundred dollars (\$100.00) for residential real property and one hundred fifty (\$150.00) for multifamily residential real property or commercial, or such other amount established by the Board of County Commissioners of St. Lucie County by adoption of a resolution, shall accompany each registration form. Subsequent annual registrations and fees are due fifteen (15) days before the expiration of the previous registration.

3. Once the real property is no longer abandoned real property or is sold, the mortgagee must provide proof of sale or written notice and proof of occupancy to the St. Lucie County Code Enforcement Division.

4. Any mortgagee that has registered real property under this Section must report, in writing, any change of information contained in the registration within ten (10) calendar days of the change. The County will not charge an additional fee for modifications to registrations.

**(b) Maintenance Requirements**

1. All owners are responsible for maintaining their abandoned real properties in accordance with the provisions of this Section and all other applicable St. Lucie County codes and ordinances.

2. All owners are responsible to secure their abandoned real property upon a declaration of a state of emergency. This shall include, but not be limited to, installing storm shutters or 5/8" marine plywood on all exterior windows and/or openings.

3. If the owner of the real property is a company and/or mortgagee, the owner shall contract with the owner's local agent to perform monthly inspections on the real property, as required by Section (d)(1) of this Section, to verify compliance with the requirements of this Section, and any other applicable laws, for the duration of the abandonment.

4. Properties subject to this Section must be maintained in accordance with the relevant sanitary codes, building codes, and local regulations concerning external and/or visible maintenance.

5. Adherence to this Section does not relieve the owner of any applicable obligations set forth elsewhere in the St. Lucie County Code of Ordinances or within any covenants, conditions and restrictions and/or homeowner's association rules and regulations.

**(c) Security Requirements**

1. All owners are responsible for maintaining their abandoned real properties in a secure manner so as not to be accessible to unauthorized persons.

2. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates, fencing and other openings. Broken windows shall be secured by reglazing or replacing of the window.

3. Any excavations, swimming pools or other attractive nuisances must be filled in with dirt or properly closed in a secure manner.

4. If the owner of the real property is a company and/or mortgagee, the real property shall be posted with the name and twenty-four (24) hour contact telephone number of the owner's local agent. The posting shall be no less than 18" x 24", and shall be clearly visible from the street but not readily accessible to vandals. The posting shall contain the following language:

**THIS PROPERTY IS MANAGED BY:**

**TO REPORT ANY PROBLEMS OR CONCERNS CALL:**

**(d) Inspections**

1. The owner's local agent shall inspect the real property on a monthly basis to ensure that the property is in compliance with this Section.

2. The owner's local agent shall inspect the real property subsequent to the declaration of state of emergency to ensure that the property is secured and in compliance with this section.

3. The owner's local agent shall maintain written proof of the monthly inspections and provide same to the St. Lucie County Code Enforcement Division upon request.

4. The St. Lucie County Code Enforcement Division shall have the authority to inspect real properties subject to this Section for compliance and to issue notices for any violations. The St. Lucie County Code Enforcement Division shall have the discretion to determine when and how such inspections are to be made, provided that its policies are reasonable calculated to ensure that this Section is enforced.

**(e) Subsequent Review and Sunset Provision**

Pursuant to this ordinance, this abandoned real property registration system is being added for the health, safety and welfare of the citizens of St. Lucie County during difficult economic

times in St. Lucie County., This ordinance shall be repealed on January 1, 2013 unless the Board takes action to extend. Nothing in this section shall prevent the Board from taking action sooner.

**(f) Enforcement and Penalties**

1. The County may enforce the provisions of this Section by any means available to the County under the St. Lucie County Code of Ordinances or as may be available under State law, including but not limited to, Chapter 1-2 Section III Code Enforcement Board and Chapter 162, Florida Statutes.

2. The penalties violation of this Section shall be as set forth in the code enforcement method asserted by the County under the St. Lucie County Code of Ordinances or as may be available under State law, including but not limited to, Chapter 1-2, Section III, Code Enforcement Board, Chapter 162, Florida Statutes and Section 125.69, Florida Statutes.

3. Each day a violation continues shall be considered a separate offense.

**PART B. CONFLICTING PROVISIONS.**

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this Ordinance are hereby superseded by this ordinance to the extent of such conflict.

**PART C. SEVERABILITY.**

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance, such holding shall not affect its applicability to any other person, property or circumstance.

**PART D. APPLICABILITY OF ORDINANCE.**

This Ordinance shall be applicable in the unincorporated area of St. Lucie County.

**Part E. FILING WITH THE DEPARTMENT OF STATE.**

The Clerk be and is hereby forthwith to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, the Capitol, Tallahassee, Florida 32304.



**PART F. EFFECTIVE DATE.**

This Ordinance shall take effect upon filing with the Department of State.

**PART G. ADOPTION.**

After motion and second, the vote on this Ordinance was as follows:

Chairman Charles Grande	Aye
Vice Chairman Doug Coward	Aye
Commissioner Chris Craft	Aye
Commissioner Chris Dzadoovsky	Aye
Commissioner Paul Lewis	Aye

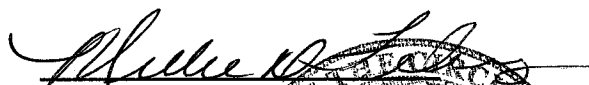
**PART H. CODIFICATION.**


Provisions of this ordinance shall be incorporated in the St. Lucie County Land Development Code, and the word ordinance may be changed to section, article, or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention, provided, however, that parts C through H shall not be codified.

**PASSED AND DULY ADOPTED** this 15<sup>th</sup> day of June, 2010.

**BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA**

**ATTEST:**

  
 Deputy Clerk



BY:   
Chairman

**APPROVED AS TO FORM AND  
CORRECTNESS:**

BY:   
County Attorney