



City of Hollywood  
Staff Summary Request

	PO-2005-02
Title:	An Ordinance of the City of Hollywood, Florida, Amending Chapter 36 of the Code of Ordinances entitled "Code Enforcement" by Amending Sections 36.28 and 36.29 to provide for a hearing relating to non-compliance of a violation; Amending the appropriate chapters and sections of the Code of Ordinances to conform to state law and the City's Departmental reorganization; and providing for an effective date.
Recommendation:	Approval of the attached Ordinance.
Explanation:	<p>In reviewing both state and case law, the City Attorney's Office has determined that the City's Code of Ordinances needed to be updated as it relates to the following:</p> <p>(1) Effective October 1, 2004, the Florida Legislature passed and adopted Chapter 2004-11 which changed the name of Special Masters to Special Magistrates. Further, recent case law has held an owner of property should be given the opportunity to challenge the imposition of the fine ordered by a Special Master; and</p> <p>(2) The South Florida Building Code was revised and a new Florida Building Code was adopted whereby the City's Code of Ordinances needs to be amended to reflect the new code; and</p> <p>(3) Pursuant to Section 633.0215, Florida Statutes, the State Fire Marshal shall adopt a new edition of the Fire Prevention Code every third year. In accordance with this requirement, the 2005 edition of the Florida Prevention Code is being adopted which adopts certain National Fire Protection Association Standards.</p> <p>Further, in 2004, the City Manager reorganized the City's Departments and Divisions whereby the Neighborhood/Code Enforcement Division was renamed to the Office of Code</p>

	Enforcement. Certain Sections of the Code of Ordinances must be amended to reflect such changes.
Submitted by:	City Attorney's Office
Recommended by:	City Attorney

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 36 OF THE CODE OF ORDINANCES ENTITLED "CODE ENFORCEMENT" BY AMENDING SECTIONS 36.28 AND 36.29 TO PROVIDE FOR A HEARING RELATING TO NON-COMPLIANCE OF A VIOLATION; AMENDING THE APPROPRIATE CHAPTERS AND SECTIONS OF THE CODE OF ORDINANCES TO CONFORM TO STATE LAW AND THE CITY'S DEPARTMENTAL REORGANIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 36 of the Hollywood Code of Ordinances establishes the hearing procedures before the Special Master relating to violations of the City's Code of Ordinances; and

WHEREAS, Section 162.09, Florida Statutes, provides that "if a finding of a violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine"; and

WHEREAS, recent case law has held that the owner should be given the opportunity to challenge the imposition of the fine; and

WHEREAS, in order to conform with this recent case holding, Chapter 36 of the Code of Ordinances needs to be amended; and

WHEREAS, in 2001, the South Florida Building Code was revised and a new Florida Building Code was adopted; and

WHEREAS, effective October 1, 2004, the Florida Legislature passed and adopted Chapter 2004-11 "Court Procedures – Judges – Magistrates and Masters" which changed the name of Special Masters to Special Magistrates; and

WHEREAS, pursuant to Section 633.0215, Florida Statutes, the State Fire Marshal shall adopt a new edition of the Fire Prevention Code every third year; and

WHEREAS, in accordance with Section 633.0215, Florida Statutes, the 2005 edition of the Florida Prevention Code is being adopted which adopts certain National Fire Protection Association Standards; and

(Coding: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.)

WHEREAS, in order to be consistent with state law, certain Chapters and Sections of the City's Code of Ordinances must be changed; and

WHEREAS, in 2004, the City Manager reorganized the City's Departments and Divisions whereby the Neighborhood/Code Enforcement Division was renamed to the Office of Code Enforcement; and

WHEREAS, certain Sections of the Code of Ordinances must be amended to reflect such changes;

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

Section 1: That Chapter 36 of the Code of Ordinances entitled "Code Enforcement" is hereby amended to read as follows:

### **TITLE III. ADMINISTRATION**

\* \* \*

### **CHAPTER 36. CODE ENFORCEMENT BOARD**

#### **GENERAL PROVISIONS**

\* \* \*

#### **§36.02 JURISDICTION.**

(A) The Hollywood Code Enforcement Special Master Magistrate appointed by the City Commission shall have jurisdiction to hear and decide cases in which violations are alleged of any provisions of technical codes enacted by the City, including, but not limited to, property standards, occupational license, fire, building, zoning and sign code, as well as the South Florida Building Code, Broward Edition Florida Building Code in effect in Broward County, Florida, as revised from time to time..

(B) Where there is more than one Special Master Magistrate cases shall be assigned by lot.

\* \* \*

#### **§36.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CLERK or CLERK OF CODE ENFORCEMENT.** The administrative staff person in the City of Hollywood Office of Code Enforcement Neighborhood Programs Division responsible for the preparation, development and coordination of all administrative and case management services necessary for the proper administration of the Special Master Magistrate proceedings.

**CODE.** Any of the several chapters of the Code of Ordinances or Zoning and Land Development Regulations of the City or the South Florida Building Code, Broward Edition as described in §36.02 Florida Building Code in effect in Broward County, Florida, as revised from time to time.

**CODE INSPECTOR.** Any employee or other agent of the City designated by law, ordinances or the City Manager, whose duties are to ensure compliance and enforcement of city codes or ordinances, or the South Florida Building Code, Broward Edition Florida Building Code in effect in Broward County, Florida, as revised from time to time.

\* \* \*

**DIRECTOR OF CODE ENFORCEMENT.** The division head of the Office of Code Enforcement City of Hollywood Neighborhood Programs Division or any representative authorized by him/her to serve in his/her absence.

**DIVISION.** The Office of Code Enforcement Hollywood Neighborhood Programs Division.

\* \* \*

**REPEAT VIOLATION.** A violation of a city ordinance by a person who has been previously found through a Code Enforcement Board, Special Master or Special Magistrate or any other quasi-judicial or judicial process to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations.

**SPECIAL MASTER MAGISTRATE.** Any person who is a member in good standing of the Florida Bar and who is appointed by the City Commission to serve as a Special Master Magistrate under this chapter.

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## **SPECIAL MASTERS MAGISTRATES.**

### **§36.10 APPOINTMENT AND QUALIFICATIONS OF SPECIAL MASTERS MAGISTRATES.**

The City Commission shall appoint a Special Master Magistrate or Special ~~Masters~~ Magistrates who shall hold their position at the pleasure of, and be compensated as provided by, the City Commission. A Special Master Magistrate shall be a member in good standing of the Florida Bar and experienced in administrative law and procedures.

### **§36.11 RULES OF PROCEDURE, HEARINGS, REPORTS OF DECISIONS AND RECORDS.**

(A) Rules of Procedure. Special ~~Masters~~ Magistrates shall conduct hearings pursuant to the provisions of rules of procedure as set forth herein and as may be adopted by the City Commission from time to time.

\* \* \*

(C) Reports of decisions. Subsequent to a public hearing, the Special ~~Master~~ Magistrate shall make a written report, a Final Order, or his or her decision, in accordance with the rules and procedures set forth herein or by City Commission resolution, and shall provide a copy of the Final Order to all parties of record and appropriate city staff.

\* \* \*

## **ENFORCEMENT PROCEDURES**

### **§36.25. ENFORCEMENT AUTHORITY.**

The Office of Code Enforcement ~~Neighborhood Programs Division~~ shall have the authority to enforce the various codes as described in §36.02 hereof, either before a Special Master Magistrate or in a court of competent jurisdiction. Enforcement shall be implemented by the Code Inspectors who shall have the primary duty of enforcing all codes. Code Inspectors shall initiate enforcement proceedings before a Special Master Magistrate or in any court having authority to try the violation. No Special Master Magistrate shall have the power to initiate such proceedings.

### **§36.26 NOTICE OF VIOLATION PROCEDURES.**

(A) If a violation of a code is alleged to exist, the Code Inspector shall, unless division (B) below applies, provide written notice to the alleged violator of the violation and afford that person a reasonable time, in light of the nature of the violation, to correct

it. Should the violation continue beyond the time specified for correction, the Code Inspector shall notify the Clerk, who shall schedule a hearing before a Special ~~Master~~ Magistrate, and the Inspector, Clerk, law enforcement officer, or other person designated by the local governing body shall provide written notice by hand delivery or certified mail, return receipt requested, to the alleged violator of the hearing. At the option of the Special ~~Master~~ Magistrate, notice may additionally be served by publication or posting.

\* \* \*

(C) If a Code Inspector finds a repeat violation he/she shall notify the alleged violator but is not required to give the alleged violator a reasonable time to correct the repeat violation. Upon notifying the alleged violator, the Code Inspector shall notify the Clerk who shall schedule a hearing before a Special ~~Master~~ Magistrate and provide notice to the alleged violator. The case may be presented to the Special ~~Master~~ Magistrate even if the repeat violation has been corrected prior to the Special ~~Master~~ Magistrate hearing, and the notice shall so state.

