

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 101 OF THE CODE OF ORDINANCES TO UPDATE THE NUISANCE ABATEMENT PROCESS BY CREATING A NUISANCE ABATEMENT PROGRAM.

WHEREAS, Chapter 101 of the Code of Ordinances establishes Nuisance regulations; and

WHEREAS, currently there are properties throughout the City which are the subject of numerous code, fire and building violations as well as calls for police service; and

WHEREAS, nuisance properties tend to annoy or injure the health of the community or become manifestly injurious to the morals or manners of the people; and

WHEREAS, City staff has reviewed the current Nuisance Regulations and has determined that the current regulations need to be updated; and

WHEREAS, the City wishes to establish a Nuisance Abatement Program to hold property owners responsible for abating nuisances that exist on their property and, if the owners fail to do so, permitting the City to abate the nuisance and be reimbursed for the associated costs.

NOW THEREFORE BE IT ORDAINED 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 Chapter 101 of the Code of Ordinances is amended to read as follows:

TITLE IX: GENERAL REGULATIONS

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CHAPTER 101: NUISANCES

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(Words that are underlined are additions to existing text; struck-through words are deletions from existing text; shaded text are additions for second reading.)

Abatement Procedures

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§ 101.40 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~**BOARD.** The Nuisance Abatement Board of the city.~~

CITY ATTORNEY. The legal counselor for the City or such Assistant City Attorney as may from time to time be designated.

~~**CLERK.** The person who performs the clerical duties necessary to carry out the activities of the Nuisance Abatement Board.~~

LEWDNESS. Any indecent or obscene act.

OPERATOR. The tenant, lessee or person having control or possession of the premises.

PROBABLE CAUSE. Reasonable ground for belief in the existence of facts warranting the proceedings complained of.

PROSTITUTION. The giving or receiving of the body for sexual activity for hire or to offer, or agree to secure another for the purpose of prostitution or for any other lewd or indecent act.

PUBLIC NUISANCE-shall mean any of the following:

(1) Any public nuisance known at common law or in equity jurisprudence or as provided by the Florida law and/or ordinances of the City, including as set forth in this chapter.

(2) Any accumulation of rubbish, trash, refuse, junk, and other abandoned materials, metals, lumber, or other things, which based upon the facts and circumstances of the accumulation has become a public nuisance.

(3) Excessive accumulation or untended growth of weeds, grass, undergrowth, brush, or other dead or living plant life upon an improved or unimproved lot, tract or parcel of land, yard, lawn, garden, outbuilding or premises within the City to the extent that it may reasonably become infested or inhabited with rodents, vermin, wild animals or snakes; may become a breeding place for mosquitoes; may pose a fire hazard; may threaten or endanger the public health and welfare; may reasonably cause disease; or may adversely affect and impair the economic welfare of any adjacent property.

(4) Any underbrush, weeds, or untended grass which exceeds eight (8) inches in height located on improved property.

(5) Any ~~or~~ condition which may prove detrimental to the health and safety of children, whether on an improved or unimproved lot, tract or parcel of land including but not limited to abandoned wells, shafts, excavations, abandoned appliances, abandoned or inoperable motor vehicles, and any structurally unsound fences or structure, lumber, trash, debris, or vegetation such as poison ivy, oak, or sumac, which may prove a hazard for inquisitive minors.

(6) Any unfit, unsanitary, abandoned, or unsafe dwelling, structure, or improvement upon real property.

(7) The carcasses of animals or fowl not disposed of within a reasonable time after death.

(8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial wastes, or other substances.

(9) Any building, structure or other place or location where any activity in violation of local, state, or federal law is conducted, performed, or maintained, and which under the facts and circumstances surrounding the activity constitutes a public nuisance.

(10) Any accumulation of stagnant water or sewage permitted or maintained on any improved lot, premises, or piece of ground. Stagnant water means any body of water, regardless of size, lacking flow or tidal flushing or which is foul or polluted or a possible source of insect breeding or contamination and thus may be detrimental to or create a danger to public health, safety or welfare. The term stagnant water does not include the casual accumulation of rainwater after a heavy storm which normally is gone within 72 hours.

