

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
JULY 7, 2021

Agenda Item:

Consider a code enforcement lien mitigation request from Sebastiana Hernandez relating to the property at 20318 Sherrill Lane, located in Broadway Mobile Home Village.

Description:

The owner acquired the residential property at 20318 Sherrill Lane in 2017. The owner was cited in September 2018 for parking of commercial vehicles in residentially and agriculturally zoned districts. This was a repeat offense, previously cited and heard before the Special Magistrate on June 21, 2018. A hearing for the repeat offense was held on November 15, 2018. The owner was not present. The Special Magistrate imposed a fine beginning in November 15, 2018. A code enforcement lien in the amount of \$128, 827.20 has accrued based on 257 days of lien accumulation at \$500 a day (the maximum available under state law for repeat offenses).

The respondent was aware of the code violations per an email she sent on October 3, 2018; however, she did not appear at the hearing and the violation continued at the property until July 2019.

Pursuant to prior direction of Council, liens in excess of \$100,000 must be approved by the Village Council. The case for fine review was heard by the Special Magistrate on February 18, 2021. The Special Magistrate recommended that the mitigation be heard by The Village Council for determination. The special magistrate did not make a lien recommendation for this case.

Statutorily, local governments must consider the following factors in determining the amount of a fine: (1) The gravity of the violation; (2) Any actions taken by the violator to correct the violation; and (3) Any previous violations committed by the violator. The Village has currently adopted a very low tolerance stance in seeking compliance with our codes.

Action Requested:

Approve the lien mitigation request from Ms. Hernandez releasing any outstanding liens against the Property in exchange for payment of a reduced fine of \$2,000.00 and \$327.20 for administrative cost.

Financial Impact:

The Village will recover its out-of-pocket costs for the Code Enforcement Case against the Property.

Attachments:

1. Code Enforcement Case Overview
2. Request for Fine Review
3. Special Magistrate Order Finding Violation
4. Special Magistrate Order of Imposition of Fine