

ORDINANCE NO. 2016-_____

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

AN ORDINANCE AMENDING CHAPTER 36, "TAXATION AND FINANCE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 36.036, "PARK ACQUISITION AND IMPROVEMENT FUND," TO UPDATE REFERENCES TO CORRECT CODE SECTIONS DUE TO CODE CHANGES; 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 36.036, "Park Acquisition And Improvement Fund" of Chapter 36, "Taxation and Finance," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 36.036 PARK ACQUISITION AND IMPROVEMENT FUND.

(A) There is hereby created a fund to be known as the park acquisition and improvement fund.

(B) The purpose of the park acquisition and improvement fund is to provide a source of funds for the acquisition and capital construction and improvement costs related to neighborhood and community parks, as defined in § ~~154.30~~ 154.02 of this code.

(C) Deposits into the park acquisition and improvement fund shall be city and county park impact fees together with budgeted revenues from any other appropriate

revenue source as determined and directed by the City Commission. City impact fee deposits shall be segregated in accordance with the requirements of §§ ~~154.30 through 154.44~~ 154.74 (E) of this code and county impact fee deposits shall be segregated in accordance with requirements imposed by the county.

(D) Funds in the park acquisition and improvement fund may be expended for any Budgeted capital park project approved by the City Commission; provided, however, that funds derived from city impact fees may be expended only in accordance with the requirements of §§ ~~154.30 through 154.44~~ 154.74 (E) of this code and funds derived from county impact fees may be expended only in accordance with the requirements imposed by the county; provided further that no expenditure may be approved unless the project and amount of expenditure are specified in a capital improvements program adopted by the City Commission by resolution.

(E) The Finance Director shall invest any surplus funds in the park acquisition and improvement fund in the same manner as other surplus funds of the city. All income accruing from investment of the park acquisition and improvement fund shall be retained in the fund.

SECTION 2. If any provision of this Ordinance or the application thereof 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 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2016.

PASSED SECOND READING this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/ds
8/23/16
L:ord/ch36/2016-292