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#### **§36.28 HEARING PROCEDURES BEFORE SPECIAL MASTER MAGISTRATE.**

(A) *Date for hearing.*

(1) A time and date for the Special ~~Master~~ Magistrate hearing shall be set, and notice to the alleged violator and the Code Inspector of the same shall be provided. The violator may file a written reply to the charges contained in the notice of violations which shall be known as "the response". The response must contain the address of the violation and the alleged violator's relationship to the property (for example, owner, tenant, and the like).

(2) If the violation is not corrected by the time specified for correction by the Code Inspector, the case may be presented to the Special ~~Master~~ Magistrate even if the violation has been corrected prior to the Special ~~Master~~ Magistrate hearing, and the notice shall so state.

(3) At the time and place set for the hearing, the Special ~~Master~~ Magistrate shall hear and consider all testimony offered and shall examine and consider all the evidence presented. The City Attorney or his/her designee shall present each case before the Special ~~Master~~ Magistrate after he/she has determined that there is a legally sufficient case to be presented. After the conclusion of the hearing, the Special ~~Master~~ Magistrate shall issue findings of fact and conclusions of law in a written order affording the proper relief consistent with the powers granted herein. Such order may command a violator to take whatever steps are necessary to bring a violation into compliance by the time announced at the hearing and subsequently placed in the order. The findings, conclusions and order of the Special ~~Master~~ Magistrate shall be

announced orally at the Special ~~Master~~ Magistrate hearing and shall be reduced to writing and mailed to the violator.

(B) *Hearing procedures.*

(1) No Special ~~Master~~ Magistrate shall act in any case in which that Special ~~Master~~ Magistrate has a conflict of interest. If the Special ~~Master~~ Magistrate has a conflict of interest with any case, he/she shall orally announce such at the scheduled hearing unless he/she is aware of such conflict prior to the hearing and shall notify the Clerk whereby that case shall be rescheduled for a hearing before another Special ~~Master~~ Magistrate.

(2) All hearings of the Special ~~Master~~ Magistrate shall be open to the public, and any person whose interests may be affected by the matter before the Special ~~Master~~ Magistrate shall be given an opportunity to be heard. The record of all hearings, agendas, findings, determinations and Final Orders shall be maintained by the Clerk of Code Enforcement.

\* \* \*

(4) All relevant evidence shall be admitted if, in the opinion of the Special ~~Master~~ Magistrate, it is the type of evidence upon which reasonable and responsible persons would normally rely in the conduct of business affairs, regardless of the existence of any common law or statutory rule which might make such evidence inadmissible over objections in civil action. The Special ~~Master~~ Magistrate may exclude irrelevant or unduly repetitious evidence.

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\* \* \*

(7) The alleged violator has the right, at his/her own expense, to be represented by an attorney at any Special ~~Master~~ Magistrate hearing.

(8) All testimony before the Special ~~Master~~ Magistrate shall be under oath and shall be recorded. The alleged violator or the city may cause the proceedings to be recorded by a certified court reporter or by a certified recording instrument.

\* \* \*  
\* \* \*

(11) The Special ~~Master~~ Magistrate may, for good cause shown, postpone or continue a hearing.



(12) If a violator requests a hearing pursuant to Section 36.29(A) of this Chapter, the issue to be determined at the hearing is whether all violations were complied prior to the hearing. The Special Magistrate may consider any testimony and other relevant evidence submitted by the Code Inspector and the violator. Upon conclusion of the presentation of evidence, the Special Magistrate shall enter either an order finding that the violations were complied by the required time, or an Order of Imposition of Fine and Claim of Lien for violations that are found to not have been timely complied. An Order of Imposition of Fine and Claim of Lien shall be recorded in the Public Records of Broward County, Florida pursuant to Section 36.29(B) below.

(13) No Order of Imposition of Fine and Claim of Lien shall be entered by the Special Magistrate if all violations in a case have been complied and an Affidavit of Compliance is filed within the fourteen (14) day period described in §36.29(A)(2). The filing of said Affidavit of Compliance within the fourteen (14) day period shall also act to cancel any penalty hearing which has been set for a case, and shall otherwise render void any request for a hearing.

(C) *Subpoena powers.* The Code Inspector, the Special ~~Master~~ Magistrate or the alleged violator may request that witnesses and records, including surveys, plats and other materials, be subpoenaed to any formal hearings. Subpoenas may be served by officers of the Police Department of the city, police aides or other such persons authorized to deliver subpoenas. The Special ~~Master~~ Magistrate shall provide the Clerk of Code Enforcement with sufficient signed and blank witness and document subpoenas to be provided to alleged violators and the Code Inspector for the purpose of having witnesses and records subpoenaed. The violator shall pay to the city a fee for each subpoena served.

(D) *Calling of Special ~~Master~~ Magistrate hearing.* The Special ~~Master~~ Magistrate may call a Special ~~Master~~ Magistrate hearing. Written notice of any special or emergency hearing shall be given to an alleged violator, if circumstances permit, at least one day in advance of such hearing. The Special ~~Master~~ Magistrate may, at any hearing, set a future hearing date.

(E) *Owner of property.* If the owner of property ~~which~~ that is subject to an enforcement proceeding before an enforcement board, Special ~~Master~~ Magistrate or court transfers ownership of such property between the time the initial violation was served and the time of the hearing, such owner shall:

\* \* \*  
\* \* \*

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

(A) (1) The order of the Special ~~Master~~ 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 ~~Master~~ 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. In addition to such fines, the Special ~~Master~~ 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.

(2) If a finding of violation or repeat violation has been made, then a hearing shall not be necessary for the issuance of an order imposing the fine. However, upon receipt of an Affidavit of Non-Compliance from the Code Inspector, the Clerk shall promptly forward a notice of the failure to comply with the Final Order, along with a copy of the Affidavit of Non-Compliance to the violator by regular U.S. mail. The notice shall provide the violator fourteen (14) days from the date of the notice to file a written request for a hearing to contest the issue of compliance. The notice shall state that the Final Order/Claim of Lien will be recorded after fourteen (14) days unless the violator files a timely request for a hearing. Upon receipt of said request, a hearing shall be set before the Special Magistrate at the next available hearing date, with notice of said hearing provided to the violator by regular U.S. mail.

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(5) After three months from the filing of any such unpaid lien, the Special ~~Master~~ Magistrate may authorize the City Attorney to foreclose upon the lien. The duration and effect of such lien shall be consistent with state law, which is a period of 20 years.

(B) In determining the amount of the fine, if any, the Special ~~Master~~ Magistrate shall consider the following factors:

\* \* \*  
\* \* \*

(C) In the event the Special ~~Master~~ Magistrate believes that a violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable or irreversible in nature, the Special ~~Master~~ Magistrate shall notify the city, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed by the Special ~~Master~~ Magistrate. The making of such repairs does not create a continuing obligation on the part of the city to make further repairs or to

maintain the property and does not create any liability against the city if such repairs were completed in good faith. The Special ~~Master~~ Magistrate may request the City Attorney to seek appropriate injunctive relief in the name of the city in the appropriate court.

(D) (1) Every enforcement order of the Special ~~Master~~ Magistrate shall be final, subject to the right of any aggrieved party, including the city or the violator, to appeal a final administrative order of the Special ~~Master~~ Magistrate to the Circuit Court of the Seventeenth Judicial Circuit of Florida in and for Broward County, Florida. An appeal shall be filed within 30 days of the rendition of the order to be appealed.

(2) Every enforcement order of the Special ~~Master~~ Magistrate shall have the force of law, shall be in writing, and shall include findings of fact and conclusions of law. Every enforcement order of the Hollywood Code Enforcement Board issued prior to said Board's elimination shall have the force of law. Every enforcement order issued by a Special Master prior to the adoption of this ordinance shall have the force of law.

(3) Every enforcement order of the Board shall be signed by the Chairperson, or in his/her absence, the Vice-Chairperson, and every order of the Special ~~Master~~ Magistrate shall be signed by the Special ~~Master~~ Magistrate. All orders shall be filed in the office of the City Clerk. A copy of the signed order shall be sent by certified mail, return receipt requested or where certified mailing would not be effective, by regular mail or by hand delivery by the Code Inspector to the violator.

(4) The Special ~~Master~~ Magistrate shall, in every proceeding, make a decision without unreasonable or unnecessary delay, and shall proceed to hear the cases on the agenda for that day.

\* \* \*

### **§36.30 SETTLEMENT, DISPOSITION OF ALL COLLECTED FINES AND LIENS.**

The Director of Financial Services is hereby authorized to negotiate and settle all fines and liens imposed by the Code Enforcement Board, ~~or Special Master~~ or Special Magistrate relating to code violations which have been complied with by the code violator. However, the Special ~~Master~~ Magistrate shall ratify all decisions of the Director of Financial Services with respect to the settlement of any such fines and liens.