(11) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

(12) Unsheltered storage for a period of 30 days or more within the corporate limits of the City (except in licensed junkyards) of old and unused stripped junk and other automobiles not in good and safe operating condition; and of any other vehicles, machinery, implements, or equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, is declared to be a nuisance and a danger to public health, safety and welfare.

(13) Any vegetation which has grown over or encroaches into the area above a public sidewalk by more than three inches or which has grown over or encroaches into the area above a paved or hard-surfaced public right-of-way by more than six inches.

(14) Any tree, living or dead which, because of its physical condition, height, overhang, angle of lean or other factor, is determined by the Office of Code Compliance to be endangering the safety of the public or the security or usefulness of any public property, street, sewer or sidewalk or other public property. For the purpose of this subchapter, any tree encroaching into the area over a public sidewalk to a height of nine feet or any tree which encroaches into the area over a paved or hard-surfaced public right-of-way to a height of 15 feet, shall be considered to be interfering with the usefulness of the public sidewalk or public right-of-way.

(15) Any condition or use of premises or of building exteriors that is detrimental to the property of others or that causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the premises are located.

~~(16) Such other acts or conditions that are determined pursuant to Florida law, or other applicable rules or regulations of the City to be or constitute a public nuisance.~~

~~Any place or premises within the city which has been used on more than two occasions within a six-month period and may be abated pursuant to the procedures provided in this chapter:~~

- ~~(A) As the site of a violation of § 796.07, Florida statutes; or~~
- ~~—(B) As the site of the unlawful sale, manufacture, delivery, or cultivation of any controlled substance; or~~
- ~~—(C) As the site of the unlawful sale of any substance sold in lieu of a controlled substances in violation of § 817.563, Florida statutes, or any imitation controlled substance defined in § 817.564, Florida statutes; or~~
- ~~—(D) On one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, manufacture, delivery, or cultivation of any controlled substance; or~~

SPECIAL MAGISTRATE. Any person who is a member in good standing of the Florida Bar and who is appointed by the City Commission to serve as a Special Magistrate pursuant to chapter 36 of the City's Code of Ordinances.

UNDERBRUSH. Any undergrowth or brush conducive to the collection of insects and rodents, which may be or may become a fire hazard, or may negatively impact adjoining property.

UNFIT OR UNSAFE DWELLING OR STRUCTURE. Any dwellings or structure or portions thereof and accessory buildings that are structurally unsafe, unstable, or unsanitary; inadequately provided with exit facilities; constitute a fire hazard; unsuitable or improper for the use or occupancy to which they are put; constitute a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; dangerous to life or property of the occupant thereof or of the surrounding areas; unfit for human habitation if so intended or used; or otherwise in violation of the housing, building, electrical, plumbing, mechanical, sanitation and fire codes of the City.

WEEDS. Any plants that are useless, invasive, or injurious to crops, grasses, landscaping scrubs, trees, or flowers.

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§ 101.41 NUISANCE ABATEMENT PROGRAM; SUPPLEMENTAL MEANS OF ENFORCEMENT NUISANCE ABATEMENT BOARD.

(A) Pursuant to §§162.13 and 166.0415(7), Florida Statutes, the Nuisance Abatement Program is a supplemental means of enforcing City codes and ordinances. A public nuisance also constitutes a code violation and the City is not limited to a choice of remedy to ensure compliance with its codes. Code enforcement proceedings are punitive and involve fines levied against the subject property, which may be collected pursuant to § 162.09, Florida Statutes. In contrast, the Nuisance Abatement Program, pursuant to this Chapter, is remedial in nature and specifically designed to immediately, or as soon as practicable, bring the property into compliance, thereby protecting the public welfare and directly improving and benefiting the property upon which the nuisance is abated.

(B) In addition to nuisance abatement proceedings, the City may institute code enforcement proceedings, in accordance with Chapter 36 of the City's Code of Ordinances, against a property for an occurrence of a violation of this subchapter. However, once the subject violation/nuisance is abated, the occurrence of the code violation has ceased and no further code enforcement penalties may accrue for that specific occurrence.

