

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 36.29 OF THE CODE OF ORDINANCES ENTITLED "ENFORCEMENT ORDERS; FINES AND OTHER REMEDIES; RIGHT OF APPEAL," TO PROVIDE FOR A MAXIMUM ONE-TIME FINE OF UP TO \$15,000.00 FOR CERTAIN VIOLATIONS IN ACCORDANCE WITH FLORIDA STATUTE §162.09(2)(D), AND EXCLUDING SUCH FINES FROM BEING SETTLED AT A REDUCED AMOUNT.

WHEREAS, the City Commission of the City of Hollywood, Florida, recognizes the need to ensure compliance with the City's Code of Ordinances to promote public health, safety, and welfare; and

WHEREAS, Chapter 36 of the Code of Ordinances currently lists fines as \$1,000.00 per day for first violations and \$5,000.00 per day for repeat violations, but does not include higher fine amounts for irreparable or irreversible violations, as authorized by state law; and

WHEREAS, Section 162.09(2)(d), Florida Statutes, authorizes municipalities to impose one-time fines of up to \$15,000.00 for certain serious violations that are determined to be irreparable or irreversible in nature; and

WHEREAS, the City's Code of Ordinances has not been updated to reflect this fine amount since its adoption by the state; and

WHEREAS, irreparable or irreversible violations include, but are not limited to, illegal dumping in waterways, destruction of protected wetlands, unauthorized demolition or alteration of historic structures, pollution of storm drains, and other actions causing permanent damage or danger to public safety; and

WHEREAS, the determination of whether a violation qualifies as irreparable or irreversible shall be made by the Special Magistrate in accordance with Florida Statute §162.09(2)(d); and

WHEREAS, the City desires to amend Section 36.29 of the Code of Ordinances to include provisions for imposing such fines in accordance with state law; and

WHEREAS, the proposed amendment will further strengthen the City's ability to enforce its codes and promote compliance; and

WHEREAS, the City Commission finds that this amendment is in the best interest of the public health, safety, and welfare of the City of Hollywood.

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 36.29 of the Code of Ordinances is amended to read as follows¹:

TITLE III: ADMINISTRATION

* * *

CHAPTER 36: CODE ENFORCEMENT BOARD

* * *

Enforcement Procedures

* * *

§ 36.29 ENFORCEMENT ORDERS; FINES AND OTHER REMEDIES; RIGHT OF APPEAL.

(A) (1) The order of the Special Magistrate may require the violator to pay a fine, not to exceed \$1,000 per day, for each day that the violation continues past the date set in the order for compliance. In the case of a repeat violation the Special Magistrate may order the repeat violator to pay a fine not to exceed \$5,000 per day, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If the Special Magistrate finds the violation to be irreparable or irreversible in nature, the Special Magistrate may order the violator to pay a fine not to exceed \$15,000 per violation. In addition to such fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city enforcing its codes and all costs of repair pursuant to division (C) of this section. Special Magistrate fines for irreparable or irreversible violations are not eligible to be reduced pursuant to section 36.30 below.

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.

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 36.29 OF THE CODE OF ORDINANCES ENTITLED "ENFORCEMENT ORDERS; FINES AND OTHER REMEDIES; RIGHT OF APPEAL," TO PROVIDE FOR A MAXIMUM ONE-TIME FINE OF UP TO \$15,000.00 FOR CERTAIN VIOLATIONS IN ACCORDANCE WITH FLORIDA STATUTE §162.09(2)(D), AND EXCLUDING SUCH FINES FROM BEING SETTLED AT A REDUCED AMOUNT.

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 immediately upon 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
AND LEGAL SUFFICIENCY:

DAMARIS HENLON
CITY ATTORNEY