

ORDINANCE NO. C-16-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ARTICLE X. – VACATION RENTALS, OF CHAPTER 15 – BUSINESS TAX RECEIPTS AND MISCELLANEOUS BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO CLARIFY DEFINED TERMS; TO REVISE CONDITIONS REQUIRING VACATION RENTAL REGISTRATION AND APPLICATION REQUIREMENTS; TO MODIFY VACATION RENTAL REGISTRATION PROCESS; TO REVISE THE QUALIFICATION OF A RESPONSIBLE PARTY, VACATION RENTAL STANDARDS, THE PROCESS FOR RENEWAL OF REGISTRATION AND SUSPENSION OF THE CERTIFICATE OF COMPLIANCE; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Article X, Vacation Rental, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

ARTICLE X. VACATION RENTAL

...

Sec. 15-271. Definitions.

For the purpose of this Article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their meaning

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as provided in Section 1-2, Rules of construction, of the Code of Ordinances of the City of Fort Lauderdale, Florida.

Certificate of Compliance means the document that is issued by the city that bears the words "vacation rental certificate of compliance" and evidences that the person or entity, in whose name the document is issued, has complied with the provisions of this article relating to vacation rentals.

Garbage as defined in Section 24.1 of the Code of Ordinances.

Residential property as defined in Section 47-35.1 of the Unified Land Development Regulations.

Responsible party shall mean the owner or the person designated by the owner of the property to be called upon to answer for the maintenance of the property and the conduct and acts of occupants of residential properties.

Sleeping Room shall mean a room or space within a dwelling unit, as defined in Section 9-236, Code of Ordinances, Fort Lauderdale, Florida, primarily designed and used or intended to be used for sleeping purposes, excluding living rooms, kitchens, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage space.

Transient Occupants means any person, or guest or invitee of such person, who occupies or is in actual or apparent control or possession of residential property registered as or required pursuant to this Article to be registered as a Vacation Rental. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the Vacation Rental is a Transient Occupant.

Vacation Rental shall mean any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to Transient Occupants more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to Transient Occupants, and also a transient public lodging establishment as defined in Section 509.013, Florida Statutes (2016), but that is not a timeshare project.

Sec. 15-272. Registration Required.

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(a) It is unlawful for any person to allow another person to occupy any residential property that is a single-family, two-family, three-family, or four-family house or dwelling unit as a Vacation Rental within the City of Fort Lauderdale, or offer such property for rent as a Vacation Rental rental services within the City of Fort Lauderdale, unless the person has registered the property as a Vacation Rental property with the City of Fort Lauderdale and the Vacation Rental property has been issued a certificate of compliance in accordance with the provisions of this Article.

(b) An application for registration as a Vacation Rental is deemed pending when the application has been filed, all applicable fees have been paid to the City pursuant to Section 15-274, Code of Ordinances of the City of Fort Lauderdale, Florida, a certificate of compliance has not been issued for the property and the application has not been rejected. A registration application rejected as incomplete is not pending. Notwithstanding subsection (a) above, a A person may allow another person to occupy any residential property, for which a certificate of compliance has not been issued, as a Vacation Rental without the issuance of a certificate of compliance, when an application is pending if:

1. The residential property has an effective and valid license as a Vacation Rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to August 18, 2015; and
2. The residential property is not in violation of any section of the Code of Ordinances of the City of Fort Lauderdale; and
3. An application for registration of the residential property as a Vacation Rental has ~~be~~ been filed pursuant to Section 15-273 and all applicable fees have been paid; and
4. That said occupancy of the Vacation Rental was scheduled prior to August 18, 2015, as evidenced by a written and validly executed rental agreement or contract provided to the City Manager no later than November 2, 2015.

(c) A Vacation Rental shall be registered annually on or before the thirtieth (30th) day of September.

(d) The advertising or advertisement for the rental of a single-family, two-family, three-family, or four-family house or dwelling unit for periods of time less than thirty (30) days or one (1) calendar month is direct evidence of offering a property for rent as a Vacation Rental in violation of Subsection 15-272(a) and the advertising or advertisement is admissible in any

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enforcement proceeding. The advertising or advertisement evidence raises rebuttable presumption that the residential property named in the Notice of Violation or any other report or as identified in the advertising or advertisement was used in violation of Section 15-272(a).

Sec. 15-273. Application for registration.