(C) ~~Recurring Repeat~~ nuisance violations. Following the first notice under this subchapter to abate a nuisance as described in Section 101.43, any subsequent violation of the same nuisance classification(s) on the same property within a 12-month period may be abated by the City without further notice so long as the initial notice and order of abatement specifically provides for such subsequent abatement. All costs of abating the repeat nuisance, including administrative fees and costs, shall constitute a special assessment against the property.

~~—(A) There is hereby created and established a Nuisance Abatement Board to hear evidence relating to the existence of drug-related public nuisances or prostitution-related public nuisances on premises located in the city. Said Board shall consist of the members of the City Unsafe Structures Board, who shall serve as ex officio members of the Nuisance Abatement Board.~~

~~—(B) The City Commission may, by resolution, amend the provisions of division (A) relating to the terms and conditions of membership on the Nuisance Abatement Board.~~

~~—(C) The presence of four or more members shall constitute a quorum. Members shall serve without compensation.~~

§ 101.42 POWERS AND DUTIES OF CODE COMPLIANCE NUISANCE COMPLAINT.

(A) The Director of Code Compliance and/or his/her designees (i.e. code inspectors) shall be charged with the duty of administering the applicable standards and reporting non-compliance therewith and in furtherance of this responsibility, the Code Compliance Manager and/or designees shall make such inspections, compile such facts and evidence, and prepare such reports as may be necessary to effectuate the purposes and intent of this subchapter. The Office of Code Compliance's findings, evidence and reports shall be promptly forwarded to the City Attorney's office for review.

(B) When necessary to obtain entry upon private property to enforce the provisions of this chapter, the Office of Code Compliance may institute appropriate proceedings to obtain an administrative warrant.

(C) In the case of an obvious unfit and unsafe dwelling, structure, or other condition which after inspection is determined to be uninhabited, the Director of Code Compliance and/or designees shall cause to be posted a "No Trespassing" sign to warn third parties who might be exposed to the risk of danger created by the unsafe condition. However, the City does not assume any liability for harm to third parties caused by the unfit and unsafe dwelling, structure, or condition under any circumstances.

~~(A) Any employee, officer or resident of Broward County or of the city may file a complaint regarding the existence on premises located in the city of a public nuisance as defined in § 101.40, after first giving not less than three days' written notice of such complaint to the owner of the place or premises complained of at his last-known address.~~

~~(B) The Nuisance Abatement Board, through its Clerk, shall schedule a hearing; and written notice of said hearing shall be sent by certified mail or hand delivered to the operator of the premises complained of at his/her last-known address at least 14 days prior to the scheduled hearing. In addition, all those who may have an interest in the property complained of may be sent written notice of said hearing by certified mail or hand delivery at least 14 days prior to the scheduled hearing. If an attempt to reach the owner or party claiming an interest in the property by hand delivery or certified mail is unsuccessful, notice of the hearing may be by publication as provided in F.S. Chapter 49. In addition, notice of the hearing may be posted conspicuously on the premises.~~

~~—(C) The aforesaid notice of hearing shall include:~~

~~—(1) A statement of the time, place and nature of the hearing;~~

~~—(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;~~

~~—(3) A reference to the particular sections of the statutes and ordinances involved;~~

~~—(4) A short and plain statement summarizing the incidents complained of; and~~

~~—(5) A request to any and all parties claiming a financial interest in the aforesaid property to come forward and be present at said hearing.~~

§ 101.43 NUISANCE ABATEMENT ENFORCEMENT PROCEDURE HEARINGS; AUTHORITY OF BOARD UPON FINDING OF NUISANCE CONDITION.