### **§36.31 REQUIRED METHOD OF NOTICE.**

\* \* \*

(B) In addition to providing notice as set forth in division (A) above, at the option of the Special ~~Master~~ Magistrate, notice may also be served by publication or posting, as follows:

\* \* \*  
\* \* \*

Section 2: That Chapter 50 of the Code of Ordinances entitled "Solid Waste and Recycling Management" is hereby amended to read as follows:

**TITLE V: PUBLIC WORKS**

**CHAPTER 50. SOLID WASTE AND RECYCLING MANAGEMENT**

\* \* \*

**§50.02. GARBAGE RECEPTACLES.**

\* \* \*

(B) *Dumpsters and Dumpster enclosure.*

\* \* \*  
\* \* \*

(4) *Enclosure requirements.* The following enclosure requirements shall be met by all properties as described below:

\* \* \*  
\* \* \*

(h) Garbage containers. All Dumpsters, receptacles and bulk containers which receive garbage, liquid waste or food from handling operations, including, but not limited to, bakeries, meat processing food plants or any business establishment where it is determined that garbage, liquid waste or food will be accumulated, shall have a raised concrete slab, a drain and cleaning water facilities for said receptacles and containers and be constructed in accordance with the provisions of the South Florida Building Code (Broward Edition) Florida Building Code in effect in Broward County, Florida, as revised from time to time.

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Section 3: That Chapter 52 of the Code of Ordinances entitled "Sewer Use" is hereby amended to read as follows:

**TITLE V: PUBLIC WORKS**

**CHAPTER 52. SEWER USE**

\* \* \*

## §52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

\* \* \*  
\* \* \*  
\* \* \*

**SFBC.** ~~Broward County Edition of the South Florida Building Code, latest edition in effect in Broward County, Florida, as revised from time to time.~~

\* \* \*

## §52.07 BUILDING SEWERS AND CONNECTIONS; MAINTENANCE BY OWNER.

(A) (1) \* \* \*

(2) It shall be unlawful to commence work on any building or premises on which plumbing is required or is to be installed; perform any work covered by the SFBC, including but not limited to the excavation or obstruction of any public or private street, alley or other thoroughfare for the purpose of installing plumbing, sewer work or connection to the POTW or appurtenance thereof, commence the construction, reconstruction, alteration, repair and/or remodeling of any plumbing, sewer or liquid waste treatment system, without first having obtained a permit from the BCDNRP, the building official as required by Section 27 BCDNRP Code of Regulations, the SFBC, and this chapter. No sewage collection system intended to convey flow to the POTW shall be permitted without prior approval of the Utilities Director.

\* \* \*  
\* \* \*

(9) Existing building sewers may be used in connection with new buildings sewers only when they are found on examination and test by the building official, to conform in all respects to the requirements governing new building sewers as outlined in Chapter 29 46 of the SFBC in effect in Broward County, Florida, as revised from time to time.

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\* \* \*

(13) The connection to the building sewer into the public sewer shall conform to the requirements of the SFBC or other applicable rules and regulations of the Utilities Department. All such connections shall be made gas-tight and water-tight and verified by the proper testing.

\* \* \*  
\* \* \*

Section 4: That Chapter 72 of the Code of Ordinances entitled "Parking" is hereby amended to read as follows:

## **TITLE VII: TRAFFIC CODE**

\* \* \*

### **CHAPTER 72. PARKING**

\* \* \*  
\* \* \*

#### ***ADMINISTRATION AND ENFORCEMENT***

\* \* \*  
\* \* \*

#### **§72.158 VALET PARKING.**

\* \* \*  
\* \* \*

*(l) Enforcement; fine schedule; right of appeal.*

(1) The Division of Parking shall enforce the provisions of this section. The Police Department and the Office of Code Enforcement Department shall assist the Division of Parking in the enforcement of this section. If a parking enforcement specialist finds a violation of this section, the parking enforcement specialist shall issue a citation to the violator as provided in §72.151 of this chapter, as amended from time to time. The notice shall inform the violator of the nature of the violation, the amount of fine for which the violator may be liable, instructions and due date for paying the fine, notice that the violation may be appealed as provided in this chapter, and the failure to timely appeal shall constitute an admission of the violations and waiver of the right to a hearing.

\* \* \*  
\* \* \*

(3) *Rights of violators; payment of fine; right to appeal; failure to pay civil fine, or to appeal.* A violator who has been served with a notice of violation shall elect either to:

\* \* \*

(e) If the named violator after notice fails to pay the civil fine or fails to request, on a timely basis, an appeal of the citation, the Director shall be informed of such failure by a report from the Division of Parking. Failure of the named violator to appeal the citation shall constitute a waiver of a right to appeal under this section. A violator aggrieved by the decision of the court may appeal the decision of the court in accordance with the Florida Rules of Appellate Procedure, as amended from time to time. Failure of the violator to appeal the decision in a timely manner to the Special Master Magistrate as provided by law shall be treated as an admission of the violation and penalties may be assessed accordingly.

\* \* \*  
\* \* \*

**§72.999 PENALTY.**

\* \* \*  
\* \* \*

(C) Any person or firm found in violation of §72.110 or 72.111 shall be liable for a fine of \$100, pursuant to the jurisdiction of the county court. Parking citations for violations may be issued by any city officer with parking enforcement certification. Alternatively, a code neighborhood improvement enforcement officer may cite an alleged violator with a notice to appear before a Code Enforcement Special Master Magistrate, as provided in Chapter 36 of this Code.

\* \* \*

Section 5: That Chapter 90 of the Code of Ordinances entitled “Abandoned Property” is hereby amended to read as follows:

**TITLE IX: GENERAL REGULATIONS**

**CHAPTER 90. ABANDONED PROPERTY**

\* \* \*  
\* \* \*

**§90.04 VIOLATION ON PUBLIC PROPERTY; NOTICE; HEARING.**

\* \* \*

(B) In addition to posting, the law enforcement officer or Code Enforcement Officer, as the case may be, shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, he/she shall mail a copy of the notice to the owner on or before the date of posting. If the property is a vehicle or vessel, the Code Enforcement Special ~~Master~~ Magistrate at the direction of the Police Department shall contact the Department of State Highway Safety and Motor Vehicles or the Department of Natural Resources, respectively, to determine the name and address of the owner and lienholders. The Code Enforcement Special ~~Master~~ Magistrate shall then mail a copy of the notice by certified mail, return receipt requested, to the owner and lienholders, if any. If at the end of five days after posting the notice and mailing of such notice, the abandoned property is not removed from public property or the owner or lienholder has not requested a hearing as provided in division (D) below, the property shall be removed by the city as soon as practicable and shall be destroyed or otherwise disposed of or retained by the city for its own use.

\* \* \*

Section 6: That Chapter 92 of the Code of Ordinances entitled "Animals" is hereby amended to read as follows:

## **TITLE IX: GENERAL REGULATIONS**

\* \* \*

\* \* \*

### **CHAPTER 92 ANIMALS**

\* \* \*

\* \* \*

#### **§92.18 DANGEROUS DOGS.**

\* \* \*

##### **(E) *Hearing on dangerous dog declaration.***

(1) Upon receiving the dog owner's written request for a hearing, such hearing shall be held before the City's Special ~~Master~~ Magistrate pursuant to the hearing procedure set forth in Chapter 36 of this code. The Clerk for the Special ~~Master~~ Magistrate shall provide notice of the date, time and location of the hearing to the dog owner by certified mail and to the complainant by regular mail.

\* \* \*

\* \* \*



(F) *Appeal from dangerous dog declaration.* If the Special Master Magistrate determines that a dog is dangerous at the conclusion of a hearing conducted under subsection (E), that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within 30 days after receiving notice that the dog has been finally declared dangerous. The appeal must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the Special Master's Magistrate's determination of dangerousness.

\* \* \*  
\* \* \*

## **§92.52 ADMINISTRATION BY CODE ENFORCEMENT SPECIAL MASTERS MAGISTRATES.**

The Code Enforcement Special ~~Masters~~ Magistrates of the city are hereby authorized and directed to administer this subchapter.

\* \* \*  
\* \* \*

Section 7: That Chapter 94 of the Code of Ordinances entitled "Fire Prevention" is hereby amended to read as follows:

### **TITLE IX: GENERAL REGULATIONS.**

\* \* \*

### **CHAPTER 94: FIRE PREVENTION**

#### ***GENERAL PROVISIONS***

#### **§94.001 ADOPTION OF STATE, NATIONAL FIRE CODES BY REFERENCE.**

(A) The following codes and standards are hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion:

(1) The Florida Prevention Code, as revised from time to time. ~~The National Fire Prevention Association Pamphlet No. 101, the current edition.~~

(2) The South Florida Building Code, the current edition for Broward County in effect in Broward County, Florida, as revised from time to time.

\* \* \*  
\* \* \*

**§94.050 SEATING FACILITIES; PERMITTED DENSITY.**

(A) It shall be unlawful for any person, as owner, operator, manager, or in any other capacity, having custody or control of any building or any room or premises in which ~~building, room or premises~~ food or beverages are served to the public, and where seating facilities for 100 or more patrons are provided, to permit or allow, at any time, a density of human occupancy, based on exit and fire protective facilities, increased beyond the maximum permitted by the South Florida Building Code, in effect in Broward County, as revised from time to time, for buildings erected thereunder, or in any case a density of human occupancy greater than one person for each ten square feet of floor area occupied by aisles, tables and chairs.

