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EXHIBIT 1

ORDINANCE NO. 2020 -

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 IV, LOT MAINTENANCE AND CLEAN UP; SPECIFICALLY SECTIONS 14-96 IMMINENT PUBLIC-HEALTH THREAT, 14-97 ENFORCEMENT, 14-98 APPEALS AND 14-99 SPECIAL ASSESSMENT IMPOSED; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 14, Section 14-97(b), City of Hallandale Beach Code of Ordinances (Exhibit A) addresses overgrown grass and trash in empty lots; and

WHEREAS, the ordinance presently allows twenty (20) days following notice to owner for compliance, following which the City assigns a lot clearing vendor to mow and remove trash and prepares a certified letter to the property owner giving notice of an opportunity either to appeal within fifteen (15) days or to reimburse the cost paid to the vendor; and

WHEREAS, absent appeal or timely payment, a lien is placed on the property and staff, subject to City Commission approval, seeks payment of this service by imposing such on the property tax roll; and

WHEREAS, staff believes that twenty (20) days to remove the long grass and weeds and trash is too long, as such items constitute an imminent public health threat and fifteen (15) days to appeal or pay the costs is too long; and

WHEREAS, overgrown grass and trash in empty lots may lead to drainage issues and can hide snakes, rodents and other animals that constitute a public health threat; and

39 **WHEREAS**, staff recommends that the time for compliance be reduced from
40 twenty (20) days to ten (10) days and that the time for payment or appeal be reduced
41 from fifteen (15) days to seven (7) days to allow the City to act quickly to have
42 overgrowth and trash cleared thus reducing the effect of the imminent public health
43 threat, reducing citizen complaints, reducing devaluation of adjacent properties, helping
44 to prevent rodents and mosquitos and maintaining a higher quality of life; and
45

46 **WHEREAS**, the Mayor and City Commission deem it to be in the best interests of
47 the citizens and residents of the City of Hallandale Beach to amend sections 14-96, 14-
48 97, 14-98 and 14-99 of Chapter 14 Minimum Property Maintenance and Clean Up, in order
49 to provide for an effective well-timed and expeditious process for the abatement of lot
50 maintenance violations; and
51

52 **WHEREAS**, the Mayor and City Commission find the amendments to be in the
53 best interest of the City and its residents.
54

55 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
56 **CITY OF HALLANDALE BEACH, FLORIDA:**

57 **SECTION 1.** Chapter 14, Article IV “Lot Maintenance and Clean Up”, sections 14-
58 96 “Imminent Public Threat”, 14-97 “Enforcement”, 14-98 “Appeals” and 14-99 “Special
59 Assessment Imposed” is hereby amended as follows:
60

61 **14-96 Imminent public-health threat.** An (i) accumulation of trash,
62 junk, debris, living and nonliving plant material, or stagnant water, (ii)
63 excessive growth of grass, weeds, brush, or other overgrowth, or (iii)
64 the keeping of fill on property that presents an imminent public-health
65 threat may be remedied by the City immediately without notice to the
66 owner or, if applicable, the agent, custodian, lessee, or occupant. The
67 City Manager shall determine whether, under the provisions of this
68 section, an imminent public-health threat exists.

69 After-the-fact notice will be provided by the City to the owner and, if
70 applicable, the agent, custodian, lessee, or occupant within a

71 reasonable time after the abatement. After-the-fact notice shall be
72 sent as set forth in section 14-97 below, and the owner and, if
73 applicable, the agent, custodian, lessee, or occupant shall have
74 ~~fifteen~~ seven (45 7) days from the date notice is received to (i)
75 reimburse the City or (ii) appeal the City Manager's determination to
76 the City Commission that an imminent public-health threat existed on
77 the property.

78 **14-97 Enforcement.**

79 *(a) Violations.* Failure or refusal by the owner and/or, if applicable,
80 the agent, custodian, lessee or occupant of property to comply with
81 the requirements of sections 14-93, 14-94, and/or 14-95 is a violation
82 of this Ordinance. The existence of an imminent public-health threat
83 on a property is a violation of this Ordinance.