(A) If a Code Inspector determines that a nuisance as defined in this subchapter exists on a parcel of property, the code inspector shall notify the owner and give the owner 10 days to correct the nuisance. The owner may make a written request to the Office of Code Compliance for an additional 10 days to correct the nuisance. Written requests will be evaluated and approved on the basis of the particular circumstances, taking into account any hardship and the severity of the nuisance. Should the nuisance continue beyond the time specified for correction, the Office of Code Compliance shall schedule a hearing before the special magistrate. Written notice of such hearing to the property owner shall be hand delivered or mailed in the same manner as provided for in §162.12, Florida Statutes. Notice may additionally be served by publication or posting in the same manner as provided in §162.12, Florida Statutes. If the property is in foreclosure proceedings and has been abandoned by the owner as evidenced by the property being vacant and the owner has not provided a forwarding address nor is participating in the foreclosure proceedings by filing an answer or has otherwise been unable to be served, service by certified mail to the owner's last address of record and service upon the bank or mortgage company of record in the foreclosure proceedings by certified mail shall be deemed sufficient notice.

(B) Notice of the hearing before the special magistrate shall:

(1) Identify the property at issue;

(2) Identify the owner or owners of the property as ascertained by a reasonable search of the property appraiser's records or search of the public records;

(3) Describe the condition or activity which may constitute a public nuisance;

(4) Set the date, time, and place for the hearing before the special magistrate at which the owner(s) shall have the opportunity to present such evidence and or argument to the special magistrate as to why the building, structure or condition should not be considered a nuisance and its abatement, removal, or destruction required; and

(5) Include a statement providing that a failure to respond or appear at the hearing shall be deemed an admission of the existence of a public nuisance on the property at issue which may result in abatement of the nuisance by the City and levy of an assessment against the property pursuant to this chapter.

~~—(A) The Chairman of the Nuisance Abatement Board may call hearings of the Board. Hearings may also be called by written notice signed by at least three members of the Board. The Board, at a hearing, may set a future hearing date. The Board shall convene as the demand necessitates. The Board shall adopt rules for the conduct of its hearings. Minutes shall be kept of all hearings, and all hearings shall be open to the public. The city shall provide clerical and administrative personnel as may be reasonably required for the proper performance of the Board's duties.~~

~~—(B) The City Attorney or his/her designee shall act as the Board's legal counsel and shall provide legal advice as the Board may require. The City Manager, with concurrence of the City Attorney, may appoint an attorney to represent staff at the Board meetings.~~

~~—(C) A preliminary hearing will be held in order to determine probable cause that the nuisance exists, to identify parties involved, and to show cause as to why a final hearing should not be scheduled to present evidence concerning the nuisance. At this preliminary hearing, the Board may direct the operator and any party with an interest in the aforesaid property to correct and abate the nuisance within a specified time by entering into a Memorandum of Understanding outlining the steps the operator and/or any party with an interest in the aforesaid property will take to improve the property. Such measures can include the following:~~

~~—(1) Evicting undesirable tenants when applicable to the premises or removing the hotel/motel guests.~~

~~—(2) Making changes or repairs to improve building security by:~~

~~—(a) Hiring private security to patrol the grounds of the property as prescribed.~~

~~—(b) Installing security cameras on the premises.~~

~~—(c) Installing enhanced lighting in order to illuminate specified areas of the premises.~~

~~—(d) Securing in the premises.~~

~~—(3) Hiring an on-site property manager or property maintenance company.~~

~~—(4) Limiting the parking of vehicles to registered guests or tenants only and keeping a log registry for said vehicles.~~

~~—(5) Placing no loitering and trespassing signs on the premises.~~

~~—(6) Placing a minimum stay on guests to 24 hours.~~

~~This preliminary hearing will not be adversarial in nature, nor will evidence or argument regarding the issues involved be considered.~~

~~—(D) Following the preliminary hearing, if the nuisance is not abated within the time as directed by the Board and the owner has not taken significant steps outlined in the Memorandum of Understanding, a final hearing shall be scheduled to decide upon the merits of the complaint. At the scheduled final hearing, all parties shall have an opportunity to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the agency proposes to consider such material, then all parties shall be given an opportunity to cross-examine or challenge or rebut it. The Board may consider any evidence, including evidence of the general reputation of the place or premises. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Orders of the Board shall be based on competent and substantial evidence.~~

~~—(E) (1) After considering all evidence, the Board may declare the place or premises to be a public nuisance as defined in § [101.40](#) and may enter an order immediately prohibiting:~~

