

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.01, "DEFINITIONS," TO MODIFY THE DEFINITION FOR DEPARTMENT; BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO MODIFY PROHIBITED CONDUCT IN CITY PARKS AND RECREATIONAL FACILITIES, AND TO PROVIDE FOR POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN SPECIFIED RECREATIONAL FACILITIES UPON APPROVAL; BY AMENDING SECTION 98.07, "PUBLIC EVENT," TO UPDATE THE NAME OF THE DEPARTMENT REFERENCED, AND TO PROVIDE EXCEPTIONS FOR THE LENGTH OF CERTAIN PUBLIC EVENTS; BY AMENDING SECTION 98.071, "PARK RECREATIONAL FACILITY RENTAL; PERMIT APPROVAL; RIGHT OF APPEAL," TO PROVIDE REQUIREMENTS FOR USE OF INFLATABLE BOUNCE HOUSES IN CITY PARKS; BY AMENDING SECTION 98.10, "FEES," TO UPDATE THE NAME OF THE DEPARTMENT REFERENCED, TO ADD LOCATIONS FOR SPECIFIC USES, TO CLARIFY THE NATURE OF THE REQUIRED DEPOSIT FOR SPORTS TOURNAMENTS, TO MODIFY FEES FOR USE OF VARIOUS CITY PARKS AND RECREATIONAL FACILITIES, AND TO AUTHORIZE PERMIT REVOCATION FOR VIOLATIONS; BY AMENDING SECTION 98.45, "FUNCTION AND PURPOSE," AND SECTION 98.46, "HOURS OF OPERATION," TO UPDATE THE NAME OF THE DEPARTMENT REFERENCED; BY AMENDING SECTION 98.47, "FEES," TO UPDATE THE NAME OF THE DEPARTMENT REFERENCED, AND SETTING FEES FOR THE CULINARY KITCHEN PROGRAM; AND BY AMENDING SECTION 98.50, "CENTER STAFF," SECTION 98.80, "CITY-OWNED SHOWMOBILE," AND SECTION 98.81, "CITY-OWNED PORTABLE STAGE," TO UPDATE THE NAME OF THE DEPARTMENT REFERENCED; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 98.01, "Definitions," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**GENERAL PROVISIONS**

**§ 98.01 DEFINITIONS.**

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

**DEPARTMENT.** As used in this chapter is the Parks and Recreation ~~and Cultural Arts~~ Department or its designated staff.

...

**SECTION 2.** That Section 98.02, "Prohibited Acts," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 98.02 PROHIBITED ACTS.**

It shall be unlawful for any person to do any acts hereafter set out on the recreational facilities described in § 98.01 or on other properties described subsequently herein.

(A) Sell, peddle, or carry on any business on or within 50 feet of the municipal public beach and any park. This provision shall not apply to persons having express permission to do so from the City Commission or its authorized agents or personnel.

...

(X) Possess or consume alcoholic beverages unless at an event, or within designated areas at city recreational facilities where approval by the city has been obtained pursuant to this section, or through other authorization from the city;

(Y) Possess, set up, or use ~~bounce houses,~~ mechanical trains, rides, or inflatable pools or other similar inflatable devices for other activities;

...

**SECTION 3.** That Section 98.07, "Public Event," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 98.07 PUBLIC EVENT.**

(A) It shall be unlawful for any person to sponsor, give, or participate in the giving of a public event within the city unless a permit for the event has first been obtained from the Public Event Committee. Any person seeking issuance of a permit hereunder shall file an application with the Parks and Recreation ~~and Cultural Arts~~ Department for submission to the Public Event Committee. The application for a public event permit must be officially received by the city no later than 45 days prior to the event, for both new and recurring events. The application shall state the following:

...

(B) Any volunteer organization or group that wishes to provide an activity or service that solely enhances the beautification of the city and benefits the residents thereof, are required to write a letter to the Parks and Recreation ~~and Cultural Arts~~ Department explaining in detail their activity or service. The letter must be received by the department at least two weeks prior to the activity or service. Upon approval, all applicable fees pertaining to this activity or service may be waived. Insurance may be required when deemed necessary by the city's Risk Management Department. If the public is not invited to this activity or service, this letter will suffice in lieu of a Public Event Application.

...

(I) *Number and duration of public events.*

(1) A total of six public events per fiscal year (October 1 - September 30) are permitted per person or organization for any city property or recreational facility, except when the city or the city's Community Redevelopment Agency are a sponsor or co-sponsor of the event.