(a) A separate application for registration of a Vacation Rental shall be made to the City Manager or his or her designee for each dwelling unit, as the term is defined in Section 47-35.1 of the City of Fort Lauderdale, Florida, Unified Land Development Regulations, proposed for use as a Vacation Rental and shall set forth at a minimum:

- (1) The legal description of the property offered for rental (i.e., address, lot, block and subdivision name);
- (2) Name, address, electronic mail address, and phone number of owner of said property;
- (3) Name, address, electronic mail address, and emergency contact phone number of Responsible party for said property, which shall be a twenty-four (24) hour, seven (7) days a week contact number;
- (4) That the phone number for the Responsible party will be answered twenty-four (24) hours a day, seven (7) days a week by the Responsible party;
- (5) Acknowledgements by owner of the following:
 - a. That all vehicles associated with the Vacation Rental must be parked within a driveway located on the subject property and constructed in compliance with the Code of Ordinances of the City of Fort Lauderdale;
 - b. That it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in Chapter 17, Noise Control;
 - c. That the owner shall comply with all applicable city, county, state and federal laws, rules, regulations, ordinances and statutes.
 - d. That no solid waste container shall be located at the curb for pickup before 6:00 p.m. of the day prior to pick up, and solid waste container shall be removed before midnight of the day of pickup;

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- e. That whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance of a property, or, having been authorized, licensed, or invited, is warned by the owner or lessee, to depart the property and refuses to do so, commits the offense of trespass in a structure or conveyance;
 - f. That other properties are not jointly shared commodities and should not be considered available for use by transient occupants of the property subject of the application; and
- (6) Proof of owner's current ownership of the property;
 - (7) Proof of registration with the Florida Department of Revenue for sales tax collection and Broward County for Tourist Development Tax; and
 - (8) Proof of licensure with the Florida Department of Business and Professional Regulation for a transient public lodging establishment; and
 - (9) Proof of compliance with Subsection 15-275.

(b) Submission of an incomplete registration application form shall result in rejection of the application.

(c) An application for the modification of a Vacation Rental registration is required when any of the following changes to the Vacation Rental are proposed:

- (1) A change in the gross square footage.
- (2) A change in the number of bedrooms.
- (3) A change in the maximum occupancy.
- (4) A change in the number of parking spaces, or a change in the location of parking spaces.

Upon completion of the changes or alterations to the Vacation Rental property or the Vacation Rental operation the owner shall notify the City within ten (10) days of completion. A new certificate of compliance may be issued if the conditions of Section

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15-277 have been met and all required permits have been issued for the changes or alterations.

Sec. 15-274. Fees for registration.

The City of Fort Lauderdale charges reasonable fees for registration to compensate for administrative expenses. The fees for registration shall be provided for, from time to time, by resolution adopted by the City Commission of the City of Fort Lauderdale. Fees are non-refundable.

Sec. 15-275. Responsible party required.

Whenever any property is required to be registered under this Article, the owner shall appoint a natural person ~~who resides within twenty five (25) miles of the Vacation Rental property, the distance measured using airline measurement from the closest property lines of the Vacation Rental and the Responsible party's residence,~~ to serve as the Responsible party for service of notices as are specified herein, and notices given to the Responsible party shall be sufficient to satisfy any requirement of notice to the owner. An initial Responsible party shall be designated and name submitted with the application for registration, and the city manager or his designee shall thereafter be notified of any change of Responsible party within ~~fifteen (15)~~ ten (10) days of such change. Further, it is the affirmative duty of the Responsible party to:

- (1) Provide Inform all guests, ~~in writing,~~ prior to occupancy of the property with a written summary, printed in the English language, of applicable City of Fort Lauderdale ordinances concerning noise, vehicle parking, garbage, and common area usage, ~~with a copy of the applicable City of Fort Lauderdale ordinances printed in the English language and~~ The summary shall include citations to the applicable City of Fort Lauderdale ordinances and instructions on how to access the complete written text. The summary shall be posted in the interior of the structure prominently near the main entrance of the establishment;
- (2) Maintain all properties under their control in compliance with ~~the occupancy limits, as specified in the Florida Building Code and the Code of Ordinances of the City of Fort Lauderdale, Florida, as determined by the building official or his designee;~~
- (3) See that the provisions of this Article are complied with and promptly address any violations of this Article or any violations of law which may come to the