~~— (a) The maintaining of the nuisance; and/or~~
~~— (b) The operating or maintaining of the place or premises including the closure of the place or premises or any part thereof; or~~

~~— (c) The conduct, operation or maintenance of any business or activity on the premises which is conducive to such nuisance.~~

~~— (2) All orders of the Board shall be by motion approved by a majority of those members present and voting, except that at least four members of the Board must vote in order for the action to be official.~~

~~— (F) Once the Board has declared a place or premises to be a public nuisance as defined in § [101.40](#), the Board shall take into account the following factors when considering the length of time or manner in which the place or premises is to be enjoined from operation.~~

~~— (1) The type and amount of controlled substances constituting the nuisance observed or seized from the premises;~~

~~— (2) The number and type of offenses related to drug use committed on the premises;~~

~~— (3) The quantity of controlled substances which were observed or seized from a place or premises within 500 feet from a school;~~

~~— (4) Whether juveniles were involved in drug transactions at the place complained of;~~

~~— (5) The length of time the nuisance has existed;~~

~~— (6) The effort or lack thereof of the operator or party holding an interest in the aforesaid property to control or abate the nuisance complained of.~~

~~— (7) The amount of prostitution-related activity.~~

~~— (G) An order entered under division (D) shall expire after one year or at such earlier time as stated in the order. The Board may retain jurisdiction to modify its orders prior to the expiration of said orders.~~

~~— (H) The Board or city may bring a complaint under F.S. § 60.05, seeking a permanent injunction against any public nuisance.~~

§ 101.44 ORDER OF ABATEMENT RIGHT OF APPEAL.

(A) The hearing before the special magistrate shall be an evidentiary hearing. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. At or after such hearing, the special magistrate shall issue an order including findings of fact and conclusions of law based upon competent substantial evidence. If the special magistrate finds that a nuisance exists, the special magistrate shall issue an order of abatement affirming the existence or the nuisance and requiring the owner of the property to abate the nuisance condition(s) within a reasonable time to be determined by the special magistrate in the order and provide for abatement of the nuisance by City forces if such conditions are not corrected as of the time determined by the special magistrate. The order of abatement shall include a statement advising that upon the owner's failure to comply with the order, the City may take the necessary steps to abate the nuisance in accordance with the order of abatement. The expense of such performance by the City or its contractor shall be

charged against the real property as a nuisance abatement special assessment as set forth in Section 38.04 of the City's Code of Ordinances

(B) The special magistrate may require any or all measures as are reasonably necessary to abate the public nuisance. These measures may include but are not necessarily limited to the cutting of vegetation, removal of debris or abandoned materials, repair or maintenance of structures, structures, or prohibiting the operation or maintenance of the place or premises including the closure of the place or premises or any part thereof or the operation or maintenance of any business or activity on the premises which is conducive to such nuisance.

(C) A certified copy of the order of abatement may be recorded in the public records of Broward County and shall constitute notice to any subsequent purchasers, successors in interest, or assigns and shall be binding upon such subsequent purchasers, successors in interest, or assigns.

~~—An aggrieved party, including the City Administration, may appeal a final administrative order of the nuisance abatement Board to the Circuit Court of the Seventeenth Judicial Circuit. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Board. An appeal shall be filed within 30 days of the date of the written order appealed from.~~

§ 101.45 STATUTORY NUISANCES.

~~—(A) When any nuisance as defined in F.S. § 823.05 exists, the City Attorney, his/her designee, or any citizen of the county may sue in the name of the state on his/her relation thereto to enjoin the nuisance, the person or persons maintaining it, and the owner or agent of the building or ground on which the nuisance exists.
(72 Code, § 14-86)~~

~~—(B) This subchapter does not restrict the right of any person to proceed under F.S. § 60.05 against any public nuisances.~~

§ 101.45 EXTENSION OF TIME TO COMPLY STATUTORY NUISANCES.

In the event of extenuating circumstances such that the property owner(s) is/are unable to complete abatement within the time provided within the order, the owner(s) may file a written request before the special magistrate for an extension of time to comply stating the reasons they have been unable to complete compliance. If reasonable grounds are shown, the special magistrate is authorized to extend the time in which to complete compliance with the original order.