(2) The length of any one public event, or any portion thereof, shall not exceed a maximum of ten hours within a calendar day and three consecutive calendar days, except when the city or the city's Community Redevelopment Agency are a sponsor or co-sponsor of the event. This rule does not apply to athletic field events/tournaments. Athletic field events/tournaments shall not exceed a maximum of 14 consecutive days.

**SECTION 4** That Section 98.071, "Park Recreational Facility Rental; Permit Approval; Right of Appeal," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 98.071 PARK RECREATIONAL FACILITY RENTAL; PERMIT APPROVAL; RIGHT OF APPEAL.**

...

(E) *Conditions of permit.* Permits may be issued subject to such special regulations and instructions as may be prescribed by the Department or other city agencies with governing authority. Permittees shall be bound by all park and facility rules and regulations and all applicable ordinances as fully as though the same were inserted in the permits. Permittees agree to hold the city harmless from any claims for loss, injury or damage to any persons or property whatsoever caused by the negligence of permittees in the exercise of such permit. Depending on the nature of the activity, the permit may be conditioned on the provision of an indemnity bond to protect the city from any liability of any kind or character and to protect the city from damage. The bond amount shall be determined by the City Manager or his or her designee. The Department shall have the authority to revoke a permit upon finding a violation of any rule or ordinance, or upon good cause shown.

(1) Inflatable Bounce House - Set up and usage of inflatable bounce houses are allowed only by city preapproved vendors. There is a maximum of two bounce houses per pavilion rental. Only generators, associated with approved bounce house and inflatables, are allowed and must follow the applicable Florida Building Code. These devices are allowed only in conjunction with approved pavilion rentals at approved parks within the City of Pompano Beach. Approved park sites are listed here: Community Park (north and south pavilions only), Apollo Park, Cresthaven Park, Weaver Park, Kip Jacoby Park, Mitchell/Moore Park, North Pompano Park, Highlands Park, McNair Park, Kester Park, Hunters Manor Park and Novelty Park.

(2) Possession or consumption of alcoholic beverages is only allowed in conjunction with a preapproved rental located within any indoor approved recreational center. An additional application is required for requested

distribution and consumption of alcoholic beverages for any such rental and is subject to approval by the city's law enforcement agency upon an applicant meeting all additional requirements for service of alcoholic beverages at its recreational centers.

...

**SECTION 5.** That Section 98.10, "Fees," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 98.10 FEES.**

The following schedule of fees for residents and nonresidents is hereby established for the use of the enumerated municipal recreational facilities and programs.

...

(I) Full refunds will be made for programs, activities and events cancelled by the Parks ~~and Recreation and Cultural Arts~~ Department. If a refund is requested by the participant, a \$15.00 administrative fee will be deducted from the program/activity/event fee paid. The administrative fee will be assessed per activity refunded. Registration fees are non-refundable. There will be no refunds for weekly camps if the participant has attended any day(s) of that week.

...

(O) Tournaments. All users/renters requesting the use of city owned fields for tournaments shall complete a tournament application and submit to Parks ~~and Recreation and Cultural Arts~~ Department staff. Tournament rental fees will include field preparation of all rented field(s) twice per rental hour(s). Field preparation shall consist of dragging and lining of the field(s). The guidelines will be the same for all field locations listed below:

(1) Locations: Pompano Community Park, Kester Park, Mitchell/Moore Park, McNair Park and North Pompano Park.

(2) Tournament guidelines:

(a) All teams, leagues and tournament directors wishing to use a City of Pompano Beach softball/baseball field, ~~or multi-use field, or public beach~~ for use of a sports tournament must fill out a rental application form and submit it to the Parks, ~~and Recreation and Cultural Arts~~ Department within 30 days of the proposed tournament event.

...

(c) A refundable deposit of \$200.00 for each tournament is required at the time that the event/tournament is booked. There will be no field reservations without payment of the deposit.

...

(f) The Parks, and Recreation ~~and Cultural Arts~~ Department reserves the right to cancel/terminate the rental application if application and operational policies and procedures are not met.

...

(h) All cancellations are subject to the Parks, and Recreation ~~and Cultural Arts~~ Department cancellation policy.

...

(7) North Pompano Park.

(a) Any tournament requiring the use of baseball fields at North Pompano Park shall be at a rate of \$325.00 per day or part thereof for both residents and non-residents. Any tournament requiring the use of a single field at North Pompano Park shall be at a rate of \$175.00 per day or part thereof. These rates shall be in addition to other fees associated with the use of city parks and/or fields.

