

EXHIBIT 1
ORDINANCE NO. 2022-

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE PROVISIONS OF THE CITY CODE OF ORDINANCES, CHAPTER 8 ARTICLE VII SECTION 8-188(d); CHAPTER 13 ARTICLE II SECTION 13-42(e); CHAPTER 13 ARTICLE IV SECTION 13-109 (1); CHAPTER 14 ARTICLE III SECTION 14-84; CHAPTER 30 ARTICLE IV SECTION 30-208 BY DELETING REFERENCES TO THE CODE ENFORCEMENT BOARD AND SUBSTITUTING SPECIAL MAGISTRATE; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statute Section 162.03, authorizes municipalities to utilize Code Enforcement Boards and/or Special Magistrates to hold hearings and assess fines against violators of municipal codes; and

WHEREAS, commencing on or before 2014, the City of Hallandale Beach by ordinance has opted to utilizing a Special Magistrate; and

WHEREAS, amending the code of ordinances to reflect the use of a Special Magistrate is needed to maintain consistency with the City Code of Ordinances and the City's current processes; and

WHEREAS, pursuant to Article V, Section 5.01, City of Hallandale Beach Charter, an ordinance adopted by the Commission is required to amend or repeal any ordinance previously adopted by the City Commission; and

WHEREAS, the City Commission deems that it is in the best interest of the residents of the City of Hallandale Beach to amend the City Code as set forth below.

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

SECTION 1. That Chapter 8 Article VII Section 8-188 (d) of the Code of Ordinances of the City of Hallandale Beach, Florida is hereby amended to read as follows:

Sec. 8-188. - Maintenance of designated properties; demolition by neglect prohibited.

(d) Enforcement.

(1) Notice of administrative enforcement. When a city code compliance specialist or building inspector determines a violation of subsection (b) above, chapter 14 of this Code, or any other code violation, that officer or inspector shall provide written notice of the violation to the owner in writing in accordance with section 14-84 and/or 14-85 of this Code. The property owner shall be granted a reasonable amount of time to perform the corrective action per section 14-84 and/or 14-85 of this Code. Upon neglect, refusal, or failure to comply, the code compliance specialist or building inspector may pursue ~~Code Enforcement Board~~ Special Magistrate or Unsafe Structure Board action in accordance with section 14-84 and/or 14-85 of this Code.

(2) Action for injunction and remedial relief; lien on property. If the property owner fails to take corrective action pursuant to a final order issued by the ~~Code Enforcement Board~~ Special Magistrate or the Unsafe Structures Board, the city may file liens against the property pursuant to sections 14-85 and 14-86 of this Code.

SECTION 2. That Chapter 13 Article II Section 13-42 (e) of the Code of Ordinances of the City of Hallandale Beach, Florida is hereby amended to read as follows:

Sec.13-42. – Abandoned or derelict vessels and floats in public waters.

(e) *Jurisdiction*. This section may be enforced by the ~~code enforcement board~~ Special Magistrate of the city, by civil citation, or in any court having jurisdiction.

SECTION 3. That Chapter 13 Article IV Section 13-109 (1) of the Code of Ordinances of the City of Hallandale Beach, Florida is hereby amended to read as follows:

Sec.13-109. - Enforcement.

The provision of this article shall be enforced by:

(1) The city ~~code enforcement board~~ or special master magistrate pursuant to the authority granted by F.S. § 162.01, as may be amended and article 10 of the Unified Land Development Code, as may be amended.

SECTION 4. That Chapter 14 Article III Section 14-84 of the Code of Ordinances of the City of Hallandale Beach, Florida is hereby amended to read as follows:

Sec. 14-84. - Enforcement notices and orders; hearings.

(a) The provisions of this chapter shall be enforced under the police powers of the city; and all legal proceedings for violations shall be instituted in courts of appropriate jurisdiction; however, the ~~code enforcement board~~ Special Magistrate shall have supplemental jurisdiction to enforce any of the provisions of this chapter in conformity with the provisions of F.S. ch. 162.

