

1 EXHIBIT 1
2 ORDINANCE 2016 -

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
4 THE CITY OF HALLANDALE BEACH, FLORIDA, REPEALING
5 CHAPTER 25, ARTICLE II, DIVISION 2, SIDEWALKS IN ITS
6 ENTIRETY AND REENACTING CHAPTER 25, ARTICLE II,
7 DIVISION 2 SIDEWALKS TO IMPLEMENT THE CITY'S
8 SIDEWALK MAINTENANCE PROGRAM; PROVIDING FOR
9 CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING
10 FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

11
12 **WHEREAS**, Chapter 25, Article II, Division 2, Sidewalks sets forth in Section 25-61, of the
13 City's Code of Ordinances that all property owners must maintain the sidewalks abutting their
14 property; and
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16 **WHEREAS**, in 2011, the City initiated a 50/50 cost sharing program in order to assist
17 property owners with expenses involved in sidewalk repairs that abut their property; and
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19 **WHEREAS**, in 2013, the City began a sidewalk repair program where the City
20 conducted periodic inspections to identify problem areas and create an inventory. The City
21 then procured a contractor to perform necessary repairs, thus reducing the City's liability for
22 injuries; and

23 **WHEREAS**, following City Commission directive, the City has instituted sidewalk
24 maintenance programs shifting the that responsibility for all maintenance and repairs of
25 sidewalks on city-owned streets from the abutting property owner to the City; and

26 **WHEREAS**, Division 2, Sidewalks of Chapter 25, Article II must be amended to reflect
27 the change in the City's sidewalk maintenance and repair standards; and
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61 **Sec. 25-62. - Report of needed sidewalks to City Manager**

62 Any person may report to the city manager, or his or her designee, places and sites within the
63 city where it is necessary or advisable, by reason of any unsafe, unsanitary or dangerous
64 condition affecting the public health, safety or general welfare of the city or its inhabitants or for
65 any other reason, for public sidewalks to be constructed or reconstructed.

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67 **Sec. 25-63. - Duty of owner of property abutting public streets when substantial**
68 **improvements or buildings are to be constructed on such property.**

69 It shall be the duty of each owner of property abutting the public streets of the city to construct
70 uniform and substantial sidewalks abutting the public streets when substantial building
71 improvements are constructed upon such property. For the purposes of this division, a
72 substantial building improvement shall exist when there is new construction, reconstruction or
73 a structural addition creating a net floor increase in excess of five percent. Single-family homes
74 and duplexes located in RS-5, RS-6, RS-7 and RD-12 zoning use districts shall be required to
75 construct sidewalks only in cases of new construction or reconstruction exceeding 50 percent
76 of the value of the existing building where construction of a sidewalk will complete or lead to
77 completion of an uninterrupted network of sidewalk in the neighborhood where such
78 construction or reconstruction occurs.

79
80 **Sec. 25-64. - Building plans required for construction of substantial building improvements**
81 **on parcels abutting public streets showing location of sidewalks.**

82 Plans submitted to the city in connection with the application for a building permit for the
83 construction of substantial building improvements, as defined in section 25-683, upon any
84 parcel of land abutting a public street within the city shall show the width, material, grade, and
85 location of such required and proposed sidewalks. No permit may be issued until the location
86 and manner of construction are approved by the building official.

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88 **Cross reference—** Building, construction and condominiums, [ch. 8](#).

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90 **Sec. 25-65. - New plats subdividing or re-subdividing lands must make adequate**
91 **provisions for sidewalks.**

92 All new plats subdividing or re-subdividing lands situate in the city must contain adequate
93 provisions for the construction of sidewalks along public streets.

94 **Sec. 25-66. - Bond of owner in new plats subdividing or re-subdividing lands situated in**
95 **the city.**

96 The city may require as a condition precedent to its giving approval to all new plats subdividing
97 or re-subdividing lands situated in the city that the owner of the lands being subdivided must
98 give a good and sufficient bond to the city conditioned that the owner shall cause sidewalks to
99 be constructed along public streets on the lands being subdivided or re-subdivided.

100
101 **Sec. 25-67. - Exceptions or variances to the provisions of sections 25- 63 through 25-65.**

102 If an owner of property abutting a public street in the city desires to obtain a permit for the
103 construction of substantial building improvements on the property or if a person proposes to
104 subdivide lands within the city, and if such person objects to the construction of sidewalks
105 because of the location, size or use of the property involved, such class of persons shall have
106 the right to apply for a variance permit to the city planning and zoning board, for its
107 recommendation to the city commission, which commission shall make the final determination.
108 Such variance shall be noticed, advertised and posted in conformity with the requirements of
109 section 32-1003 as to variances. An administrative fee shall be due at the time an application
110 for variance under this section is submitted. Such fee is established and on file in the city clerk's
111 office.

112
113 **Sec. 25-68. - Recovery of costs and attorney's fees.**

114 If the city abates an ordinance violation under any section of this article and the property owner
115 fails to pay any charges incurred by the city within 60 days from the date of abatement, the
116 finance director shall file a claim of lien. If a lien for unpaid charges incurred pursuant to this
117 article is not paid in full, the lien may be foreclosed by the city within the same time limitations,
118 and in the same manner as provided by law for the foreclosure of mortgages upon real estate.
119 The city shall in such case be entitled to recover reasonable attorney's fees.

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121 **Sec. 25-69 – 25-100 Reserved**

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124 **SECTION 4. Conflict.** All Ordinances and Resolutions or parts of Ordinances and
125 Resolutions in conflict herewith, be and the same are hereby repealed, to the extent of such
126 conflict.

127 **SECTION 5. Severability.** If any clause, section or other part of this Ordinance shall be
128 held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this
129 Ordinance shall not be affected thereby, but shall remain in full force and effect.

130 **SECTION 6. Codification.** It is the intention of the City Commission of the City of
131 Hallandale Beach and it is hereby ordained that the provisions of this Ordinance shall become
132 and be made a part of the Code of Ordinances of the City of Hallandale Beach, Florida.

133 **SECTION 7. Reservation of Sections.** Sections 25-69 through 25-100 are reserved.

134 **SECTION 8. Effective Date.** This Ordinance shall become effective immediately upon
135 the date of adoption.

136 PASSED AND ADOPTED on 1st reading on December 7, 2016.

137 PASSED AND ADOPTED on 2nd reading on _____, 2016.

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143 ATTEST:

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147 _____
MARIO BATAILLE, CMC

148 CITY CLERK

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150 APPROVED AS TO LEGAL SUFFICIENCY

151 FORM

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155 _____
V. LYNN WHITFIELD

156 CITY ATTORNEY

JOY F. COOPER

MAYOR