...

(8) Main Public Beach

(a) Any tournament requiring the use of the municipal public beach for a sports tournament or sporting event shall be at a rental fee of \$150.00 per day for residents and \$300 per day for non-residents. These rental fees shall be in addition to other fees associated with the use of city parks and/or fields.

...

(R) Municipal Fishing Pier. All persons using the municipal fishing pier shall pay for the following activities:

Sightseeing Daily Pass (Adults)	\$2.00 per person
Sightseeing Daily Pass (Children 10 and under, Veterans and active duty military with proof of service)	Free
Fishing Daily Pass	\$6.00 per person

Sightseeing Annual Resident Only Pass (with evidence of residency as provided in § 98.01)	\$20.00 for use by up to ten persons
Fishing Annual Resident Pass (with evidence of residency as provided in § 98.01)	\$547.50/year
Fishing Annual Non-resident Pass	\$1,095/year
Fishing Semiannual Resident Pass (with evidence of residency as provided in § 98.01)	\$273.75
Fishing Semiannual Non-resident Pass	\$547.50
All fees include sales tax.	

...

(S) Whenever any individual desires to use the municipal beach for the purpose of a wedding ceremony, the individual shall first obtain a permit.

(1) The individual or wedding planner seeking issuance of a permit hereunder shall file a \$25 application fee and \$125 rental fee. The application shall state the following.

(a) The name, physical address and e-mail address of the applicants.

(b) The name and address of the wedding planner, if any.

(c) The day and hours for which the permit is desired.

(d) The portion of the municipal beach for which the permit is desired.

(e) An estimate of the anticipated attendance.

(f) A brief description of the set-up.

(2) Within three business days after receipt of an application, the Recreation Supervisor shall approve the application and the applicant will receive a permit via e-mail.

(3) If the permit is denied by the Recreation Supervisor, the applicant will be notified within three business days and shall receive a full refund via mail.

(4) The Recreation Programs Administrator or his or her designee shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

**SECTION 6.** That Section 98.45, "Function and Purpose," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**RECREATION ACTIVITIES AND PURPOSE**

**§ 98.45 FUNCTION AND PURPOSE.**

...

(B) For those hours of operation that the recreation activities centers are not being utilized for programs, activities or events by the Parks, and Recreation ~~and Cultural Arts~~ Department or other departments of the city municipal government, the following shall be utilized as a priority preference list for the scheduling of programs, activities or events at the recreation center:

...

**SECTION 7.** That Section 98.46, "Hours and Days of Operations," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 98.46 HOURS AND DAYS OF OPERATION.**

...

(B) Use of the various recreation centers on Sunday, except for the above holidays, may be permitted by authorization of the Recreation Programs Administrator if adequate personnel are available. Use of the center may be granted for the hours designated by the Recreation Programs Administrator depending upon the availability of Parks, and Recreation ~~and Cultural Arts~~ Department supervisory personnel. Use of the center may be granted for the hours designated by the Recreation Programs Administrator depending upon the availability of Parks, and Recreation ~~and Cultural Arts~~ Department supervisory personnel.

...

**SECTION 8.** That Section 98.47, "Fees," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:



**§ 98.47 FEES.**

(A) Recreation centers and indoor facilities.

(1) Use by organizations. Use of the recreation centers, operated by the Department, by bona-fide organizations may be permitted upon written application for the use of the center or facility on a specific date. The application shall be filed with the Department. All applications shall be signed by the president of the organization or designee duly authorized to act on their behalf. All applications shall state the purpose for which the center or other facilities are to be used. Any nonprofit organization registered to do business in the State of Florida, which submits with its application a current membership roster compiled within a preceding 30-day period showing that at least 51% of the members of the organization reside within the city limits, shall be classified as a resident organization for purposes of the fee schedule set forth herein for any legitimate function of the organization. Any organization which submits an inaccurate or falsified roster may be denied use of the recreation center or facility. All other nonprofit organizations shall be classified as nonresident organizations.

The following schedule of fees shall apply.

(a) There will be a \$25.00 non-refundable application fee for use of a center or facility upon written application for the use of the recreation center or facility on a specific date if space is available. Changes to a firm reservation at a recreation center or facility is subject to an additional \$25.00 non-refundable application fee.

(b) Nonprofit organizations, using space in any recreation center or facility, where no charge is made for admission or free-will donation accepted.\*

...

