

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY HOLLYWOOD, FLORIDA, AMENDING CHAPTER 155 OF THE CODE OF ORDINANCES ENTITLED "BASIC LAND IMPROVEMENT CODE" TO REVISE THE REGULATIONS RELATING TO SIDEWALK REPAIRS AND MAINTENANCE.

WHEREAS, Chapter 155 sets forth regulations regarding basic land improvements to property within the City that includes the responsibility for the repair and maintenance of sidewalks within the City; and

WHEREAS, the City had implemented a 50/50 sidewalk program to assist residents who were responsible for the repair of sidewalks adjacent to their properties; and

WHEREAS, the City Commission has requested that the City discontinue the 50/50 program; and

WHEREAS, for administrative efficiency and to avoid confusion to the citizens of Hollywood, it has been determined that the sidewalk regulations should be amended.

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 into this Ordinance.

Section 2: That Chapter 155 of the Code of Ordinances entitled "Basic Land Improvement Code" is hereby amended as follows:

TITLE XV: LAND USAGE

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**CHAPTER 155. BASIC LAND IMPROVEMENTS CODE
APPENDIX: TABLES OF DESIGN AND CONSTRUCTION STANDARDS**

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Coding: Words in ~~struck through~~ type are deletions from existing text; underscored words are additions to existing text.

SIDEWALKS; ABUTTING PROPERTY OWNERS

§155.30 DUTY OF OWNER AS TO REPAIRS AND MAINTENANCE.

~~It shall be the duty of each owner of the property abutting a public right-of-way to construct and keep in repair, uniform and substantial sidewalks in front of or abutting upon each parcel of his property within the city. Each owner shall at all times be additionally responsible for the maintenance of the unpaved swale portion of the public right-of-way and the boundary of the owner's property, including the curb.~~

Each owner of the property abutting a public right-of-way that has a sidewalk shall be responsible for the cleanliness of the sidewalk and keeping it free and clear of debris. Each owner shall at all times be additionally responsible for the maintenance of the unpaved swale portion of the public right of way adjacent to the owner's property, including the curb.

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§155.31 RESERVED. GENERAL SIDEWALK SPECIFICATIONS.

~~(A) *Width, material and grade.* The width of each sidewalk, the material to be used in its construction, the grade thereof, and the method and the manner of constructing, reconstructing and repairing the same shall be prescribed and approved by the city.~~

~~(B) *Replacement and repair standards.* The Sidewalk Inspector in the Engineering Department of the city shall determine if the existing sidewalk is safe by the application of the following standards:~~

- ~~(1) Vertical displacement at joints does not exceed one inch or more;~~
- ~~(2) Horizontal displacement at joints does not exceed one-half inch or more;~~
- ~~(3) Scaling and/or peeling does not exceed 25% of the individual flag area; and~~
- ~~(4) Extensive cracking with displacement or unstable sections does not exceed 10% of the flag area.~~

~~(C) All broken sidewalks shall be repaired or replaced to conform with design and construction standards as provided in the Appendix, Tables of Design and Construction Standards.~~

§155.32 RESERVED. NOTICE TO OWNER TO CONSTRUCT OR REPAIR SIDEWALK.

~~(A) The City Commission shall adopt a resolution requiring the owner of property abutting the public right-of-way to lay, construct or repair the sidewalk in front of his property and directing the City Clerk to send notice of this requirement to said owner.~~

~~(B) The notice required by this section shall direct the abutting property owner to forthwith commence and within 30 days after date of such notice, complete the construction, reconstruction or repair work.~~

~~(C) A copy of said notice shall be mailed to the address of each such property owner, if the address be known to, or by reasonable diligence can be obtained by, the Clerk; if the address is unknown or cannot be obtained by reasonable diligence, or if such notice be returned unclaimed, then a copy of such notice directed to the owner shall be published in a newspaper of general circulation in the county once each week for two consecutive weeks (two publications being sufficient) directing the owner to forthwith commence, and within 30 days after the last publication of such notice complete, the construction, reconstruction or repair work.~~

~~§155.33 FAILURE TO COMPLY WITH MAINTENANCE REQUIREMENTS. ; CITY TO PERFORM WORK AND ASSESS COST TO OWNER.~~

~~In the event the abutting property owner shall fail or refuse to maintain the sidewalk pursuant to §155.30, such failure will be considered a violation, and the City may pursue any and all remedies pursuant to Chapter 36 of the Code of Ordinances. to do and perform the construction, reconstruction, or repair work on any sidewalk or proposed sidewalk within the time prescribed in the notice, under the provisions of §155.32, then and in that event, the City Commission shall have power to cause such sidewalks to be laid or repaired and to assess the cost and expenses of laying or repairing the same against the abutting property in the manner provided in Article XI of the City Charter, and such assessment shall create a lien against the property. Nothing herein contained shall prevent the city from constructing sidewalks and providing for the payment therefor as elsewhere provided in the City Charter.~~

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~~§155.39 50/50 SHARED COST SIDEWALK PROGRAM FEE.~~

~~The fee per square foot to be charged to each property owner participating in the city's 50/50 shared costs sidewalk program who chooses to have the city construct a sidewalk shall be established by resolution of the City Commission.~~

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Section 2: That it is the intention of the City Commission and it is ordained that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of the Code may be renumbered to accomplish such intention.

Section 3: 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 4: That if any word, phrase, clause, subsection or selection of this Ordinance is for any reason held unconstitutional or valid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 2020.

PASSED on the first reading this _____ day of _____, 2020.

PASSED AND ADOPTED on second reading this _____ day of _____, 2020.

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