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attention of the Responsible party;

- (4) Be available with authority to address and coordinate solutions to problems with the rental of the property twenty-four (24) hours a day, seven (7) days a week;
- (5) Be situated close enough to the property as to be able to, ~~and shall,~~ respond in person to emergency calls within one (1) hour of being notified notification by a Vacation Rental occupant, law enforcement officer, emergency personnel, or the City of issues related to the Vacation Rental. Responsible party shall respond when requested;
- (6) Keep available a register of all guests, which shall be open to inspection by authorized personnel of the City of Fort Lauderdale at all times; and
- (7) Maintain the entire property free of garbage and litter, provided however, that this subsection shall not prohibit the storage of garbage and litter in authorized receptacles for collection.
- (8) Conduct an on-site inspection of the Vacation Rental at the end of each rental period to ensure continued compliance with the requirements of this chapter.

Sec. 15-276. False information.

It shall be unlawful for any person to give any false or misleading information in connection with the application for registration required by this Article. Vacation Rental applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the revocation of any license issued pursuant to such application.

Sec. 15-277. Minimum Requirements for Issuance of a Certificate of Compliance.

(a) The city manager or his designee may issue a Certificate of Compliance to the applicant upon proof of the following:

- ~~(a)~~(1) The owner or Responsible party completes the City of Fort Lauderdale registration application form;

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- ~~(b)~~(2) The non-refundable registration fee has been paid to the City of Fort Lauderdale;
- ~~(c)~~(3) A business tax receipt from the City of Fort Lauderdale pursuant to Chapter 15 of the Code of Ordinances;
- ~~(d)~~(4) A business tax receipt from Broward County;
- ~~(e)~~(5) A Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes and transient rental taxes;
- ~~(f)~~(6) A Florida Department of Business and Professional Regulation license as a transient public lodging establishment;
- ~~(g)~~(7) An affidavit, demonstrating maintaining initial and ongoing compliance with Vacation Rental Standards contained herein, plus any other applicable local, state and federal laws, regulations and standards to include, but not be limited to Chapter 509, Florida Statutes, and Rules, Chapter 61C and 69A, Florida Administrative Code; and
- ~~(h)~~(8) A copy of the form vacation rental/lease agreement to be used when contracting with Transient Occupants and guests.
- (9) That the Vacation Rental has satisfied the inspection requirements as provided in Sec. 15-279, of the Code of Ordinances of the City of Fort Lauderdale.
- (10) That the vacation rental is not subject to a suspension pursuant to Sec. 15-282.

Sec. 15-278. Vacation Rental Standards.

The following standards shall govern the use of any vacation rental as a permitted use:

1. Minimum life/safety requirements:
 - a. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.

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- b. ~~Sleeping rooms Dwelling Units.~~ All sleeping rooms dwelling units shall meet the single- and two-family dwelling minimum requirements of the Florida Building Code Article VI. Minimum Housing Code, Chapter 9, Buildings and Construction of the Code of Ordinances of the City of Fort Lauderdale, Florida.
- c. ~~Smoke and carbon monoxide (CO) detection and notification system. If an interconnected and hard-wired smoke~~ A smoke and carbon monoxide (CO) detection and notification system is not in place within the vacation rental unit; then an shall be interconnected, hard-wired, smoke alarm and carbon monoxide (CO) alarm system shall be required to be and receive primary power from the building wiring. The smoke and carbon monoxide (CO) detection and notification system shall be installed and continually maintained a continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code – Residential.
- d. Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
- e. That all vehicles associated with the Vacation Rental must be parked within a driveway located on the subject property and in compliance with the Code of Ordinances of the City of Fort Lauderdale.
- f. Local phone service. At least one landline telephone with the ability to call 911 shall be available in the main level common area in the Vacation Rental.
- g. A property with an effective and valid license as a Vacation Rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to August 18, 2015, shall have until October 1, 2016 to come into compliance with subsections 15-278.1.a and c. and may be issued a certificate of compliance if in compliance with all other aspect of this Article.

