

EXHIBIT 1

ORDINANCE NO. 2024 -

1 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
2 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
3 ARTICLE III OF THE ZONING AND LAND DEVELOPMENT CODE,
4 DIVISION 20. – TEMPORARY USES; AMENDING SECTION 32-
5 709. FEES, PENALTIES AND APPEALS, PROVIDING FOR
6 SEVERABILITY; PROVIDING FOR CONFLICTS; AND
7 PROVIDING FOR AN EFFECTIVE DATE.

8
9 **WHEREAS**, pursuant to Article III, Division 20. – Temporary Uses; Section 32-709,
10 Fees, Penalties and Appeals, of the City of Hallandale Beach Code of Ordinances, upon a
11 fourth violation applications are withheld for temporary use permits by the applicant or on the
12 property for a period of one year, and the language requires the property owner to be
13 responsible for payment of any penalty fees should the applicant default; and

14 **WHEREAS**, to clarify the applicability of the violations and promote compliance with the
15 City regulations, the proposed code amendments provide that the penalty of the withholding of
16 future applications for a year shall apply upon the third violation of a temporary use which
17 occurs without prior acquisition of a temporary use permit or should any approved permit for
18 temporary uses violate any condition of the approved permit or Zoning and Land Development
19 Code, the one-year period shall begin on the date of the issuance of the third violation, and
20 both property owner and applicant, if the owner is not the applicant, are jointly responsible for
21 violations; and

22 **WHEREAS**, the proposed code amendments are consistent with the Comprehensive
23 Plan and will assist in furthering its policies and objectives; and

24 **WHEREAS**, Staff recommends that the Mayor and City Commission of the City of
25 Hallandale Beach find it to be in the public interest to adopt the above referenced code
26 amendments relating to temporary use penalties as more specifically set forth below.

27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55

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

SECTION 1. Amendment. Article III, Division 20. – Temporary Uses; Section 32-709, Fees, Penalties and Appeals, of the City of Hallandale Beach Code of Ordinances shall be amended as follows:

Chapter 32 – ZONING AND LAND DEVELOPMENT CODE

ARTICLE III. – ZONING

DIVISION 20. TEMPORARY USES

Sec. 32-709. Fees, penalties and appeals.

Each applicant shall submit a non-refundable application fee with the initial application to help defray the city's cost of processing the application and coordinating with the relevant city services and personnel. The fee for an annual event permit shall be established by resolution. Application, permit and penalty fees in association with temporary use are on file in the development services department.

(4) *Penalties.* Should any temporary use occur without prior acquisition of a temporary use permit or should any approved permit for temporary uses violate any condition of the approved permit or any section of this division, it shall be subject to progressive penalty fees set forth by resolution. Penalties shall be established for violations occurring within 12 months of the fiscal year. The property owner shall be jointly and severally responsible with the applicant, if different from the owner, for payment of all penalty fees should the applicant default. Each penalty shall be determined by the city manager after reviewing the available information.

Words in ~~strike through~~ type are deletions from existing text. Words in underline type are additions

- 56 a. For the first violation of the Code, ~~the property owner shall be charged~~ the established
57 penalty fee, in addition to the application and permitting fees, shall be charged.
58 b. For the second such violation, the penalty fee shall be doubled.
59 c. For the third such violation, the penalty fee shall be quadrupled. Moreover,
60 applications shall be withheld for temporary use permits by the applicant or property
61 owner for a period of one year beginning on the date of the issuance of the third
62 violation, and continue until such violations have been cured and all payments of
63 penalty fees made.
64 d. Should any temporary use occur during the one-year withholding period, the penalty
65 fee shall be equal to that of the third violation and subject to any additional
66 enforcement measures available to the City.
67 ~~d. For the fourth such violation, applications shall be withheld for temporary use permits~~
68 ~~by the applicant or on the property for a period of one year.~~
69 ~~The property owner shall be responsible for payment of all penalty fees should the~~
70 ~~applicant default. Each penalty shall be determined by the city manager after~~
71 ~~reviewing the available information.~~

72 ***

73 **SECTION 2. Providing for Conflict.** All ordinances or parts of ordinances
74 and all resolutions or parts of resolutions in conflict herewith are hereby repealed, to the
75 extent of the conflict.

76
77 **SECTION 3. Providing for Severability.** If this ordinance or any part
78 thereof is declared by a court of competent jurisdiction to be invalid, such decision shall not
79 affect the validity of the remainder of the ordinance other than the part declared to be invalid.

80
81 **SECTION 4. Effective Date.** This Ordinance shall take effect immediately
82 upon its passage and adoption.

83

84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109

PASSED AND ADOPTED on 1st reading, on _____, 20__.

PASSED AND ADOPTED on 2nd reading, on _____, 20__.

JOY F. COOPER
MAYOR

ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO
CITY ATTORNEY