

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 40.08 OF THE CODE OF ORDINANCES ENTITLED "EMERGENCY TEMPORARY HOUSING" TO BE CONSISTENT WITH STATE LAW; PROVIDING FOR A SEVERABILITY CLAUSE AND A REPEALER PROVISION.

WHEREAS, the City Commission, under its Home Rule authority, adopted Section 40.08 of the City of Hollywood Code of Ordinances in July of 2014 to provide for the use of temporary housing during a declared emergency; and

WHEREAS, Section 40.08 established specific criteria, restrictions, and limitations for the establishment of emergency temporary housing following a natural or man-made disaster which may affect the health, safety, and welfare of the citizens of Hollywood; and

WHEREAS, in 2023, the Florida Legislature amended Chapter 166.0335, F.S.; and

WHEREAS, it is necessary to amend Section 40.08 to be consistent with state law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Section 40.08 of the Code of Ordinances is amended to read as follows¹:

TITLE III: ADMINISTRATION

* * *

CHAPTER 40: EMERGENCIES

* * *

Emergency Temporary Shelter Housing

* * *

¹ Coding: ~~Struck through~~ words are deletions from existing text; underscoring words are additions to existing text.

§ 40.08 EMERGENCY TEMPORARY SHELTER HOUSING.

(A) ~~Housing e~~Emergency declaration.

(1) ~~Activation.~~ Upon a declaration of a state of emergency by the Governor of the State of Florida and during the pendency thereof, and as a part of the original declaration or at any time during the duration of a declared state of emergency, for a natural emergency as defined in F.S. § 252.34(8) during which a permanent residential structure was damaged and rendered uninhabitable, a residential property owner shall be eligible to establish a temporary shelter in accordance with F.S. § 166.0335. ~~the City Commission may declare a state of housing emergency for all or any part of the city.~~

(2) ~~Areas embraced.~~ A ~~housing emergency declaration shall define the boundaries of all areas subject to the terms of this section.~~ The areas embraced shall may include the entire area of the City city, or any part thereof, where a permanent residential structure was damaged and rendered uninhabitable.

(3) ~~Termination.~~

(a) ~~An~~ housing emergency declaration issued by the Governor survives the termination of the declaration of emergency, and may only be terminated, in whole or in part, by the Governor. ~~formal action of the City Commission.~~

(b) ~~Partial termination.~~ The City Commission may amend the housing emergency declaration to either expand or contract the areas embraced by adoption of a resolution. The expansion or contraction of the areas embraced shall be supported by findings regarding the status of the housing stock in the area being considered.

(c) ~~The status of the housing emergency shall be evaluated 90 days after its declaration and every 90 days thereafter by the City Manager or his/her designee, as long as the housing emergency declaration is in effect, to determine whether formal action by the City Commission is necessary.~~

(d) ~~Effect of a housing emergency declaration.~~ Upon the activation of a housing emergency, the provisions of this section shall become applicable in all the areas embraced by the housing emergency declaration.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMPING TRAILER. A vehicular portable unit mounted on wheels, and constructed with collapsible partial sidewalls which fold for towing by another vehicle, and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

~~ESSENTIAL SERVICES.~~ ~~Services necessary to a basic standard of living and the~~

~~general welfare of society. Services may include, but are not limited to the following: electrical services, gas services, water and wastewater treatment services.~~

FIFTH WHEEL RECREATION TRAILER. A vehicular portable unit mounted on wheels, which is primarily designed and constructed to provide temporary living quarters for recreation, camping or travel use and designed to be connected for towing through the use of a fifth wheel device.

MANUFACTURED HOME. A dwelling unit manufactured on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that is built in compliance with the federal Manufactured Housing Construction and Safety Standards.

MOBILE HOME or HOUSE TRAILER. A ~~structure-trailer~~ designed to be used as living quarters, providing the normal and usual facilities of a residence, intended by size and capacity for extended use as a dwelling.

MOTOR HOME. A vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping or travel use.

RECREATIONAL VEHICLE. Any vehicle or portable structure designed primarily to provide temporary living quarters for recreation, camping or travel use; either a vehicular structure mounted on wheels, self-powered or designed to be pulled by another vehicle or a structure designed to be mounted upon and carried by another vehicle. This definition is intended to include travel trailer, motor home, camping trailer, camp bus or house bus and truck-camper unit of walk-in capacity.

TEMPORARY SHELTER EMERGENCY HOUSING. Recreational vehicle, camping trailer, fifth wheel recreation trailer, motor home, travel trailer, truck camper, or similar structure, as defined by F.S. § 166.0335(1) for use as tTemporary accommodations for individuals or families whose homes are made uninhabitable by a declared emergency or a major disaster that meets the physical accessibility needs of the household and includes essential utilities, access to areas for food preparation, and bath facilities in a context that allows a family to live together with a reasonable amount of privacy for a limited period following a housing emergency declaration. Does not include mobile homes, tents or canopies.