§ 101.46 FAILURE TO COMPLY.

If the owner or other parties in interest fail to comply with an order made pursuant to the provisions of this chapter within the time therein fixed, the City is authorized to vacate,

remove, or otherwise abate the nuisance in accordance with such order, either with City personnel or by an independent contractor, and neither shall be held liable for trespass, conversion, or other damages while abating the nuisance in a reasonable manner.

§ 101.47 EMERGENCY ORDER.

Whenever, in the opinion of the City Manager or designee, any public nuisance in violation of this chapter is an immediate threat to life, limb, health, welfare, or property, the City Manager or designee may issue an emergency order and immediately terminate or abate the nuisance.

§ 101.48 APPEALS.

Any person aggrieved by any order entered under this subchapter may file an appeal to the Circuit Court of Broward County. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. The appeal shall be filed within 30 days of the rendition of the final order to be appealed.

§ 101.49 ASSESSMENT OF COSTS, LIENS.

(A) The City shall assess the entire cost of City abatement action upon the affected property as a special assessment, which assessment, when made, shall constitute a lien upon such property by the City. The lien of the City shall encompass, in addition to the abatement cost for the vacation or removal of the facility, all administrative, legal, postal and publication expenses, as well as all other direct or indirect costs associated therewith.

(B) The City shall file such lien in the Official Records of Broward County showing the nature of such lien, the amount thereof, an accurate legal description of the property, including the street address, which lien shall date from the date of the filing and recite the owners of the property. Such municipal lien shall bear interest from such date at the rate of eight percent per annum. However, the assessment may be paid without interest at any time within 30 days after the improvement is completed. The City may enforce the lien upon the real property of the owner, as provided for in F.S. Ch. 173, as amended from time to time. The lien shall be coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles and claims (regardless of when created or recorded, if recorded), in accordance with applicable law, until paid.

(C) In the alternative, the City may collect all such liens assessed pursuant to F.S. § 197.3632, as authorized pursuant to F.S. § 197.3632(9).

(D) The City Attorney is authorized to initiate court action, including seeking injunctive relief before a court of competent jurisdiction, or to initiate foreclosure proceedings, in order to enforce this subchapter. If a violation of this subchapter exists, the City shall be entitled to an injunction requiring the mortgagee or owner to correct the violation on an

expedited basis and at the mortgagee or owner's expense. If requested, the City shall also be entitled to appointment of a receiver for the property, with expenses for the receiver to be paid by the mortgagee or owner. Likewise, the city shall be entitled to recovery of its attorneys' fees and costs in obtaining a court order under this subchapter. The provisions of this subchapter are cumulative with and in addition to other available remedies, including code enforcement.

§ 101.50 ~~401.46~~ IMPOUNDMENT OF MOTOR VEHICLES CONTROLLED SUBSTANCES AND PROSTITUTION.

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§ 101.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not already otherwise provided, shall upon conviction or declaration, by the special magistrate Nuisance Abatement Board, of a nuisance, be subject to the maximum penalties allowed under F.S. § 893.138, including fines not to exceed \$250 per day, the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances, the continued jurisdiction for a period of one year over any place or premises that has been or is declared a public nuisance, fines not to exceed \$500 per day for recurring public nuisances, the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest or assigns of the subject property, the recording of such orders which may become liens against the subject property, the foreclosure of nuisance declared property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. ~~Total fines imposed pursuant to the authority of this chapter shall not exceed \$7,500.~~

Section 3: That it is the intention of the Commission and it is ordained that the provisions of this Ordinance shall be made a part of the Code of Ordinances, and the sections of this Code 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.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA,
AMENDING CHAPTER 101 OF THE CODE OF ORDINANCES TO UPDATE THE
NUISANCE ABATEMENT PROCESS BY CREATING A NUISANCE ABATEMENT
PROGRAM.

Section 6: That this Ordinance shall be in full force and effect immediately upon its
passage and adoption.

Advertised _____, 2022.

PASSED on first reading this _____ day of _____, 2022.

PASSED AND ADOPTED on second reading this _____ day of
_____, 2022.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance of
the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY