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**EXHIBIT 1
ORDINANCE NO. 2024-**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 14 “MINIMUM PROPERTY MAINTENANCE AND OCCUPANCY CODE”, ARTICLE I “IN GENERAL”, SECTION 14-13 “VACANT PROPERTY REGISTRATION” RELATING TO VACANT PROPERTIES WITHIN THE CITY; ESTABLISHING SECTION 14-14 “VACANT PROPERTIES; MAINTENANCE & SECURITY” CREATING REGULATIONS AND PROCEDURES FOR SECURING AND MAINTAINING VACANT PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

18 **WHEREAS**, pursuant to the Minimum Property Maintenance and Occupancy Code set
19 forth in Chapter 14 of the Code of Ordinances (the “Code”) of the City of Hallandale Beach,
20 Florida (“City”), the stated purpose and intent is to establish minimum standards governing the
21 condition, occupancy and maintenance of vacant and occupied residential and nonresidential
22 buildings, structures and premises; and

23 **WHEREAS**, it is also the intent of this chapter to establish minimum standards which
24 shall govern upkeep, maintenance, rehabilitation, repair or improvement of all buildings and
25 structures within the city limits; and

26 **WHEREAS**, City staff has proposed amendments to the Minimum Property
27 Maintenance and Occupancy Code to add language that prevents exemptions for properties
28 repeatedly cited for code violations and adds Section 14-14 to the Code, to mandate
29 preventive measures such as fencing, boarding, and cameras for vacant properties with
30 multiple violations; and

31 **WHEREAS**, Staff recommends that the Mayor and City Commission adopt the proposed
32 amendments to the Code, as more specifically set forth below; and

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33 **WHEREAS**, the Mayor and City Commission recognize that the proposed amendments
 34 will support continued efforts to enhance and revitalize the City and will promote the public
 35 health, safety and welfare of the City.

36 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION**
 37 **OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

38 **SECTION 1. Incorporation of Recitals.** The foregoing "Whereas" clauses are
 39 confirmed as true and incorporated herein.

40 **SECTION 2. Amendment.** The following sections within Chapter 14, Article I, of
 41 the City of Hallandale Beach Code of Ordinances are hereby amended as follows:

42 Chapter 14 – MINIMUM PROPERTY MAINTENANCE AND OCCUPANCY CODE

43 ***

44 ARTICLE I. – IN GENERAL

45 ***

46 Sec. 14-13. - Vacant Property Registration.

47 (a) Every owner of a vacant commercial, multi-family, single family structure, or land, and property
 48 subject to foreclosure shall register said property or land with the city's Department of Sustainable
 49 Development Director services department or designee. This fee will not be pro-rated and is non-
 50 refundable. Failure to comply with the requirements of this section to register property or land
 51 shall constitute a violation of this article. Registration shall include:

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

61
 62 (b) Owners of vacant units located within a multi-family structure are exempt from this section if
 63 at least one of the following is met:

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

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69 (c) The following properties must register but are exempt this section from the required fee unless
70 the property is cited for code violations two or more times in a six-month period:

71 (1) Properties that are registered operating with the city as vacation rental ~~and~~ with hold a
72 valid current local business tax receipt and Certificate of Use;

73 (2) Properties with active building permits undergoing active construction;

74 (3) Properties that are MLS listed for sale or rent and are monitored by owner or owner's
75 representative at least once a week.

76 (4) Properties used as a second home, that have active utility services and are not in
77 violation of any City Code.

78 (5) Structures protected by federal, state, or local law or any structures owned by the
79 federal government, state government, Broward County, the city or city agency.

80 (6) Vacant lots adjacent to an occupied property with the same owner.

81 (7) Contiguous vacant lots owned by the same party are only required to register one of
82 the vacant lots but must indicate ownership of the adjacent lots on the registration form.

83
84 (d) This registration must be done within ten days of any title transfer and renewed every ~~October~~
85 January 1 thereafter.

86
87 (e) The owner shall notify the city's ~~development services~~ Department of Sustainable
88 Development Director or designee of any changes to the information supplied on the registration
89 immediately.

90
91 (f) Vacant property registration fee schedule. The owner of an unsecured, vacant, or abandoned
92 structure/land shall register the property with the city and pay an annual registration fee. Fees for
93 said registration are kept on file in the City Clerk's office. ~~The schedule is as follows:~~

94 (1) Vacant structure (single family): \$250.00 yearly.

95 (2) Vacant structure (multi-family, two units or more): \$250.00 per unit yearly.

96 (3) Vacant land: \$25.00 yearly.

97
98 (g) The registration fee will increase as follows if property is cited for code violations.

