



Board of County Commissioners

2401 SE Monterey Road
Stuart, Florida 34996

Agenda Item Summary

File ID: 19-0708

PH-1

Meeting Date: 7/30/2019

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING TO CONSIDER ADOPTION OF ORDINANCE CREATING ARTICLE 29, REGISTRATION OF DEFAULTED PROPERTY OF CHAPTER 21, BUILDING AND HOUSING REGULATIONS, GENERAL ORDINANCES, MARTIN COUNTY CODE, REQUIRING THE REGISTRATION AND MAINTENANCE OF REAL PROPERTY IN DEFAULT

EXECUTIVE SUMMARY:

The Board of County Commissioners ("Board") is requested to adopt the proposed Ordinance to require the registration and maintenance of real property in default throughout the unincorporated area of Martin County.

DEPARTMENT: Building

PREPARED BY: **Name:** Dawn Matias
Title: Business Operations Manager

REQUESTED BY: Larry Massing, Director

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Presently in Martin County, there are approximately 566 active foreclosures with 420 filings within the last two years. Some of these properties are vacant and can or have become active code enforcement actions. Many of these cases become an eye sore to the community along with accruing liens, until a new buyer purchases the property and facilitates compliance. This Ordinance will require the mortgage holders to register these properties allowing Code Enforcement to identify all stakeholders including property managers and require them to inspect, maintain and secure property which will resolve code violations in a more efficient and timely manner.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates

policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board adopt the proposed Ordinance.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

It is anticipated that operation of the property registry will generate income.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☒ Ordinance ☐ Resolution
☐ Other:

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