\* \* \*  
\* \* \*

***HAZARDOUS CONDITIONS***

**§94.090 USE OF TORCHES, FLAME OR SPARK PRODUCING DEVICES.**

It shall be unlawful to use a torch, flame or spark producing devices in or on any building structure or area without a permit.

(A) Permit required. In accordance with the provisions of section 5206.1 of the South Florida Building Code, ~~Broward Edition~~ in effect in Broward County, Florida, as same may be amended from time to time (SFBC), no person shall use torches or other flame or spark producing devices in or on any building structure or area without a Hot Work Permit. All such permits shall be issued by the Fire Chief and/or Fire Marshal.

(B) Any person using torches or other flame or spark producing devices in or on any building structure or area shall adhere to all provisions of the Hot Work Permit as prescribed by the SFBC and, when special circumstances warrant in order to protect the public safety, additional requirements as specified by the Fire Chief and/or Fire Marshal on the actual permit. Such application forms shall be furnished to the applicant upon request.

\* \* \*

(D) Any appeal of a decision of the Fire Chief and/or Fire Marshall under this section shall be pursuant to the provisions of the SFBC in effect in Broward County, Florida, as revised from time to time.

\* \* \*

Section 8: That Chapter 98 of the City's Code of Ordinances entitled "Marine and Waterway Regulations; Boats and Other Vessels" is hereby amended to read as follows:

**CHAPTER 98: MARINE AND WATERWAY REGULATIONS; BOATS AND OTHER VESSELS.**

\* \* \*

**§98.999 PENALTY.**

\* \* \*

(C) Any person found guilty of violating any of the terms, conditions and provisions of §98.029 shall, upon conviction thereof, be subject to a mandatory \$50 fine. Continued noncompliance with §98.029 shall, after notice, subject the dock to immediate removal from city property. In cases where such dock is not on city property, the dock shall be termed a public nuisance, and such unwarranted use shall be and constitute a trespass which may be summarily removed by the Police Department and/or a Code Enforcement Special ~~Master~~ Magistrate of the city.

\* \* \*

Section 9: That Chapter 101 of the City's Code of Ordinances entitled "Nuisances" is hereby amended to read as follows:

**CHAPTER 101: NUISANCES**

***GENERAL PROVISIONS***

\* \* \*

**§101.04 BUILDING AND/OR CONSTRUCTION MATERIALS.**

\* \* \*

(C) It shall be the duty of any person having in their charge the construction, remodeling, repair, or demolition of any structure to immediately remove or secure any and all construction equipment, materials or debris on the premises upon the issuance by the National Weather Service/National Hurricane Center of a hurricane warning. ~~Construction materials and equipment shall be secured as required by South Florida Building Code §3324.~~

\* \* \*

**§101.46      IMPOUNDMENT      OF      MOTOR      VEHICLES;      CONTROLLED  
SUBSTANCES AND PROSTITUTION.**

\* \* \*  
\* \* \*

(D) Hearings, administrative fee.

\* \* \*

(2) Upon receipt of the written request from the vehicle owner or his/her agent/representative for a preliminary hearing, the Police Chief or his/her designee shall schedule the hearing within 96 hours, including Saturdays, Sundays, and legal holidays, before a Special ~~Master~~ Magistrate or Alternate Special ~~Master~~ Magistrate of the City of Hollywood. The owner shall be given written notice of the date, time, and location of the hearing, and this notice shall be delivered to the address provided by the owner.

\* \* \*

(4) At the hearing, if the Special ~~Master~~ Magistrate or Alternate Special ~~Master~~ Magistrate determines that there is probable cause to believe that the motor vehicle is subject to impoundment and continued seizure, he/she shall order the continued impoundment of the vehicle unless the vehicle owner or his/her agent or authorized representative pays the city an administrative fee of \$500.00 plus the towing and storage costs, or posts with the city a bond in the form of a money order or certified check in the amount of \$500.00 plus the accumulated costs of towing and storing the vehicle. If the Special ~~Master~~ Magistrate or Alternate Special ~~Master~~ Magistrate determines that there is probable cause to believe that the motor vehicle is subject to impoundment and continued seizure, the city shall schedule a final hearing unless the administrative fee plus any towing and storage costs as determined by the Special ~~Master~~ Magistrate or Alternate Special ~~Master~~ Magistrate have been paid. If after the preliminary hearing there is a finding of no probable cause, the vehicle shall be released forthwith to the owner or his/her agent or authorized representative without the imposition of penalties or fees.

(E) Final hearings.

(1) In the event that a preliminary hearing is not requested within the five day requirement as set forth above, or if the Special ~~Master~~ Magistrate or Alternate Special ~~Master~~ Magistrate determines at a preliminary hearing that there is probable cause to believe that the motor vehicle is subject to impoundment and continued seizure and the administrative fee plus any towing and storage costs as determined by the Special ~~Master~~ Magistrate or Alternate Special ~~Master~~ Magistrate have not been paid, the City shall schedule a final hearing. The city shall notify by certified mail, return receipt requested, the vehicle owner of record of the date, time and location of a final

hearing to be conducted pursuant to this subsection. The final hearing shall be scheduled and held, unless waived by the vehicle owner or continued by order of the Special ~~Master~~ Magistrate or Alternate Special ~~Master~~ Magistrate , no later than 45 days after the date that the vehicle was seized and impounded. The formal rules of evidence will not apply at the final hearing.

(2) The City shall have the burden to show by a preponderance of the evidence that:

\* \* \*  
\* \* \*

At the hearing, the Special ~~Master~~ Magistrate or Alternate Special ~~Master~~ Magistrate finds that the vehicle is subject to impoundment and seizure pursuant to division (A) above, and that none of the exceptions set forth in division (C) applies, then the Special ~~Master~~ Magistrate or Alternate Special ~~Master~~ Magistrate shall enter an Order finding the owner of record of the vehicle civilly liable to the City for an administrative fee not to exceed \$500.00, plus towing and storage costs. The seized vehicle shall remain impounded until the administrative penalty plus any towing or storage costs are satisfied.

(3) If the Special ~~Master~~ Magistrate or Alternate Special ~~Master~~ Magistrate finds that the City did not meet its burden of proof or that one of the exceptions of division (C) above applies, the vehicle shall be returned to the owner forthwith along with any bond posted.

\* \* \*

Section 10: That Chapter 102 of the Code of Ordinances entitled "Special Events" is hereby amended to read as follows:

## **CHAPTER 102: SPECIAL EVENTS**

\* \* \*  
\* \* \*

### **§102.07. OTHER PERMITS.**

\* \* \*

(B) Building permits. An applicant shall obtain the applicable permits including, but not limited to: electrical, plumbing, mechanical, and structural, from the City's Building ~~Permit~~ Department 30 days prior to the scheduled Special Event. An applicant may be required to obtain other permits pursuant to state law, city ordinances and the South Florida Building Code, in effect in Broward County, Florida, as revised from time to time. The Building Department shall make inspections deemed necessary

to insure that all Building Code Standards are being followed at the Special Event. Non-compliance of any Building Code Standards may be cause for either revocation of the Special Event Permit or Partial Revocation of the Special Event Permit and the prohibition of any feature or aspect of the Special Event.

\* \* \*  
\* \* \*

Section 11; That Chapter 104 of the Code of Ordinances entitled "Streets and Sidewalks" is hereby amended to read as follows:

#### **CHAPTER 104: STREETS AND SIDEWALKS**

\* \* \*  
\* \* \*

#### ***HOUSE NUMBERING***

\* \* \*

#### **§104.79 WHEN ADDITIONAL NAME AND ADDRESS OF BUSINESS REQUIRED ON BUILDING.**

All owners and operators of stores and other businesses with service entrances on alleys or common areas of shopping centers shall place their names and addresses on the side of the building adjacent to and facing the alley or common area. Such numbers and letters shall be in accordance with the specifications of §104.77, but not larger than six inches in height. Owners and operators of stores and businesses who are not in compliance with the requirements hereof shall be subject to the jurisdiction of the Code Enforcement Special ~~Masters~~ Magistrates.

\* \* \*

Section 12: That Chapter 107 of the Code of Ordinances entitled "Portable Storage Units" is hereby amended to read as follows:

#### **CHAPTER 107: PORTABLE STORAGE UNITS**

\* \* \*

#### **§107.07 PERMITS.**

It shall be unlawful for any person to place, or permit the placement of, a portable storage unit on property which he or she owns, rents, occupies or controls without first having obtained a permit therefor. Application for a permit shall be made to the City Engineer on a form provided by the City Engineer. The application shall include the signature of the property owner or the property owner's agent in order to ensure that the

property owner has full knowledge of, and consents to, placement of the portable storage unit on his or her property. A permit fee in an amount to be established by resolution of the City Commission shall accompany the application. No permit shall be issued for property on which a violation of a city code exists, provided that a Code Enforcement Special Master Magistrate has determined that the violation exists and any appeal of the Special Master's Magistrate's determination has been finally resolved by upholding his or her determination.