99 1) The fee will be an additional \$25.00 if property was cited for a violation of City
100 ordinance during the prior year.

101 2) The fee will increase \$50.00 if property was cited for a violation of City ordinance
102 twice during the prior year.

103 3) The fee will increase \$100.00 if property was cited for a violation of City ordinance
104 three or more times during the prior year.

105
106 (h) The registration fee shall be paid in full prior to the issuance of any permits to repair,
107 rehabilitate or build.

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108

109 (i) All delinquent registration fees, shall be paid by the owner prior to any transfer of ownership
110 interest. If the fees are not paid prior to transfer, the new owner shall be responsible for all
111 outstanding fees no later than 30 days after the transfer of ownership and subsequent registration
112 fees shall be due and payable in accordance with this article.

113

114 (j) The registration fee is reasonably related to the administrative costs for processing the
115 registrations and monitoring of the blighted, unsecured, vacant, or abandoned structures. The
116 form will indicate that submission grants the city's police department the authority to issue
117 trespass warnings to individuals who cannot demonstrate written authorization to be on the
118 property. The mortgagee or owner can opt out of or revoke the department's authority to issue a
119 trespass warning by notifying the police department on the registration form or in writing directed
120 to the chief of police.

121

122 (k) Penalties. Violations of this section shall be punishable as a class II violation, pursuant to
123 section 9-55 of the City Code.

124 (1) For contiguous vacant lots owned by the same party that fail to register or renew
125 registration, only one of the lots will be cited.

126

127 ***

128 Section 14-14. – Vacant Properties; Maintenance & Security

129 (a) All vacant structures and premises shall be maintained in a clean, safe, secure and sanitary
130 condition as provided herein so as not to cause a deteriorating problem or adversely affect
131 the public health, safety or welfare.

132

- 133 1. The exterior of all vacant structures shall be maintained in a manner required of
134 occupied structures as otherwise provided in this code: window areas shall be
135 maintained with appropriate glass and glazing treatment; exterior doors shall be
136 water- and weather-tight; and walls and roof areas shall be maintained in a clean,
137 safe and intact condition, so as to prevent intrusion of both water and weather.
- 138 2. In instances where the property owner presents the City with proof of two (2)
139 instances of vandalism or unauthorized entry within any three-month period which
140 result in violations of subparagraph (1) above, the property owner may secure the
141 structure by boarding up all exterior openings in lieu of replacing broken, shattered
142 and/or broken windows or glass doors with new glass or glazing treatments. Such
143 proof may consist of police reports and/or affidavits from neighbors. Boarding of the
144 structure must be in accordance with the requirements of section 14-12.
- 145 3. The owner of any vacant structure that has been cited for unsecured openings more
146 than once in a 12-month period shall be required to board any unsecured openings in
147 accordance with the requirements of Section 14-12.
- 148 4. The owner of any vacant property cited for more than one code violation regarding
149 trash on the right-of-way, within a six-month period, may be required to implement
150 illegal dumping deterring methods, including, but not limited to, erecting a fence around

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151 the perimeter, boarding any vacant structures, installing signs and cameras. The fence
152 type and height shall be consistent with the property's designated zoning district.

153 (b) If any vacant property has three (3) or more documented instances of illegal dumping within
154 one 12-month period, the City's Special Magistrate is authorized to mandate that the owners
155 of such vacant properties install video surveillance cameras and provide the police
156 department with access to the video content for investigation.

157
158 (c) If any property owner fails to meet or otherwise abide by the requirements of this section, the
159 City may of these requirements are not met by the property owner, the City undertake such
160 corrective action to achieve compliance and remedy the violation(s) at the property owner's
161 expense and levy the cost of such corrective action as a non-ad valorem assessment against
162 the property.

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166 **SECTION 3. Conflict.** All ordinances, parts of ordinances, resolutions, or parts of
167 resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

168
169 **SECTION 4. Severability.** Should any provision of this Ordinance be declared by a court
170 of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance
171 as a whole or any portion thereof, other than the part that is declared to be invalid.

172
173 **SECTION 5. Codification.** It is the intention of the Mayor and City Commission that the
174 provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention
175 the words "ordinance" or "section" may be changed to other appropriate words.

176
177 **SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon its
178 passage and adoption.

179
180 PASSED AND ADOPTED on 1st reading on _____, 2024.

181 PASSED AND ADOPTED on 2nd reading, on _____, 2024.

182
183
184 _____
185 JOY F. COOPER

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MAYOR

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ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO FORM &
LEGAL SUFFICIENCY

JENNIFER MERINO
CITY ATTORNEY

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