(b) Whenever the enforcing officer determines that there is a violation of any provision of this chapter, notice of such violation shall be served upon the owner, operator or occupant in charge or in control of the property, as set forth. Such notice shall:

(1) Be in writing.

(2) Be dated and signed by the enforcing officer.

(3) Specify the violations.

(4) Contain an outline of the corrective action which, if properly performed, will effect compliance with the provisions of this chapter.

(5) State that if a building permit is necessary to correct the violations, it must be obtained within a reasonable period, in light of the nature of the violation, as determined by the head of the enforcing agency or the period set by the ~~code enforcement board~~ Special Magistrate for compliance.

(6) State that the work to remove the violation must be completed within a reasonable number of days, as determined by the head of the enforcing agency.

(7) State that final compliance must conform to the requirements of the building code.

(8) Be served upon the owner, operator or occupant in charge or in control of the property in accordance with F.S. § 162.12.

(9) Inform the person on whom notice is served of his rights to apply within 20 days for hearing to appeal the decision of the enforcing officer.

(c) The board shall be the ~~code enforcement board~~ special magistrate.

(d) Any person affected by a violation notice issued under subsection (b) of this section in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter before the ~~code enforcement board~~ Special Magistrate, providing a petition for such hearing is submitted within 20 days from the date of the violation notice and is in accordance with the requirements of this chapter. Upon receipt of such petition, the enforcing agency shall immediately notify the ~~board~~ Special Magistrate and a time and place for the hearing established and the petitioner given written notice of the hearing.

(1) The hearing shall be held not later than 30 days after the date upon which petition was filed and shall be open to the public.

(2) Upon application, the ~~board~~ Special Magistrate may postpone the date of the hearing for a reasonable time beyond the 30-day period if in its judgment a good and sufficient reason for such postponement exists.

(3) At such hearing, the petitioner shall be given an opportunity to be heard and to show why the violation notice should be modified or withdrawn.

(4) After completion of the hearing, the ~~board~~ Special Magistrate shall sustain, modify or withdraw the violation notice based upon the findings as to whether the provisions of this chapter have been complied with. If the ~~board~~ Special Magistrate sustains or modifies the violation notice, it shall be deemed to be an order.

(5) The ~~board~~ Special Magistrate, for due cause or where a hardship exists, may modify the time of performance for the requirements set forth by this chapter; but this shall not relieve the owner of the responsibility for compliance with the provisions of this chapter.

(6) The proceedings of such hearing, including the findings and decision of the ~~board~~ Special Magistrate, shall be summarized in writing and entered in the public records of the ~~board~~ Special Magistrate. Such records shall include a copy of every notice issued in connection with the matter.

(7) Any person aggrieved by the decision of the ~~board~~ Special Magistrate may seek relief in any court of competent jurisdiction as provided by the laws of the state within 30 days after the rendition of such decision.

SECTION 5. That Chapter 30 Article IV Section 30-208 (c) of the Code of Ordinances of the City of Hallandale Beach, Florida is hereby amended to read as follows:

Sec. 30-208. – Enforcement; damages and penalties.

(c) *Penalties.* The city ~~code enforcement board~~ or special magistrate may order the violator to pay a fine in accordance with F.S. § 162.09. A fine imposed pursuant to F.S. § 162.09, shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation. However, if the ~~code enforcement board~~ or special magistrate finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation. In determining the amount of the fine, if any, the ~~code enforcement board~~ or special magistrate shall consider the factors set forth in F.S. § 162.09(2)(b). The ~~code enforcement board~~ or special magistrate may reduce a fine imposed pursuant to F.S. § 162.09.

SECTION 6. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 7. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 8. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 9. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED ON 1ST reading on _____, 2022.

PASSED AND ADOPTED ON 2ND reading on _____, 2022.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

JENORGEN M. GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM

JENNIFER MERINO
CITY ATTORNEY