Section 13: That Chapter 118 of the Code of Ordinances entitled "Garage Sales" is hereby amended to read as follows:

## **CHAPTER 118: GARAGE SALES**

\* \* \*

### **§118.99 PENALTY.**

(A) Any person violating the provisions of this chapter, upon issuance of a citation either by a law enforcement officer or a ~~Neighborhood Improvement Department~~ Code Enforcement officer and upon conviction in a court of competent jurisdiction, shall be guilty of a civil infraction. Each violation shall constitute a separate offense.

\* \* \*

Section 14: That Chapter 120 of the Code of Ordinances entitled "Newsracks" is hereby amended to read as follows:

## **CHAPTER 120: NEWSRACKS**

\* \* \*

### **§120.03 REQUIREMENTS, DUTIES, PROHIBITIONS, AND STANDARDS.**

(A) Certificate of Compliance. No person shall place, affix, erect, construct or maintain a newsrack on or within the public right-of-way without first obtaining a one-time only Certificate of Compliance for each newsrack in accordance with the provisions of this chapter.

\* \* \*

\* \* \*

\* \* \*

(7) Appeals. Any applicant who has been denied a Certificate of Compliance pursuant to the provisions of this chapter may file an appeal with the city's Special Master Magistrate by requesting in writing to the City Manager or his/her designee an appearance before the Special Master Magistrate to review such denial.

The appeal shall be heard by the Special ~~Master~~ Magistrate within 30 days of the filing of the appeal or the next regularly scheduled Special ~~Master's~~ Magistrate's hearing, whichever is sooner. The decision of the Special ~~Master~~ Magistrate on appeal is subject to judicial review as provided by Florida Statutes.

\* \* \*

(E) Newsrack securing standards. Any newsrack being installed, placed, and maintained on a public right-of-way, street, or sidewalk shall comply with the following securing standards:

\* \* \*  
\* \* \*

(4) Any newsrack foundation(s) manufactured as a prefabricated reinforced concrete slab shall have a minimum of 3 ½" thickness, a minimum 28 day compressive strength of 2500 pounds per square inch (p.s.i.) and meet the wind load requirements of the ~~Broward County Edition of the South~~ Florida Building Code in effect in Broward County, Florida, as revised from time to time.

(5) Any newsrack foundation(s) cast-in-place concrete slab shall have a minimum 4" thickness, a minimum 28 day compressive strength of 3000 pounds per square inch (p.s.i.) and meet the wind load requirements of the ~~Broward County Edition of the South~~ Florida Building Code in effect in Broward County, Florida, as revised from time to time.

\* \* \*

#### **§120.04 ENFORCEMENT PROCEDURES.**

\* \* \*

(B) Abandonment.

(1) In the event that any newsrack installed pursuant to this chapter does not contain the publication specified within a period of 72 hours after release of the current issue, the Office of Code Enforcement ~~Division~~ may deem the newsracks abandoned and take action in accordance with subsection (3) below. In addition, a newsrack shall be deemed abandoned when the newsrack remains empty for a period of more than seven consecutive days and said newsrack may be removed and stored. If the owner of the newsrack does not reclaim it within 10 days of notification, it may be disposed of in a manner permitted by law.

\* \* \*



**§120.05 INSURANCE, INDEMNIFICATION AND HOLD HARMLESS.**

(A) Insurance. Every publisher or distributor who places or maintains a newsrack on public property, public right-of-way, public sidewalk, street or swale in the city shall furnish to the city's Risk Manager a certificate of insurance on October 1 of each year. Reasonable evidence of equivalent self-insurance coverage may be substituted by the applicant for the above certificate of insurance, subject to the approval of the Risk Manager and City Attorney. Insurance under this section shall run continuously with the presence of the applicant's newsrack(s) in city right-of-way, and any termination or lapse of such insurance shall be a violation of Chapter 120, subject to the appropriate remedy by the Office of Code Enforcement Division pursuant to Chapter 36, which shall include removal of said newsrack(s). Said certificate of insurance shall be kept current and renewed as long as such publisher or distributor maintains a newsrack on public property within the city. Such insurance shall be Comprehensive General Liability insurance with the limits being established by resolution of the City Commission.

\* \* \*

Section 15: That Chapter 124 of the Code of Ordinances entitled "Restaurants; Sidewalk Cafés" is hereby amended to read as follows:

**CHAPTER 124: RESTAURANTS; SIDEWALK CAFÉS**

\* \* \*  
\* \* \*

**§124.08 DENIAL, REVOCATION OR SUSPENSION OF PERMIT.**

(A) The City Manager or his/her designee may deny, revoke or suspend a permit for any sidewalk café authorized in the city if it is found that:

\* \* \*  
\* \* \*  
\* \* \*

(6) The permittee has been found to be in violation of this chapter or of any condition of his/her permit by a Special Master Magistrate pursuant to Chapter 36 of the City's Code of Ordinances on more than three separate occasions within a one year period.

\* \* \*

Section 16: That Chapter 128 of the Code of Ordinances entitled "Pay Telephones" is hereby amended to read as follows:

## **CHAPTER 128: PAY TELEPHONES**

\* \* \*  
\* \* \*

### ***USE OF PUBLIC PROPERTY AND PUBLIC RIGHTS-OF-WAY FOR PAY TELEPHONES***

#### **§128.10 LICENSE AGREEMENT AND INSTALLATION PERMIT REQUIRED.**

\* \* \*  
\* \* \*

(E) *Other City approvals.* Before commencing installation of a Pay Telephone under this chapter, the Qualified Provider must obtain all permits and approvals necessary under state, local and federal law, including but not limited to approvals by the Building, Engineering, Zoning Division, Office of Code Enforcement ~~Division~~ and the Police and Fire Departments of the City.

\* \* \*

#### **§128.12 INSTALLATION PERMIT, REQUIRED.**

\* \* \*

(B) At the time of application for an Installation Permit(s), a Qualified Provider shall submit the following:

\* \* \*  
\* \* \*

(5) The application shall be approved by all relevant departments of the City, including but not limited to, the Office of Code Enforcement ~~Division~~, Office of Planning, Police Department, Fire Department, Engineering Division and Finance Department.

\* \* \*  
\* \* \*  
\* \* \*

## **TECHNICAL STANDARDS**

### **§128.30 LOCATION AND PLACEMENT OF PAY TELEPHONES.**

The issuance of an Installation Permit under this chapter shall be subject to approval by the City Manager or his/her designee and shall conform to the following requirements:

\* \* \*

(B) *License from windstorm damage.* Pay Telephones shall be secured so as to withstand the wind load factor established by the ~~South~~ Florida Building Code in effect in Broward County, Florida, as revised from time to time, ~~and as amended from time to time,~~ but shall not be chained or otherwise secured to any traffic or street signs, signals, hydrants, mailboxes or other street amenities.

\* \* \*  
\* \* \*

Section 17: That Chapter 133 of the Code of Ordinances entitled "Offenses Against Public Peace and Safety" is hereby amended to read as follows:

\* \* \*  
\* \* \*

## **TITLE VIII. GENERAL OFFENSES**

\* \* \*

### **CHAPTER 133. OFFENSES AGAINST PUBLIC PEACE AND SAFETY**

\* \* \*

#### ***OTHER OFFENSES***

\* \* \*

### **§133.21 DISPLAY OF GOVERNMENTAL FLAGS.**

\* \* \*  
\* \* \*

(B) Any person or firm failing to comply with the provisions of this section shall be subject to the jurisdiction of the Hollywood Code Enforcement Special ~~Masters~~ Magistrates.

\* \* \*  
\* \* \*

Section 18: That Chapter 151 of the Code of Ordinances entitled "Buildings" is hereby amended to read as follows:

## **TITLE XV: LAND USAGE**

\* \* \*

## **CHAPTER 151: BUILDINGS**

### **GENERAL PROVISIONS**

\* \* \*

#### **§151.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

\* \* \*  
\* \* \*

**JOURNEYMAN ELECTRICIAN.** A person who possesses the necessary qualifications, training and technical knowledge to install electrical wiring, apparatus or equipment for light, heat or power and who is qualified under the terms and provisions herein, and is capable of doing electrical work according to the plans and specifications furnished to him by a duly licensed electrical contractor or master electrician and in accordance with the South Florida Building Code, in effect in Broward County, Florida, as revised from time to time.

\* \* \*  
\* \* \*

***REFERENCE TO DADE COUNTY CONSTRUED AS BROWARD COUNTY.***  
Wherever any portion of the ~~South~~ Florida Building Code uses the words "Dade County" such words shall be construed to read "Broward County".

\* \* \*

**SIGN JOURNEYMAN.** A person who possesses the necessary qualifications, training and technical knowledge to install electrical sign apparatus or equipment for signs and who is qualified under the terms and provisions herein, and is capable of doing electrical sign work according to the plans and specifications furnished to him by a duly licensed sign contractor or sign master and in accordance with the South Florida Building Code, in effect in Broward County, Florida, as revised from time to time.