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2. Maximum occupancy. The occupancy of a Vacation Rental shall not exceed:
 - a. ~~One (1) person per one hundred fifty (150) gross square feet of permitted, air-conditioned living space, and~~
 - b. Two (2) persons per Sleeping Room meeting the requirements for a sleeping room. The number of Bedrooms reflected in the records of the Broward County Property Appraiser's Office shall be used in determining the number of Sleeping Rooms at the Vacation rental.
3. Solid waste handling and containment. ~~Based on the maximum transient occupancy permitted,~~ City solid waste containers shall be provided as required in Chapter 24 of this Code. Appropriate screening and storage requirements for solid waste containers shall apply per any development approval ~~and be incorporated into the Certificate.~~ For purposes of this section, a solid waste container shall not be placed at curbside before 6:00 p.m. of the day prior to solid waste pickup, and the solid waste container shall be removed from curbside before midnight of the day of pickup.
4. Minimum vacation rental/lease agreement wording. The vacation rental/lease agreement shall contain the minimum information as provided for in this subsection 15-278.
5. Minimum vacation rental lessee information. The vacation rental lessee shall be provided with a ~~copy~~ summary of the information required in subsection 15-278 with instructions on how to access the full text and shall post the following conspicuously within the establishment:
 - a. A statement advising the Occupant that any sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily and at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily;
 - b. A sketch or photograph of the location of the off-street parking spaces;
 - c. The days and times of trash pickup;

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- d. The notice of sea turtle nesting season and sea turtle lighting regulations, if applicable;
 - e. The location of the nearest hospital; and
 - f. The City's non-emergency police phone number.
 - g. There shall be posted, next to the interior door of each bedroom a legible copy of the building evacuation map – Minimum 8-1/2" by 11".
6. Designation of a vacation rental responsible party capable of meeting the duties provided in subsection 15-276.
 7. Advertising. Any advertising of the vacation rental unit shall conform to information included in the Vacation Rental Certificate of Compliance and the property's approval, particularly as this pertains to maximum occupancy. A statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 15-278(8) of this code and the Certificate of Compliance number shall be included in all advertising.
 8. Sexual offenders and sexual predators. It is unlawful for any property owner or designated representative to allow another person to occupy any residential property as a Vacation Rental within the City of Fort Lauderdale, as a Transient Occupant if such property owner or designated representative knew or should have known with the knowledge that it will be occupied by a person prohibited from establishing a permanent residence or temporary residence at said residential property pursuant to section 16-127 of the Code of Ordinances, if such place, structure, or part thereof, trailer or other conveyance, is located within one thousand four hundred (1,400) feet of any school, designated public school bus stop, child day care facility, park or playground or other place where children regularly congregate as described in Article VI, Chapter 16 of the Code of Ordinances. Property owner or designated representative shall determine prior to submission of an application for a Certificate of Compliance whether the Vacation Rental property is located in area unlawful sexual offenders or sexual predators to occupy pursuant to section 16-127.
 9. Posting of Certificate of Compliance. The Certificate of Compliance shall be posted on the back of or next to the interior of the main entrance door and shall

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include at a minimum the name, address and phone number of the Responsible party, ~~and the maximum occupancy of the Vacation Rental~~ and a statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 15-278(8) of this code.

- 10. That all vehicles associated with the Vacation Rental must be parked within a driveway in compliance with the Code of Ordinances of the City of Fort Lauderdale.
- 11. Other standards. Any other standards contained within the Code of Ordinances and the Unified Land Development Regulations of the City of Fort Lauderdale to include, but not be limited to: noise, setbacks, stormwater and similar provisions.

...

Sec. 15-281. Expiration of registration and certificates of compliance.

(a) All registrations for which a certificate of compliance has been issued under the provisions of this Article shall be valid for no more than one year, and all registrations and certificates of compliance shall expire on September 30th of each year. The application for renewal must be submitted no later than 60 days prior to the September 30th expiration date. Dates for renewal and applicable late-Late renewal fees shall be established by resolution of the City Commission of the City of Fort Lauderdale and shall be charged to an application for renewal submitted prior to the expiration date but after the 60 days required by this section. All applications for renewal received after September 30th shall be processed as a new application and subject to all applicable fees. All registrations for which certificates of compliance were issued within 90 days prior to September 30th shall remain valid and shall not expire until September 30th of the following year.

Sec. 15-282. ~~Revocation.~~ Penalties, Offenses, and Revocation

(a) Any certificate of compliance issued pursuant to this Article may be denied, revoked, or suspended by the City Manager or his designee upon the adjudication of a violation of this Article, any City of Fort Lauderdale Ordinance, or state law by the Responsible party, property owner or Transient Occupant attributable to the property for which the certificate of compliance is issued. Such denial, revocation or suspension is in addition to any penalty provided herein.

