

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO FILE CIVIL ACTIONS FOR ABATEMENT OF PUBLIC NUISANCES.

WHEREAS, a Public Nuisance is defined as something maintained in a condition dangerous to health, offensive to community moral standards or behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community; and

WHEREAS, a Court of Equity has the power to enjoin a public nuisance. This power exists even in the absence of statute prohibiting the condition giving rise to the public nuisance. Whenever a public nuisance is shown, equity must enjoin it upon the suit of the government; and

WHEREAS, the duty of protecting the property rights of all its citizens is sufficient basis for issuing an injunction. A proceeding to abate such a nuisance is consistent with due process of law, and may be initiated upon the filing of an action by the state, a municipality, or other political unit; and

WHEREAS, Section 823.05, Florida Statutes, expressly allows for the institution of civil proceedings pursuant to Section 60.05 Florida Statutes, for certain express public nuisances relating to persons and groups engaged in criminal gang-related activity and/or massage parlors; and

WHEREAS, Section 823.05, Florida Statutes, also allows for the institution of civil proceedings pursuant to Section 60.05 for those whom shall erect, establish, continue or maintain, own or lease any building, booth, tent or place which tends to annoy the community or injure the health of the community; and

WHEREAS, in order to abate such public nuisances, the City of Hollywood is require to file civil actions to obtain both temporary and permanent injunctions; and

WHEREAS, currently there are many residential and commercial properties throughout the City that have numerous code enforcement liens recorded against them in the Official Records of Broward County, Florida. Many of these properties cause clear public nuisances to the Hollywood Community and thereby cause injury to the property rights of others and create general public harm; and

WHEREAS, the City Attorney's Office is requesting authorization by the City Commission to file such civil actions;

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

Section 1: That the City Attorney is hereby authorized to file civil actions in Broward County Court for abatement of public nuisances upon his/her determination that there is a good faith belief that a public nuisance exists.

Section 2: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

JEFFREY P. SHEFFEL, CITY ATTORNEY