84 *(b) Notice of violation.* Whenever the City Manager or her designee
85 determines there is a violation of this section, the City Manager shall
86 serve, or cause to be served, a "notice of violation" on the owner and,
87 if applicable, the agent, custodian, lessee, or occupant of the
88 property. The "notice of violation" shall direct the owner and, if
89 applicable, the agent, custodian, lessee, or occupant to terminate
90 and abate the violation within ~~twenty~~ ten calendar days of the date
91 the "notice is received." If the "notice of violation" pertains to an
92 imminent public-health threat abated by the City, the notice shall
93 direct the owner and, if applicable, the agent, custodian, lessee, or
94 occupant to pay to the City the cost of such abatement.

95 If the notice of violation is sent or delivered to the owner and the
96 owner's agent, custodian, lessee, or occupant, they shall be jointly
97 and severally responsible to remedy the violation.

98 *(c) Notice is received.* The "notice of violation" shall be sent by United
99 States certified mail with a return receipt requested. "Notice is
100 received" on the date the owner or, if applicable, the agent,

101 custodian, lessee, or occupant of the property initials or otherwise
102 indicates receipt of the notice on the return receipt.

103 In the event that certified-mail delivery cannot be accomplished, and
104 after reasonable search by the City for such owner or, if applicable,
105 the agent, custodian, lessee, or occupant of the property, or if the
106 notice is not accepted or is returned to the City, a physical posting of
107 the "notice of violation" on the property shall be deemed the date the
108 "notice of violation" is received.

109 (d) *Form of notice.* The notice shall be in substantially the following
110 form:

111 **NOTICE OF VIOLATION**

112
113 Name of owner:

114
115 _____
116

117
118 Address of owner:

119
120 _____
121

122 Name of agent, custodian, lessee, or occupant (if applicable):

123
124 _____
125

126 Address of agent, custodian, lessee, or occupant (if applicable):

127
128 _____
129

Our records indicate that you are the owner, agent, custodian, lessee or occupant of the following property in the City of Hallandale Beach, Florida:

[description of property]

An inspection of this property discloses, and I have found and determined, that a public nuisance exists on this property. This public nuisance violates [description of section violated] of the Code of Ordinances of the City of Hallandale Beach, Florida in that:

[description of the violation in this section]

YOU ARE HEREBY NOTIFIED THAT IF, WITHIN ~~TWENTY~~ TEN DAYS (~~20~~ 10) FROM THE DATE OF THIS NOTICE,

a. THE VIOLATION DESCRIBED ABOVE IS NOT REMEDIED AND ABATED, OR

b. THIS VIOLATION NOTICE HAS NOT BEEN TIMELY APPEALED, AS SET FORTH IN SUBSECTION 14-98 OF THE CITY'S CODE OF ORDINANCES, THE CITY WILL CAUSE THE VIOLATION TO BE REMEDIED, AND THE COSTS INCURRED BY THE CITY IN CONNECTION WITH THE CLEANUP WILL BE ASSESSED AGAINST THE PROPERTY. To appeal this notice of violation, you must file your notice of appeal no later than 7~~15~~ days after receipt of this notice with the City Clerk.

City of Hallandale Beach

By: _____

Title: _____

If the notice is an after-the-fact notice of an imminent public-health threat, the capitalized portions shall be deleted and, in their place, the information required in section 14-101 (a) through (f) regarding levy of assessment on the property for the costs of abatement incurred by the City shall be substituted.

14-98 Appeals. Within seven ~~fifteen~~ (~~15~~) days after notice is received, the owner or, if applicable, the agent, custodian, lessee, or occupant of the property may appeal to the City Commission that a “notice of violation” is not warranted for the property or that the property did not pose an imminent public-health threat that required immediate cleanup.

