

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

35
36 **Sec. 14-2. - Definitions.**

37 * * *

38 Evidence of vacancy means any condition that on its own, or combined with other conditions
39 present would lead a reasonable person to believe that the property is vacant. Such conditions
40 may include, but are not limited to, overgrown and/or dead vegetation, stagnant and unsanitary
41 pool water; nonfunctioning electric, water or gas utilities; the accumulation of abandoned personal
42 property; statements by neighbors, passers-by, delivery agents, or government agency; or any
43 other evidence that the property is vacant.

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46 Foreclosure means the process by which a property, placed as security for a real estate loan, is
47 sold at public sale to satisfy the debt if the borrower defaults.

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49 * * *

50 Vacant means any structure, building or premises which is not used or occupied. a structure that
51 is unoccupied and is not actively used as a place of residence or business. Actively used shall
52 not include occupancy or use by persons with no legal authority to be present on the property.

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54 Vegetation means all natural growth upon a lot or parcel of ground, including grass, weeds, trees,
55 vines, bushes, underbrush and the waste material arising there from.

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58 **Sec. 14-13. - Vacant property registration.**

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

- 65 (1) A description of the premises including address, legal description, and folio
66 number;
- 67 (2) The names, addresses, and contact numbers of the owner, or agents, that can
68 be contacted 24 hours a day;
- 69 (3) Written consent by the owner allowing the City Police Department to enforce
70 trespassing penalties as described in F.S. § 810.08;
- 71 (4) Affidavit affirming that a notice will be posted on the property by owner or
72 representative in a place protected from weather that will include the name and
73 phone number of the person responsible for the property. The physical location
74 of placement of such affidavit on the property or land is at the City's discretion.
- 75 (b) Owners of vacant units located within a multi-family structure are exempt from this section if
76 at least one of the following is met:
- 77 (1) The multi-family structure has a property manager on the premises;
- 78 (2) The multi-family structure has an on-site homeowners' association responsible
79 for the management and maintenance of the property; or
- 80 (3) The multi-family structure has a security guard located on the property.
- 81 (c) The following properties are exempt from this section:
- 82 (1) Properties that are registered with the City as vacation rentals and hold a current
83 business tax receipt;
- 84 (2) Properties with active building permits undergoing active construction;
- 85 (3) Properties that are listed for sale or rent and are monitored by owner or owner's
86 representative every 2 days;
- 87 (4) Properties used as second home, that have active utility services and are not in
88 violation of any City Code;
- 89 (5) Structures protected by federal, state, or local law or any structures owned by the
90 federal government, state government, Broward County, or the City.
- 91 (d) This registration must be done within 10 days of any title transfer and renewed every October
92 1st thereafter.
- 93 (e) The owner shall notify the City's Development Services Department or designee of any
94 changes to the information supplied on the registration immediately.
- 95 (f) Vacant property registration fee schedule. The owner of an unsecured, vacant or abandoned
96 structure/land shall register the property with the City and pay an annual registration fee. The
97 schedule is as follows:
- 98 (1) Vacant structure (single family) \$250.00 yearly.

- 99 (2) Vacant structure (multi-family: two units or more) \$250.00 per unit yearly.
- 100 (3) Vacant land \$25.00 yearly.
- 101 (g) The registration fee shall be paid in full prior to the issuance of any permits to repair,
102 rehabilitate or build.
- 103 (h) All delinquent registration fees, shall be paid by the owner prior to any transfer of ownership
104 interest. If the fees are not paid prior to transfer, the new owner shall be responsible for all
105 outstanding fees no later than 30 days after the transfer of ownership and subsequent
106 registration fees shall be due and payable in accordance with this article.
- 107 (i) The registration fee is reasonably related to the administrative costs for processing the
108 registrations and monitoring of the blighted, unsecured, vacant, or abandoned structures. The
109 form will indicate that submission grants the city's police department the authority to issue
110 trespass warnings to individuals who cannot demonstrate written authorization to be on the
111 property. The mortgagee or owner can opt out of or revoke the department's authority to issue
112 a trespass warning by notifying the police department on the registration form or in writing
113 directed to the chief of police.
- 114 (j) Penalties. Violations of this section shall be punishable as a Class II violation, pursuant to
115 Section 9-55 of the City Code.
- 116 (k) Sunset. The requirements of Section 14-13 will expire on June 30, 2019 unless renewed by
117 the City Commission. Enforcement actions for violations occurring prior to expiration shall
118 remain valid and enforceable beyond the date of expiration.

119 **SECTION 3. Conflict.** All ordinances or portions of the Code of Ordinances of the City of
120 Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent
121 of such conflict.

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123 **SECTION 4. Severability.** Should any provision of this ordinance be declared by a court
124 of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a
125 whole, or any part thereof, other than the part declared to be invalid.

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

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131 **SECTION 6. Effective date.** This Ordinance shall take effect immediately upon adoption.

132 PASSED AND ADOPTED on 1st reading on December 6, 2017.

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134 PASSED AND ADOPTED on 2nd reading on January 31, 2018.

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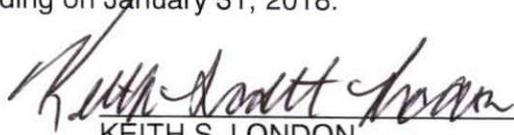
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KEITH S. LONDON
ACTING MAYOR

141 SPONSORED BY: CITY ADMINISTRATION

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144 ATTEST:

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MARIO BATAILLE, CMC
CITY CLERK

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151 APPROVED AS TO LEGAL SUFFICIENCY
152 FORM

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JENNIFER MERINO
CITY ATTORNEY

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VOTE
AYE/NAY

Acting Mayor London	<u>Y</u>	<u>/</u>
Comm. Lazarow	<u>Y</u>	<u>/</u>
Comm. Taub	<u>Y</u>	<u>/</u>