TEMPORARY HOUSING UNIT. ~~Recreational vehicle, camping trailer, fifth wheel recreation trailer, motor home, travel trailer, truck camper, or pre-fabricated dwelling. Does not include tents or canopies.~~

TENT. Any structure or enclosure, the roof of which and/or 50% or more of the sides, are silk, cotton, canvas or similar fabric.

TRAVEL TRAILER. A vehicular portable unit, mounted on wheels, which is

primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. It is of a body width of no more than eight feet and a body length of no more than 35 feet when factory-equipped for the road.

TRUCK CAMPER. A portable unit, designed to be loaded onto or affixed to the bed or chassis of a truck, and constructed to provide temporary living quarters for recreational, travel or camping use.

(C) *Regulations and guidelines.*

(1) ~~Single-family or duplex residential parcels.~~ Upon the declaration activation of a state of housing emergency, declaration and subject to the conditions contained in this section, and F.S. § 166.0335, temporary shelters ~~housing units~~ may be established ~~used as emergency temporary housing~~ by individuals whose permanent, private and primary housing structure have been ~~have been displaced from their private, primary residence (that has been rendered uninhabitable due to damage from a natural emergency and are disaster).~~ Only private, primary residences located on parcels designated on the applicable land use plan map and/or on the applicable zoning map as single family residential, or parcels allowing a duplex residence.

(2) All ~~emergency temporary shelters~~ housing units shall meet the following conditions:

(a) A permit for an ~~emergency temporary shelter~~ housing unit shall be obtained through the City ~~city~~ Building Department. Proof of ownership of ~~for~~ the property on which the ~~emergency temporary shelter~~ housing unit is proposed to be placed shall be presented at the time of application for a permit.

(b) The permit for an ~~emergency temporary shelter~~ housing unit shall be issued for no more than 36 months from the date of the declaration of a state of emergency or until a certificate of occupancy or completion is issued on the permanent residential structure, whichever occurs first. 90 days. ~~Permit extensions may be allowed up to a maximum of 18 months from the date of issuance.~~

(c) A maximum of one ~~emergency temporary shelter~~ housing unit for each existing single family or two family dwelling legally established on the property will be allowed, provided:

1. The dwelling(s) located on the site has/have been rendered ~~declared~~ uninhabitable by the City's ~~city's~~ Building Official, or his/her designee.

2. ~~The property is not located within a flood zone or evacuation zone.~~

3. ~~The property is adequate in size and shape to accommodate the emergency temporary housing unit. Permanent alterations to the site are prohibited.~~

24. The ~~emergency temporary shelter's housing unit's~~ water service and wastewater service must be properly connected to a functioning water service and sanitary sewer system or septic system in accordance with the codes in effect at the time. However, if connection to a functioning service is not feasible, other water and wastewater services may be utilized subject to approval by the Broward County Health Department.

35. Setback and parking/storage requirements will be waived ~~while during the duration that the emergency temporary shelter housing unit is permitted.~~ However, the ~~emergency temporary shelter housing unit~~ shall not extend into any adjacent public right-of-way, easement, or onto any adjacent private property.

46. Electrical service must be available on site and have a proper connection for a ~~emergency temporary shelter housing unit.~~ In the event of a general power outage, electrical power may be supplied to the ~~emergency temporary shelter housing unit~~ via a portable generator only until permanent power is restored to the property.

~~7.—Only a licensed contractor or an owner-builder will be allowed to apply for a permit and perform any work related to the connection of plumbing, electrical and mechanical service systems at the site.~~

~~5.(d)—An application for a building permit to repair the residential structure shall be submitted no later than 60 days after issuance of the emergency temporary shelter housing unit permit.~~

~~6.(e)—The emergency temporary shelter housing unit must be removed from the property no later than 30 days from the date of the issuance of the certificate of occupancy or a certificate of completion for the residential structure.~~

~~7.(f)—The property shall be completely cleaned of all fixtures and equipment associated with the emergency temporary shelter housing unit including, but not limited to electrical poles and wiring, plumbing pipes, and other fixtures and appurtenances or equipment connected therewith within 24 hours after removal of the emergency temporary shelter housing unit.~~

~~8.(g)—The City city Building Department has the right to revoke the emergency temporary shelter housing unit permit in the event there exists unsafe or unsanitary conditions on the property, or in the event the owner does not comply with the provisions of this section. In the event that a temporary shelter permit is revoked, the temporary shelter shall be removed within 7 days of the revocation.~~

9. In the event a declaration of emergency is issued due to a natural threat, the temporary shelter must be removed within 48 hours.

(D) *Enforcement.* Any and all violations of this section shall be enforced pursuant to Chapter 36 and any other applicable federal state or local laws.

Section 3: That it is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this Ordinance may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect 30 days from its passage and adoption.

Advertised _____, 2025.

PASSED on first reading this _____ day of _____, 2025.

PASSED AND ADOPTED on second reading this _____ day of _____, 2025.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DAMARIS HENLON
INTERIM CITY ATTORNEY