\* \* \*  
\* \* \*

## **§151.002 ADOPTION OF COUNTY EDITION OF SOUTH FLORIDA BUILDING CODE.**

~~Pursuant to F.S. Chapter 71-575, Special Acts of 1971, The Broward County Edition of the South Florida Building Code, as revised from time to time, is hereby adopted by reference as the building code of the city; and its regulations shall govern the construction, maintenance, repair and condemnation of buildings in the city.~~

\* \* \*  
\* \* \*

## **§151.027 EXAMINATION PROCEDURE**

\* \* \*

### **(B) Examination standards.**

(1) The appropriate contractors' qualifying board shall require the written examination of the applicant upon the following standards:

(a) *General standards (G.S.).* Each applicant shall be examined by an objective written test, except for cases of language difficulty or other impediments, for which special provision is made pursuant to this division (B)(2) below, as to his fitness to be granted the type of certificate applied for. The examination shall be made with reference to knowledge of such portions of the South Florida Building Code, in effect in Broward County, Florida, as revised from time to time, and other manuals specifically referred to and incorporated therein as may be relevant to the trade or specialty involved. The written examination shall be a multiple choice, fill-in or true-false character, and may include or consist of diagrams, plans or sketches upon or in connection with which the applicant is required to demonstrate his knowledge of circuits, installation of the like by answering true-false, multiple choice or one word fill-in questions keyed to such diagrams, plans or sketches. The passing grade for all examinations shall be 70% except as otherwise specifically set forth in §151.028(A)(1) below.

\* \* \*

\* \* \*

**§151.028      ISSUANCE OF CERTIFICATE OF OCCUPANCY.**

(A) *Issuance.* The appropriate contractors' qualifying board shall not issue a certificate of competency unless, by a majority vote of the board present, they find as follows:

\* \* \*  
\* \* \*

(5) The various contractors' qualifying boards are directed in lieu of written or practical examination required in §151.027(B) above to accept the certificate from any board which is in a jurisdiction which has adopted the South Florida Building Code, in effect in Broward County, Florida, as revised from time to time, and having a reciprocity clause such as this, that the applicant has taken and passed satisfactorily a written examination before such board for the contracting business for which he is making application to this area of jurisdiction.

\* \* \*  
\* \* \*

**§151.058      RESERVED. ~~HOLLYWOOD BOARD OF RULES AND APPEALS.~~**

~~(A) The Unsafe Structures and Housing Appeals Board created by Section 202.13 of the South Florida Building Code, shall also sit as the Hollywood Board of Rules and Appeals, a local city board separate and distinct from the 24 member county-wide Board of Rules and Appeals established by Section 203 of the South Florida Building Code.~~

~~(B) The Hollywood Board of Rules and Appeals shall be organized and shall operate in accordance with the same provisions set down for the Unsafe Structures and Housing Appeals Board under Section 202.13(a) through 202.13(c)(16), inclusive, of the South Florida Building Code.~~

~~(C) The Hollywood Board of Rules and Appeals shall have the following duties, functions, powers and responsibilities:~~

~~(1) To hear and determine appeals from actions and decisions of the contractors' qualifying boards upon appeal thereof.~~

~~(2) To affirm, modify or reverse the decisions of the contractors' qualifying boards upon appeal thereof.~~

(D) ~~Application for review of any decision of the Hollywood Board of Rules and Appeals shall be made to the proper court of jurisdiction in accordance with the requirements of section 57 [section 5.21 of the charter compilation] of the charter of the city.~~

\* \* \*  
\* \* \*

## ***BUILDING PERMITS; FEES***

### **§151.130. PERMIT REQUIRED; EXCEPTIONS.**

(A) (1) It shall be unlawful to construct, enlarge, alter, repair, move, remove or demolish any building, structure or any part thereof; or any equipment, device or facility therein or thereon, or to change the occupancy of a building from one use group (as defined by the South Florida Building Code, in effect in Broward County, Florida, as revised from time to time), to another requiring greater strength, means of egress, fire and sanitary provisions; or to change to an unauthorized or prohibited use; or to install or alter any equipment for which provision is made or the installation of which is regulated by the South Florida Building Code in effect in Broward County, Florida, as revised from time to time, or city ordinance; or burn in any open space any debris, refuse, trash, land clearings, stumps, logs, bushes, tree clippings, brush or any similar item of any type, without first having filed an application and obtained a permit therefor from the city.

(2) A permit will be required for all operations outlined in Section 104 section 304 of the South Florida Building Code in effect in Broward County, Florida, as revised from time to time, and for any other operation which the building official determines a permit is necessary. A separate permit will be required for each dwelling unit in a townhouse, patio home, garden villa or other similar development.

(3) The building official shall not issue a permit for any property in the city to an owner or contractor who has allowed a permit to expire, performed work for which a permit is required without first obtaining a permit, or otherwise violated the South Florida Building Code in effect in Broward County, Florida, as revised from time to time, until the violation or other problem has been resolved.

(4) A certificate of occupancy or certificate of completion will be required in accordance with Section 106 section 307 of the South Florida Building Code in effect in Broward County, Florida, as revised from time to time. However, the building official shall not be required to issue a certificate of occupancy or a certificate of completion sooner than 48 hours after submittal of a written application therefore on a form designated by the building official.

(B) The permit will be required for general maintenance or repairs which do not result in a change in occupancy as defined by the South Florida Building Code in effect in Broward County, Florida, as revised from time to time, and the value of the complete job is less than \$800 in labor and materials, as indicated by the latest edition of "Cost Data", as published by R. S. Means Company, Inc., in accordance with §151.135(C).

\* \* \*

#### **§151.132 PREMISES PERMIT FEE.**

In accordance with provisions of the South Florida Building Code in effect in Broward County, Florida, as revised from time to time, each firm or organization in the city which performs its own maintenance work with certified maintenance personnel, as well as helpers thereunder may pay to the city an annual master and subsidiary premises permit fee in lieu of other fees for maintenance work. Such fee shall be paid to the city on or before October 1, of each year, and each such permit may be renewed annually at the discretion of the Chief Building Official. No provision shall be made for the partial payment of either a master or subsidiary premises permit fee.

\* \* \*  
\* \* \*

#### **§151.134 PLANS PROCESSING FEES.**

Prior to the issuance of a building permit, all building plans shall be submitted to the building official in accordance with the requirements of the South Florida Building Code in effect in Broward County, Florida, as revised from time to time. A nonrefundable plans processing fee established by resolution of the City Commission shall be paid when plans are submitted. If plans have been reviewed twice, an additional nonrefundable plans processing fee will be charged for each subsequent review required prior to the issuance of a permit. If additional plan processing is required after permit issuance, the full plans processing fee will be charged each time revised plans are resubmitted.

\* \* \*  
\* \* \*  
\* \* \*

#### ***UNSAFE BUILDINGS***

\* \* \*  
\* \* \*



## **§151.202 OCCUPANCY OF POSTED UNSAFE STRUCTURE PROHIBITED.**

Whenever a notice is posted on an unsafe structure by the Building Official pursuant to Section 111.4 202.4 of the ~~Broward County Edition of the South Florida Building Code~~ in effect in Broward County, Florida, as revised from time to time, it shall be unlawful for any person to occupy the structure until the notice is removed by the Building Official.

## **§151.203 ABATEMENT OF HISTORIC BUILDINGS OR BUILDINGS IN HISTORIC DISTRICTS.**

(A) Unless otherwise expressly stated, a building or structure or portion thereof which is located on a site designated as a historic site or in a district designated as a historic district shall be deemed to be unsafe if it has any of the following conditions:

\* \* \*  
\* \* \*

(3) The buildings condition creates hazards with respect to means of egress and fire protection, as provided in the ~~South Florida Building Code, 1999 Broward County Edition~~, in effect in Broward County, Florida, as revised from time to time, or any successor building code in effect in the city, for the particular occupancy.

\* \* \*  
\* \* \*

(8) The electrical or mechanical installations or systems create a hazardous condition contrary to the standards of the ~~South Florida Building Code, 1999 Broward County Edition~~, in effect in Broward County, Florida, as revised from time to time, or any successor building code in effect in the city.

\* \* \*

(10) By reason of use or occupancy, the area, height, type of construction, fire-resistivity, means of egress, electrical equipment, plumbing, air conditioning or other features regulated by the ~~South Florida Building Code, 1999 Broward County Edition~~, in effect in Broward County, Florida, as revised from time to time, or any successor building code in effect in the city, do not comply with said building code for the use and group of occupancy.

(B) Unless otherwise expressly stated, a building or structure or portion thereof which is located on a site designated as a historic district, shall be presumed to be unsafe if:

\* \* \*

\* \* \*

(3) By reason of illegal or improper use, occupancy, or maintenance, the building or structure or portion thereof does not comply with the ~~South Florida Building Code, 1999 Broward County Edition~~, in effect in Broward County, Florida, as revised from time to time, or any successor building code in effect in the city, the code in effect at the time of construction or the applicable minimum housing code.