(a) Content of Appeal. The owner or, if applicable, the agent, custodian, lessee, or occupant of the property must appeal the notice of violation by written notice to the City Clerk. The written notice must be accompanied by a reasonable filing fee, as determined by the City Clerk, and shall be either hand delivered to the City Manager, or mailed to the City Clerk and postmarked, within the seven ~~fifteen~~-day (~~15~~) period after notice is received.

Upon timely receipt, the City Manager will schedule the appeal for a public hearing before the City Commission. At the public hearing, the appellant shall be afforded due process and may present such evidence as is probative of the appellant’s case. The City Manager or other City staff shall present such evidence as is probative of the alleged violation. Members of the public shall be afforded the opportunity to present germane testimony and evidence. Thereafter, the hearing shall be closed and the City Commission shall rule on the appeal.

(b) Unsuccessful appeal. If the appeal is unsuccessful, the property must be “cleaned up” and the violation remedied and removed within ten ~~fifteen~~ days (~~15~~) from the date of the City Commission’s decision.

14-99 Special assessment imposed. In the event an appeal is not made within ~~seven~~ fifteen days (7 ~~45~~) after notice is received and the violation is not remedied, or a timely appeal is made, but is unsuccessful and the violation is not remedied, the City may undertake such action as is necessary or useful to remedy the violation. The costs incurred by the City to remedy the violation, including the actual cost of clean-up, all administrative expenses, and all other identifiable costs incurred by the City, shall be assessed against the property as authorized by Section 14-101. All assessments shall be paid in full no later than the close of City business on the twentieth (20th) business day after the property owner has received notice of the assessment. Thereafter, the unpaid amount of the assessment will accrue interest at the rate of 10% per annum or at the maximum rate allowed by law, whichever is less.

14-100 Notice of assessment. Upon completion of the actions undertaken by the City to remedy the violation on the property, the City shall notify in writing the owner and, if applicable, the agent, custodian, lessee, or occupant that a special assessment has been imposed on the property. The notice shall be delivered to the owner and, if applicable, the agent, custodian, lessee, or occupant in the manner set forth for delivery of the notice of violation in section 14-97.

The notice of assessment shall set forth the following:

a) A description of the violation, a description of the actions taken by the City to remedy the violation, and the fact that the property has been assessed for the costs incurred by the City to remedy the violation.

b) The aggregate amount of such costs and an itemized list of such costs.

c) The intent of the City to record the assessment as a lien against the property if not paid timely, within the period of twenty business days as set forth in section 14-99.

d) The intent of the City to place the assessment on the tax roll as a non-ad valorem assessment if not paid by the following December 1.

e) The potential for the property to be subject to the sale of a tax certificate, bearing interest by law at a rate as high as 18% per annum, if the non-ad valorem assessment is not paid as part of the tax bill on the property.

f) The potential for the property to be sold and conveyed by tax deed if the tax certificate is not redeemed by payment of the non-ad valorem assessment in full, plus interest, as required by Florida law.

14-101 Assessments for lot maintenance and clean-up.

a) Establishment of special assessment district. The City of Hallandale Beach in its entirety, as its City boundaries exist on the date of enactment of this article and as they may be expanded or contracted from time to time, is hereby declared a special-assessment district for the purposes of abating and remedying violations of this article. Individual properties within the City's boundaries, as they may exist from time to time, may be assessed for the costs incurred by the City in abating and remedying violations of this article.

b) Levy of non-ad valorem assessments. There is hereby levied, and the City Commission is authorized to levy from time to time, a non-ad valorem assessment against each and every property in the City (i) on which there occurs or has occurred a violation of this article, (ii) the City undertakes or has undertaken action pursuant to this article to abate and/or remedy the violation and, thereby, incurs

253 or has incurred costs, and (iii) the property owner and, if applicable,
254 the agent, custodian, lessee, or occupant of the property fails or
255 refuses or has failed or refused, for whatever reason, to pay timely
256 the amount owed to the City under this article for the costs incurred
257 by the City in carrying out such abatement and remedy.

