

1 EXHIBIT 1

2 ORDINANCE NO. 2017 -

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE
4 CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 14
5 "MINIMUM PROPERTY MAINTENANCE AND OCCUPANCY CODE" OF
6 THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES;
7 SPECIFICALLY AMENDING SECTION 14-2 "DEFINITIONS";
8 CREATING SECTION 14-13 "VACANT PROPERTY REGISTRATION";
9 REQUIRING OWNERS TO REGISTER PROPERTIES AND PAY AN
10 ANNUAL REGISTRATION FEE; PROVIDING FOR CONFLICT;
11 PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION;
12 AND PROVIDING FOR AN EFFECTIVE DATE.

13 WHEREAS, the City of Hallandale Beach desires to protect the public health, safety and
14 welfare of its citizens and maintain a high quality of life through the maintenance of structures
15 and properties; and

16 WHEREAS, properties that are neglected and have unsecured, accessible structures
17 have a negative impact on community value, create conditions that invite criminal activity, and
18 foster an unsafe and unhealthy environment for children; and

19 WHEREAS, the City of Hallandale Beach Administration is proposing a vacant property
20 registration in an effort to reduce blight and nuisance, to reach prompt compliance, and to
21 encourage development; and

22 WHEREAS, the registry will apply to properties which are vacant or abandoned or are
23 subject to foreclosure proceedings; and

24 WHEREAS, the registry will streamline the compliance process by keeping the City
25 informed of vacant properties and land throughout its boundaries with helpful contacts to reach in
26 case a violation is found; and

27 WHEREAS, the Mayor and the City Commission have determined that it is in the best
28 interest of the residents of the City to promote the public health, safety, and general welfare by
29 amending Chapter 14 to create a process for vacant property registration.

30 NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF
31 HALLANDALE BEACH, FLORIDA:

32
33 SECTION 1. The foregoing "Whereas" clauses are hereby incorporated herein.

34 **SECTION 2.** Chapter 14 “Minimum Property Maintenance and Occupancy Code” of
35 the Code of Ordinances of the City of Hallandale Beach, Florida is hereby amended to read as
36 follows:

37

38 **Sec. 14-2. - Definitions.**

39

* * *

40 Evidence of vacancy means any condition that on its own, or combined with other conditions
41 present would lead a reasonable person to believe that the property is vacant. Such conditions
42 may include, but are not limited to, overgrown and/or dead vegetation, stagnant and unsanitary
43 pool water; nonfunctioning electric, water or gas utilities; the accumulation of abandoned
44 personal property; statements by neighbors, passers-by, delivery agents, or government
45 agency; or any other evidence that the property is vacant.

46

47

* * *

48 Foreclosure means the process by which a property, placed as security for a real estate loan, is
49 sold at public sale to satisfy the debt if the borrower defaults.

50

51

* * *

52 Vacant means any structure, building or premises which is not used or occupied. a structure
53 that is unoccupied and is not actively used as a place of residence or business. Actively used
54 shall not include occupancy or use by persons with no legal authority to be present on the
55 property.

56

57 Vegetation means all natural growth upon a lot or parcel of ground, including grass, weeds,
58 trees, vines, bushes, underbrush and the waste material arising there from.

59

60

* * *

61 **Sec. 14-13. - Vacant property registration.**

62

63 (a) Every owner of a vacant commercial, multi-family, single family structure, or land, and
64 property subject to foreclosure shall register said property or land with the City’s
65 Development Services Department or designee. This fee will not be pro-rated and is non-

66 refundable. Failure to comply with the requirements of this section to register property or
67 land shall constitute a violation of this article. Registration shall include:

- 68 (1) A description of the premises including address, legal description, and folio
69 number;
- 70 (2) The names, addresses, and contact numbers of the owner, or agents, that can
71 be contacted 24 hours a day;
- 72 (3) Written consent by the owner allowing the City Police Department to enforce
73 trespassing penalties as described in F.S. § 810.08;
- 74 (4) Affidavit affirming that a notice will be posted on the property by owner or
75 representative in a place protected from weather that will include the name
76 and phone number of the person responsible for the property. The physical
77 location of placement of such affidavit on the property or land is at the City's
78 discretion.

79 (b) Owners of vacant units located within a multi-family structure are exempt from this section if
80 at least one of the following is met:

- 81 (1) The multi-family structure has a property manager on the premises;
- 82 (2) The multi-family structure has an on-site homeowners' association responsible
83 for the management and maintenance of the property; or
- 84 (3) The multi-family structure has a security guard located on the property.

85 (c) The following properties are exempt from this section:

- 86 (1) Properties that are registered with the City as vacation rentals and hold a current
87 business tax receipt;
- 88 (2) Properties with active building permits undergoing active construction;
- 89 (3) Properties that are listed for sale or rent and are monitored by owner or owner's
90 representative every 2 days;
- 91 (4) Properties used as second home, that have active utility services and are not in
92 violation of any City Code;
- 93 (5) Structures protected by federal, state, or local law or any structures owned by the
94 federal government, state government, Broward County, or the City.

95 (d) This registration must be done within 10 days of any title transfer and renewed every
96 October 1st thereafter.

97 (e) The owner shall notify the City's Development Services Department or designee of any
98 changes to the information supplied on the registration immediately.

- 99 (f) Vacant property registration fee schedule. The owner of an unsecured, vacant or
100 abandoned structure/land shall register the property with the City and pay an annual
101 registration fee. The schedule is as follows:
- 102 (1) Vacant structure (single family) \$250.00 yearly.
 - 103 (2) Vacant structure (multi-family: two units or more) \$250.00 per unit yearly.
 - 104 (3) Vacant land \$25.00 yearly.
- 105 (g) The registration fee shall be paid in full prior to the issuance of any permits to repair,
106 rehabilitate or build.
- 107 (h) All delinquent registration fees, shall be paid by the owner prior to any transfer of ownership
108 interest. If the fees are not paid prior to transfer, the new owner shall be responsible for all
109 outstanding fees no later than 30 days after the transfer of ownership and subsequent
110 registration fees shall be due and payable in accordance with this article.
- 111 (i) The registration fee is reasonably related to the administrative costs for processing the
112 registrations and monitoring of the blighted, unsecured, vacant, or abandoned structures.
113 The form will indicate that submission grants the city's police department the authority to
114 issue trespass warnings to individuals who cannot demonstrate written authorization to be
115 on the property. The mortgagee or owner can opt out of or revoke the department's
116 authority to issue a trespass warning by notifying the police department on the registration
117 form or in writing directed to the chief of police.
- 118 (j) Penalties. Violations of this section shall be punishable as a Class II violation, pursuant to
119 Section 9-55 of the City Code.
- 120 (k) Sunset. The requirements of Section 14-13 will expire on June 30, 2019 unless renewed by
121 the City Commission. Enforcement actions for violations occurring prior to expiration shall
122 remain valid and enforceable beyond the date of expiration.

123 **SECTION 3. Conflict.** All ordinances or portions of the Code of Ordinances of the City
124 of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the
125 extent of such conflict.

126
127 **SECTION 4. Severability.** Should any provision of this ordinance be declared by a
128 court of competent jurisdiction to be invalid, the same shall not affect the validity of the
129 ordinance as a whole, or any part thereof, other than the part declared to be invalid.

130