(C) The building official shall inspect or cause to be inspected any building, structure or portion thereof which is located on a site designated as a historic site or in a district designated as a historic district and which is or may be unsafe. After the building official has inspected or caused to be inspected such a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he or she may initiate proceedings to cause the abatement of the unsafe condition by repair, demolition, vacation or any combination thereof. If the condition of the building, structure or portion thereof is such that (i) the defects cannot readily be remedied by repair; and (ii) the necessary repairs would amount to a substantial reconstruction, the building official shall require that the building, structure or portion thereof be demolished; provided, however, that the building official shall not require demolition until he or she has notified the Hollywood Historic Preservation Board and has granted the Hollywood Historic Preservation Board a reasonable opportunity to make recommendations and suggestions as provided in §5.6 F.(5)5. of the City's Zoning and Land Development Regulations.

(1) If the building official initiates proceedings as provided above, he or she shall prepare and issue a notice of unsafe building or notice of unsafe structure directed to the owner of record of the building or structure. The notice shall contain, but not be limited to, the following information:

\* \* \*  
\* \* \*

(c) A statement advising that any substantially affected party may appeal the notice to the Unsafe Structures Board created by Section 111 202 of the ~~South Florida Building Code, 1999 Broward County Edition~~, in effect in Broward County, Florida, as revised from time to time.

\* \* \*  
\* \* \*

(E) An appeal to the board shall comply with the procedural requirements established by Section 111 202 of the ~~South Florida Building Code, 1999 Broward County Edition~~, in effect in Broward County, Florida, as amended from time to time, and by the board.

\* \* \*

\* \* \*  
\* \* \*

(I) The repair or demolition of an unsafe building pursuant to this section shall be performed in an expeditious and workmanlike manner in accordance with the requirements of the South Florida Building Code, 1999 Broward County Edition, in effect in Broward County, Florida, as revised from time to time, or any successor building code in effect in the city, and all other applicable codes and accepted engineering practice standards.

\* \* \*  
\* \* \*

Section 19: That Chapter 156 of the Code of Ordinances entitled “Mobile Homes; Travel Trailers” is hereby amended to read as follows:

#### **CHAPTER 156: MOBILE HOMES; TRAVEL TRAILERS.**

\* \* \*  
\* \* \*

##### **§156.05 HURRICANE INSPECTION PROVISIONS.**

The responsibilities of mobile park owners and operators and mobile home owners shall be the hurricane inspection provisions as outlined in the South Florida Building Code, in effect in Broward County, Florida, as revised from time to time.

Section 20: That Chapter 157 of the Code of Ordinances entitled “Property Standards” is hereby amended to read as follows:

#### **CHAPTER 157: PROPERTY STANDARDS.**

##### ***GENERAL PROVISIONS***

##### **§157.01 PURPOSE; SCOPE.**

The purpose of this chapter is to establish uniform minimum standards for the occupancy and maintenance of dwellings, hotels, rooming houses, and commercial, industrial and institutional structures located in the city. The objectives of this code are to improve, preserve and maintain the buildings and structures of the city and to eliminate the blighting influences thereto. Every building or structure in the city that is subject to the provisions of this code shall conform to the requirements of this code regardless of when the building or structure may have been constructed, altered or repaired. This code does not replace or modify standards or other codes or ordinances for the construction, replacement or repair of buildings, and with respect to unsafe

structures, this code shall be in accordance with the South Florida Building Code in effect in Broward County, Florida, as revised from time to time.

## **§157.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

\* \* \*  
\* \* \*

***DIRECTOR.*** The division head for the Office of Code Enforcement City Neighborhood Programs Division, or his/her authorized agent charged with enforcing code regulations.

\* \* \*  
\* \* \*  
\* \* \*

***ENFORCEMENT AGENCY.*** The Office of Code Enforcement City Neighborhood Programs Division of the city, with technical assistance being provided by the Building Division and the Bureau of Fire Prevention as requested.

\* \* \*  
\* \* \*  
\* \* \*

## ***DWELLINGS, HOTELS, AND ROOMING HOUSES***

\* \* \*  
\* \* \*

## **§157.17 LIGHT; VENTILATION.**

Requirements for light and ventilation shall be as follows:

\* \* \*  
\* \* \*  
\* \* \*

(D) Every habitable room shall be ventilated directly to the outdoors. Such ventilation shall be provided by an open area equal to 50% of the required minimum window or skylight area or by satisfying mechanical standards of the South Florida Building Code in effect in Broward County, Florida, as revised from time to time.

(E) Every kitchen, bathroom, shower room or water closet compartment shall comply with the light and ventilation requirements set forth in the South Florida Building Code in effect in Broward County, Florida, as revised from time to time, for habitable rooms; except windows or skylight shall not be required in those kitchens, bathrooms, shower rooms and water closet compartments equipped with an adequate and properly functioning ventilating system installed and maintained in accordance with the South Florida Building Code, in effect in Broward County, Florida, as revised from time to time.

\* \* \*  
\* \* \*

#### **§157.18 SANITATION.**

Requirements for basic sanitary facilities and equipment shall be as follows:

(A) Each dwelling and dwelling unit shall have not less than the following in property operating condition:

\* \* \*

(2) A kitchen sink of the type and material approved by the South Florida Building Code in effect in Broward County, Florida, as revised from time to time, or other recognized code.

\* \* \*  
\* \* \*  
\* \* \*

#### **§157.19 GENERAL STRUCTURAL SPECIFICATIONS.**

General requirements for all dwellings, dwelling units, hotels, hotel units, rooming houses and rooming units shall be as follows:

\* \* \*  
\* \* \*

(B) Inside and outside stairways, porches, balconies, hallways, corridors and all appurtenances thereto shall be maintained in a safe condition and capable of supporting the loads set forth in the South Florida Building Code in effect in Broward County, Florida, as revised from time to time. Protecting guardrails and safeguards shall be required on any unenclosed structure over two feet from the ground level and on every interior or exterior stair or stairwell of four or more risers and shall be located in accordance with requirements of the building code which was in effect at the time of certificate of occupancy. Where steps are located adjacent to a doorway, they shall be at least the width of a doorway.

\* \* \*  
\* \* \*

#### **§157.21      UNSAFE DWELLINGS, HOTELS, OR ROOMING HOUSES.**

A dwelling, rooming house or hotel shall be deemed unsafe and referred to the appropriate agency, department or board for remedial action when:

\* \* \*  
\* \* \*

(C)    The building condition creates hazards with respect to means of egress and fire protection as provided in the ~~South~~ Florida Building Code in effect in Broward County, Florida, as revised from time to time.

\* \* \*  
\* \* \*

(H)    The electrical or mechanical installations or systems create a hazardous condition contrary to the standards of the ~~South~~ Florida Building Code in effect in Broward County, Florida, as revised from time to time.

\* \* \*

(J)    By reasons of use or occupancy, the area, height, type of construction, fire-resistivity, means of egress, electrical equipment, plumbing, air conditioning or other features regulated by the ~~South~~ Florida Building Code in effect in Broward County, Florida, as revised from time to time, do not comply with the code for the use and group of occupancy.

#### **§157.22      REPAIRS AND INSTALLATIONS.**

Repairs and installations shall be made so as to comply with the provisions of the ~~South~~ Florida Building Code in effect in Broward County, Florida, as revised from time to time. All work shall proceed in a timely fashion and be done in a workmanlike manner.

#### **§157.23      RESPONSIBILITIES OF OWNERS AND/OR OPERATORS.**

The owner shall not occupy, permit another to occupy, or let to another for occupancy a dwelling, dwelling unit, or hotel or rooming unit that is not clean, sanitary, safe and fit for human habitation.

\* \* \*

\* \* \*

(B) The owner and operator of every hotel or rooming house shall, jointly and severally:

\* \* \*  
\* \* \*

(3) Permit no cooking in any hotel or rooming units where appropriate cooking facilities have not been permanently installed in accordance with the provisions of this code and the ~~South~~ Florida Building Code in effect in Broward County, Florida, as revised from time to time.

\* \* \*  
\* \* \*

## ADMINISTRATION AND ENFORCEMENT

### **§157.75. CODE ENFORCEMENT SPECIAL ~~MASTERS~~ MAGISTRATES TO ENFORCE; ALTERNATIVE ENFORCEMENT THROUGH “CODE TEAM”.**

(A) *Code Enforcement Special ~~Masters~~ Magistrates; alternative means of prosecution.*

(1) The City Code Enforcement Special ~~Masters~~ Magistrates, pursuant to their authority under Chapter 36, shall have jurisdiction to hear and decide cases in which violations of this chapter are alleged; provided, however, that cases concerning unsafe buildings and structures shall be heard and decided by the Hollywood Unsafe Structures Board.