258 **c) Collection of non-ad valorem assessments.** The City
259 Commission elects to use the uniform method to impose and collect
260 non-ad valorem assessments against properties on which violations
261 of this article occur or have occurred. The non-ad valorem
262 assessments collected pursuant to this section will be included in the
263 combined notice for ad-valorem taxes and non-ad valorem
264 assessments as provided in section 197.3635 of Florida Statutes.
265 Non-ad valorem assessments collected pursuant to this section are
266 subject to all collection provisions in section 197.3632 of Florida
267 Statutes, including provisions relating to discount for early payment,
268 prepayment by installment method, deferred payment, penalty for
269 delinquent payment, and issuance and sale of tax certificates and tax
270 deeds for nonpayment.

271 **d) Agreement to reimburse the Broward County Property**
272 **Appraiser and the Broward County Tax Collector.** In order to use
273 the uniform method for the levy, collection, and enforcement of the
274 non-ad valorem assessments, the City is authorized to enter into a
275 written agreement with the Broward County Property Appraiser and
276 the Broward County Tax Collector providing for the reimbursement
277 of their costs incurred in the administration and collection of the non-
278 ad valorem assessments levied under this section.

279 **e) Adoption of a resolution.** The City Commission will adopt a
280 resolution at a public hearing prior to January 1, 2010 or if agreed by
281 the property appraiser, tax collector, and the City by March 1, in
282 accordance with subsection 197.3632(3)(a) of the Florida Statutes
283 (2009), which resolution shall state the following:

1) The City's intent to use the uniform method of collecting non-ad valorem assessments.

2) The City's need for the imposition of the non-ad valorem assessments.

3) The entire City is declared a special-assessment district, with individual properties being subject to the non-ad valorem assessment from time to time if and when violations of this article occur.

4) Publish in a newspaper of general circulation four (4) weeks preceding the hearing of the boundaries of the local government of the properties subject to levy.

5) The City shall send a copy of the Resolution by January 10, 2010, or March 10, 2010 if agreed by the property appraiser, tax collector, and the City.

The City will comply with all statutory notice prerequisites set forth in Section 197.3632 of Florida Statutes (2009).

f) Annual non-ad valorem assessment roll. Each year, the City Commission will approve a non-ad valorem assessment roll at a public hearing between January 1 and September 15. The non-ad valorem assessment roll will be comprised of properties that have had levied against them non-ad valorem assessments under this section, and such assessments have not otherwise been paid in full prior to approval of the roll.

The City Clerk is authorized and directed each year (i) to prepare the notice that must be provided as required by subsection 197.3632(4)(b) of Florida Statutes, and (ii) to prepare and publish the newspaper notice required by subsection 197.3632(4)(b) of Florida Statutes.

The notice to be sent by first-class mail will be sent to each person owning property that will be on the non-ad valorem assessment roll and will include the following:

- 1) The purpose of the assessment;
- 2) The total amount to be levied against the parcel, which includes the actual cost incurred by the City;
- 3) A statement that failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title;
- 4) A statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and
- 5) The date, time, and place of the hearing.

Upon its approval by City Commission, the non-ad valorem assessment roll will be certified to the tax collector as required by law.

SECTION 2. 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 3. 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 4. 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

339 such intention the words "ordinance" or "section" may be changed to other appropriate
340 words.

341

342 **SECTION 5. Effective Date.** This ordinance shall take effect immediately upon
343 adoption.

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346 PASSED AND ADOPTED on 1st reading on September 2, 2020.

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348 PASSED AND ADOPTED on 2nd reading on September 16, 2020.

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JOY COOPER, MAYOR

354 SPONSORED BY: CITY ADMINISTRATION

355

ATTEST:

FIRST READING VOTE ON ADOPTION

JENORGEN M. GUILLEN, CMC
CITY CLERK

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

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM

FINAL VOTE ON ADOPTION

JENNIFER MERINO
CITY ATTORNEY

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

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