

1 EXHIBIT 1

2 ORDINANCE NO. 2019 -

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY
4 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 14-13 "VACANT PROPERTY
8 REGISTRATION" BY DELETING THE SUNSET PROVISION;
9 PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY;
10 PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN
11 EFFECTIVE DATE.

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

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

18 WHEREAS, the City of Hallandale Beach Administration passed a vacant property
19 registration ordinance in 2018 in an effort to reduce blight and nuisance, to reach prompt
20 compliance, and to encourage development; and

21 WHEREAS, the registry applies to properties which are vacant, abandoned or are subject
22 to foreclosure proceedings; and

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

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

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

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

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

Sec. 14-13. - Vacant property registration.

(a) Every owner of a vacant commercial, multi-family, single family structure, or land, and property subject to foreclosure shall register said property or land with the City’s Development Services Department or designee. This fee will not be pro-rated and is non-refundable. Failure to comply with the requirements of this section to register property or land shall constitute a violation of this article. Registration shall include:

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

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

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

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

- (1) Properties that are registered with the City as vacation rentals and hold a current business tax receipt;
- (2) Properties with active building permits undergoing active construction;
- (3) Properties that are listed for sale or rent and are monitored by owner or owner’s representative at least once a week;

- 67 (4) Properties used as second home, that have active utility services and are not
68 in violation of any City Code;
- 69 (5) Structures protected by federal, state, or local law or any structures owned by
70 the federal government, state government, Broward County, or the City.
- 71 (d) This registration must be done within 10 days of any title transfer and renewed every
72 October 1st thereafter.
- 73 (e) The owner shall notify the City's Development Services Department or designee of any
74 changes to the information supplied on the registration immediately.
- 75 (f) *Vacant property registration fee schedule.* The owner of an unsecured, vacant or
76 abandoned structure/land shall register the property with the City and pay an annual
77 registration fee. The schedule is as follows:
- 78 (1) Vacant structure (single family) \$250.00 yearly.
- 79 (2) Vacant structure (multi-family: two units or more) \$250.00 per unit yearly.
- 80 (3) Vacant land \$25.00 yearly.
- 81 (g) The registration fee shall be paid in full prior to the issuance of any permits to repair,
82 rehabilitate or build.
- 83 (h) All delinquent registration fees, shall be paid by the owner prior to any transfer of ownership
84 interest. If the fees are not paid prior to transfer, the new owner shall be responsible for all
85 outstanding fees no later than 30 days after the transfer of ownership and subsequent
86 registration fees shall be due and payable in accordance with this article.
- 87 (i) The registration fee is reasonably related to the administrative costs for processing the
88 registrations and monitoring of the blighted, unsecured, vacant, or abandoned structures.
89 The form will indicate that submission grants the city's police department the authority to
90 issue trespass warnings to individuals who cannot demonstrate written authorization to be
91 on the property. The mortgagee or owner can opt out of or revoke the department's
92 authority to issue a trespass warning by notifying the police department on the registration
93 form or in writing directed to the chief of police.
- 94 (j) *Penalties.* Violations of this section shall be punishable as a Class II violation, pursuant to
95 Section 9-55 of the City Code.
- 96 ~~(k) *Sunset.* The requirements of Section 14-13 will expire on June 30, 2019 unless renewed by~~
97 ~~the City Commission. Enforcement actions for violations occurring prior to expiration shall~~
98 ~~remain valid and enforceable beyond the date of expiration.~~

SECTION 3. 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 4. 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 5. 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 6. Effective date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1st reading on _____, 2019.

PASSED AND ADOPTED on 2nd reading on _____, 2019.

JOY D. ADAMS

MAYOR

SPONSORED BY:

ATTEST:

JENORGEN GUILLEN, CMC

CITY CLERK

140
141
142 APPROVED AS TO LEGAL SUFFICIENCYAND FORM

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147 _____
148 JENNIFER MERINO
149 CITY ATTORNEY

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151 **FIRST READING VOTE ON ADOPTION**

Mayor Adams _____
Vice Mayor Javellana _____
Commissioner Butler _____
Commissioner Lazarow _____
Commissioner Lima- Taub _____

FINAL VOTE ON ADOPTION

Mayor Adams _____
Vice Mayor Javellana _____
Commissioner Butler _____
Commissioner Lazarow _____
Commissioner Lima- Taub _____

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