\* \* \*

(B) *Code Team; established; selection of members; rights of entry.*

(1) There is hereby established in the city a special property inspection unit to be called the “Code Team”. It shall consist of members from the Police Department the Fire Department, and the Office of Code Enforcement ~~Neighborhood Programs~~ division and the Building Division. The City Manager shall select a coordinator of the Code Team. The Coordinator shall decide on a case by case basis whether to cite a property for a hearing before a Code Enforcement Special ~~Master~~ Magistrate or for a hearing in the county court. In each case, the Coordinator shall appoint a Code Team member to testify on behalf of the Code Team.

\* \* \*

\* \* \*

### **§157.76. INSPECTIONS.**

(A) The City Code Enforcement Special ~~Masters~~ Magistrates, by their Code Inspectors, are hereby authorized to inspect from time to time all dwellings, hotels, rooming houses, and commercial, industrial and institutional structures that are subject to the minimum property standards of this chapter. When a Code Inspector is required to enter onto private premises to make an inspection, he/she shall do so with the consent of the owner, operator, lessee or occupant. In the event that consent to enter the premises is withheld, the Code Inspector may make application to the proper court for an order requiring access to the premises.

\* \* \*



**§157.77 CHRONIC VIOLATIONS; CITY’S AUTHORITY TO CORRECT.**

(A) *Criteria.* Any property existing within the city which has been previously cited for a code violation, and has been found in violation by the Code Enforcement Board, ~~or~~ Special Master or Special Magistrate, and which remains in violation for a period of 45 days following citation, shall be considered to be a “Chronic Violation” and shall be subject to the penalties and remedies contained herein.

(B) *Penalties and remedies.*

(1) In addition to those existing penalties established under the City Code of Ordinances (Code Enforcement Special Masters Magistrates, Unsafe Structure Board, and the like), the following penalties and remedies may also be applied by the city to those properties deemed to be “Chronic Violations”. Nothing contained in this section shall prohibit the city from enforcing its ordinances by other means.

\* \* \*  
\* \* \*

**COMMUNITY REDEVELOPMENT AREA**

**§157.78 MINIMUM MAINTENANCE STANDARDS.**

\* \* \*

(B) *Applicability.*

\* \* \*  
\* \* \*

(3) Nothing herein shall be construed to permit any sign, construction, alternation, rehabilitation, renovation, or maintenance otherwise forbidden, restricted, controlled, or otherwise required by city ordinance, ~~South~~ Florida Building Code in effect in Broward County, Florida, as revised from time to time, or any other applicable law.

(4) The provisions of this section, where more restrictive than the City of Hollywood Code of Ordinances, Zoning and Land Development ~~Code~~ Regulations, and the ~~South~~ Florida Building Code in effect in Broward County, Florida, as revised from time to time, shall prevail in this district.

\* \* \*

(D) *Standards.*

\* \* \*  
\* \* \*  
\* \* \*  
\* \* \*

(7) *Vacant lots and buildings.* The requirements for vacant lots and buildings shall be as follows:

\* \* \*  
\* \* \*  
\* \* \*

(d) The window area of all vacant commercial structures shall be obscured by the owner or other persons in possession thereof within ten days of the receipt of notice by the City to do so. Written notice shall be provided as specified in Chapter 36 of the City of Hollywood Code of Ordinances. Failure to obscure the window area as required by this section of the code shall be a code violation of the owner and/or other person in possession of the commercial property and will be subject to the jurisdiction of the Special ~~Master~~ Magistrate pursuant to Chapter 36 of the City of Hollywood Code of Ordinances.

\* \* \*  
\* \* \*  
\* \* \*

(10) *Other repairs.* The requirements for other repairs shall be as follows: All other repairs to a building determined necessary to safeguard the health and safety or possible building occupants shall be made in accordance with the applicable sections of the ~~South~~ Florida Building Code in effect in Broward County, Florida, as revised from time to time, City of Hollywood Code of Ordinances, and other applicable laws.

\* \* \*

Section 21: That Chapter 160 of the Code of Ordinances entitled "HOUSING" is hereby amended to read as follows:

**CHAPTER 160: HOUSING**

**§160.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

\* \* \*  
\* \* \*  
\* \* \*  
\* \* \*

***ELIGIBLE HOUSING.*** Any real and personal property located within the city that is intended for the primary purpose of providing decent, safe and sanitary residential units designed to meet the standards of the Chapter 10, South Florida Building Code in effect in Broward County, Florida, as revised from time to time, and F.S. Chapter 553, for home ownership or rental for eligible persons as designated by the city.

\* \* \*  
\* \* \*

#### **§160.02 LOCAL HOUSING ASSISTANCE PROGRAM.**

(A) The Hollywood Local Housing Assistance Program is hereby established. The program shall use funds held in trust to:

\* \* \*  
\* \* \*

(3) Provide emergency repair loans to very low-income and low-income persons who own and occupy their place of residence. The SHIP Emergency Repair Program, modeled after the city's current Community Development Block Grant (CDBG) program, shall provide emergency loans to very low, and low-income single family or duplex home owners to repair code violations that pose health and safety hazards and require immediate attention. These loans are intended to offer minimum emergency assistance in home owners who own and occupy substandard housing in the city and meet the very-low or low-income eligibility criteria for participation. The city shall inspect qualified applicants' homes for code violations on a priority basis and accelerate processing of repairs. In addition, the city shall provide cost estimates, prepare bid specifications for the required repairs, and monitor the quality of all work performed. Very low-income and low-income persons who are subject to an outstanding order of the city's Code Enforcement Board, or a Special Master or a Special Magistrate shall also be eligible for loans under this subsection.

(4) The city shall seek developers, contractors, and other organizations willing to construct affordable housing and rehabilitate housing in the city up to South the Florida Building Code standards in effect in Broward County, Florida, as revised from time to time, offering such incentives as the city adopts in its local housing

assistance plan. Site selection for new owner or rental projects will be consistent with the Land Use Element of the city's Comprehensive Plan.

\* \* \*  
\* \* \*

Section 22: That Chapter 161 of the Code of Ordinances entitled "Plats and Subdivision Regulations" is hereby amended to read as follows:

## **CHAPTER 161: PLATS AND SUBDIVISION REGULATIONS**

\* \* \*  
\* \* \*

### **§161.03 APPLICATION OF CHAPTER.**

(A) *Requirements of, and exceptions to platting.* No person, firm, corporation or any other association shall create a subdivision of a tract of land anywhere in the city except in conformity with these regulations. No subdivision shall be platted or recorded nor shall any building permit be issued unless such subdivision meets all the provisions of this chapter and those of any applicable state and county laws, and has been approved in accordance with the requirements as herein set forth, except that a plat may not be required if:

\* \* \*  
\* \* \*

(5) *Exemption for single family or duplex lots.* Replatting is not required in instances involving construction of one single family unit or duplex unit on a lot or parcel if the lot or parcel was of record as such in the official county records when the land use plan was adopted by the County Commission, March 1, 1989. Single family and duplex exemptions are subject to the requirements of the South Florida Building Code in effect in Broward County, Florida, as revised from time to time, relative to the type of occupancy and that any land which is necessary to comply with the County Trafficways Plan has been conveyed to the public by deed or grant of easement, at the option of the appropriate public entity;

\* \* \*  
\* \* \*

### **§161.11 DUPLEX SUBDIVISION.**

\* \* \*

(B) In all zoning districts, within which duplexes are permitted, the property owner may file an application with the Department of Building and Engineering Services

~~Economic Development and Development Administration~~ to subdivide an otherwise legally sited duplex structure into two separate ownerships. The Department of Building and Engineering Services ~~Economic Development and Development Administration~~ shall review the application based upon the below criteria:

\* \* \*  
\* \* \*  
\* \* \*

(4) that the requested subdivision will not create any non-conforming conditions with the City's Code of Ordinances, Zoning and Land Development Regulations and the South Florida Building Code in effect in Broward County, Florida, as revised from time to time.

Section 23: That Chapter 162 of the Code of Ordinances entitled "Technical Review Procedures for Site Plans" is hereby amended to read as follows:

## **CHAPTER 162: TECHNICAL REVIEW PROCEDURES FOR SITE PLANS**

\* \* \*  
\* \* \*  
\* \* \*

### **§162.06 REVIEW STANDARDS.**

The following standards shall be utilized by the Technical Advisory Committee and Development Review Board in the review, evaluation, and approval of all required plans and exhibits:

\* \* \*  
\* \* \*

(C) *Circulation and parking.* All circulation systems and parking facilities within a proposed development shall be designed and located in such a manner as to comply with the following:

\* \* \*  
\* \* \*

(4) Safe and efficient access to all areas of the proposed development shall be provided for emergency and service vehicles, as required by ~~Chapter 52.11~~ of the South Florida Building Code in effect in Broward County, Florida, as revised from time to time.

\* \* \*

(ORDINANCE REGARDING SPECIAL MAGISTRATE ET.AL.)

Section 24: That it is the intention of the City Commission and it is hereby ordained that the provisions of this section shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 25: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 26: 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 herewith be and the same are hereby repealed to the extent of such conflict.

Section 27: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised \_\_\_\_\_, 2005.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
MARA GIULIANTI, 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.

\_\_\_\_\_  
DANIEL L. ABBOTT, CITY ATTORNEY