\* Fees shall not apply for resident non-profit organizations as defined in § 98.47(A)(1)(b), for use of recreation centers or facilities during normal operating hours, for the purpose of organization or board meetings excluding holidays as observed by the City of Pompano Beach and the Parks, ~~and Recreation and Cultural Arts~~ Department. Fee structure will apply for all other uses including fundraisers, social gatherings and room rentals.

...

(g) Memorial service/repast fees - The following fees have been established as rental fees for the purposes of memorial service/repast assemblies at a recreation center or facility. All fees are subject to sales tax and are applicable for

a four hour rental, Monday–Saturday. Rental hours must not occur before or after the center's/facility's hours of operation.

...

(h) Culinary Kitchen Program- The following fees have been established as rental fees for the purpose of the culinary kitchen program. All fees are subject to sales tax. Rental hours must not occur before or after the center's/facility's hours of operation.

The following schedule of fees shall apply.

1. Kitchen Resident \$20/hour (proof of residency required).
2. Kitchen Non Resident \$40/hour.
3. Nonrefundable \$25 application fee.
4. Refundable deposit \$200.

Reservations for use of the kitchen may not be booked more than sixty (60) days in advance. The following documents are required at the time of reservation booking:

1. Completed application;
2. Proof of residency, if applicable;
3. Photo ID;
4. Certificate of Insurance naming the City of Pompano Beach as additionally insured; and
5. Copy of Food Handler's Certificate.

(B) Method of payment. The City of Pompano Beach accepts cash, personal checks and money orders made payable to "City of Pompano Beach" for payment of fees and security deposits. Any fees paid less than 30 days prior to rental must be paid with readily available funds. All fees must be paid in advance. All fees will be collected by authorized staff of the Parks, and Recreation ~~and Cultural Arts~~ Department using the Recreation Tracking System and deposited on a daily basis with the Treasury Division which shall deposit it in the general fund of the city.

...

**SECTION 9.** That Section 98.50, "Center Staff," of Chapter 98, "Parks and Playgrounds,"

of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 98.50 CENTER STAFF.**

...

(C) Personal checks may be accepted 30 days in advance of its purpose with proper identification from those persons participating in a class or activity sponsored by the Parks, and Recreation ~~and Cultural Arts~~ Department, when that check is for payment of a facility usage fee, instructional fee, membership fee, or material fee that is directly related to the activity. Proper identification would be a valid driver's license. The cashing of personal checks for any other reason is prohibited.

(D) The Recreation Activities Supervisor shall make the following reports.

(1) Reports covering financial matters, including condition of assigned accounts, and recommendations covering items of upkeep of the property.

...

(4) All other reports as requested, based on the operational areas of the Parks, and Recreation ~~and Cultural Arts~~ Department, which shall be forwarded to the Recreation Manager and subject to the general jurisdiction of the Recreation Programs Administrator.

**SECTION 10.** That Section 98.80, "City-Owned Showmobile," of Chapter 98,

"Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read

as follows:

**CITY-OWNED SHOWMOBILE**

**§ 98.80 CITY-OWNED SHOWMOBILE.**

...

(C) Upon approval of the permit but prior to the issuance thereof, persons or groups requesting the showmobile shall provide the following:

(1) Insurance coverage.

(a) Liability coverage with the City of Pompano Beach as an additional named insured. Minimum limits of liability shall be \$300,000 bodily injury per occurrence and \$25,000 property damage per occurrence. The maximum limits of liability shall be determined by the risk manager based on the nature of the use of the showmobile when the application for use is received by the city.

...

(2) Rental charges.

(a) All applicants shall pay a \$25 nonrefundable application fee. Application fee of \$25 shall be waived if the application is attached with a public event application.

...

(d) Events which are hosted by Parks; and Recreation ~~and Cultural Arts~~ Department shall not be required to pay a fee.

...

**SECTION 11.** That Section 98.81, "City-Owned Portable Stage," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**CITY-OWNED PORTABLE STAGE**

**§ 98.81 CITY-OWNED PORTABLE STAGE.**

(A) City-owned portable stage usage shall be limited to recreational, cultural, charitable, or city-sponsored events. Use of the portable stage shall be limited to the Pompano Beach municipal boundaries unless the City Manager authorizes the use of the portable stage outside the municipal boundaries if he determines that such use is in the best interest of the city.

...

(D) Events which are Parks; and Recreation ~~and Cultural Arts~~ Department directed events shall not be required to pay a fee.

...

**SECTION 12.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 13.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
7/20/21  
L:ord/ch98/2021-214