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(b) Offenses/violations.

- (1) Non-compliance with any provisions of this Article shall constitute a violation of this Article.
- (2) Separate violations. Each day a violation exists shall constitute a separate and distinct violation, except that ~~occupancy~~ violations of subsection 15-278(2), regarding occupancy, ~~shall be governed by subsection 15-282(e)~~ constitute a single violation for a rental period.

(c) Remedies/enforcement.

- (1) ~~Violations of this article shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is key that vacation rental Responsible Parties are responsive and responsible in the management of the property for compliance with this section. Any person violating any of the provisions of this article shall be deemed guilty of a civil infraction.~~ Code enforcement activities will be in accordance with Chapter 11 of the Code of Ordinances of the City of Fort Lauderdale, Florida and the Unified Land Development Regulations of the City of Fort Lauderdale. Notwithstanding, a law enforcement officer is authorized to issue a citation under this section and a code inspector or law enforcement officer may issue a citation pursuant to this section without issuing a written warning notice as provided in Section 11-18.b.
- (2) Additional remedies. Nothing contained herein shall prevent the City of Fort Lauderdale from seeking all other available remedies which may include, but not be limited to, suspension or revocation of a Vacation Rental certificate of compliance, injunctive relief, liens and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

(d) Suspension of Vacation Rental Certificate of Compliance. In addition to any fines and any other remedies described herein or provided for by law, a special magistrate may suspend a Vacation Rental certificate of compliance in accordance with the following:

- (1) Suspension time frames.

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- a. Upon a third violation of this Article the vacation rental certificate shall be suspended for a period of ~~seven (7)~~ one hundred eighty (180) calendar days.
 - b. Upon a fourth violation of this Article the Vacation Rental Certificate shall be suspended for a period of ~~thirty (30)~~ three hundred sixty-five (365) calendar days.
 - c. For each additional violation of this Article the Vacation Rental Certificate shall be suspended for an additional thirty (30) calendar days up to a maximum period of twelve (12) months. For example, the fifth violation shall be for ~~sixty (60)~~ three hundred ninety-five (395) calendar days; the sixth violation shall be for ~~ninety (90)~~ four hundred fifteen (415) calendar days, and so on.
 - d. A Vacation Rental certificate of compliance shall be subject to temporary suspension beginning five (5) working days after a citation is issued for a violation of the Florida Building Code, or Florida Fire Prevention Code. Such suspension shall remain in place until the vacation rental is reinspected and it is determined that the violation no longer exists by the city.
- (2) Suspension restrictions. A vacation rental may not provide transient occupancy during any period of suspension of a Vacation Rental certificate.
- a. The suspension shall begin immediately following notice, commencing either:
 - i. at the end of the current vacation rental lease period; or
 - ii. within thirty (30) calendar days, whichever date commences earlier, or as otherwise determined by the special magistrate.
 - b. Operation during any period of suspension shall be deemed a violation pursuant to this article and shall be subject to daily fine, up to One thousand dollars (\$1,000.00) or to the maximum amount as otherwise provided in Florida ~~Statues~~Statutes for repeat violations,

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for each day that the vacation rental operates during a period of violation.

c. An application for a renewal may be submitted during the period of suspension; however, no Certificate of Compliance may be issued for the vacation rental until the period of suspension has expired

~~(e) — Number of violations. For purposes of this section only, violations Notwithstanding Section shall be considered per the rental period or per every seven (7) days, whichever is less and for only those violations in which a code enforcement citation or criminal charge was issued. Violations could potentially occur multiple times over the same rental period.~~

Sec. 15-283. Complaints.

Whenever a violation of this Article occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the city manager or his designee. The city manager or his designee shall promptly record such complaint, investigate, and take action thereon in accordance with this article and Chapter 11 of the Code of Ordinances of the City of Fort Lauderdale, Florida.

Sec. 15-284. Enforcement.

The provisions of this Article shall be enforced as provided in Chapter 11 – Code Enforcement, of the Code of Ordinances of the City of Fort Lauderdale, Florida.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4. That this Ordinance shall be in full force and effect on _____, 2016.

PASSED FIRST READING this the ___ day of _____, 2016.

PASSED SECOND READING this the ___ day of _____, 2016.

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Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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