

**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 98.07, "PUBLIC EVENT," TO PROVIDE FOR COMPENSATION FOR THE COSTS OF CITY SERVICES REQUIRED AS A RESULT OF SPECIAL EVENTS HELD IN CITY PARKS AND RECREATION FACILITIES; BY CREATING SECTION 98.23, "AUTHORITY TO CLOSE, VACATE, OR DENY ADDITIONAL ENTRY," TO PROVIDE AUTHORITY TO CERTAIN CITY PERSONNEL TO CLOSE, VACATE OR DENY ADDITIONAL ENTRY OF PATRONS INTO PARKS AND RECREATIONAL FACILITIES UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND 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 98.07, "Public Event," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby 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, 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:

...

(J) Any person, firm, corporation or other entity that holds or sponsors a special event as defined in this section in a city park or recreational facility shall be responsible to compensate the city for the costs of all city services provided including, but not limited to, law enforcement, fire/EMS, public works, and building department, which were required or provided for the health, safety and welfare of the public, and for cleanup and repairs, all a direct or proximate result of such special event. Said costs shall be payable to the city whether or not a special event permit was first obtained as required by this section. Said costs may be recovered as restitution for violation of subsection (A) above which are prosecuted in the county court. The city may in addition pursue recovery of said costs by any other lawful means including, but not limited to, an action filed in any court of competent jurisdiction.

SECTION 2. That Section 98.23, "Authority to Close, Vacate or Deny Additional Entry," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

§ 98.23 AUTHORITY TO CLOSE, VACATE OR DENY ADDITIONAL ENTRY.

(A) The City Manager, the Chief of the City's Law Enforcement Agency, the Recreation Program Administrator, or their designee shall have the authority to close, order patrons to vacate, or to deny additional entry of patrons into any city park or recreational facility when it has been determined that the park or recreational facility is overburdened by current occupancy, or when the parking capacity has been exceeded, or whenever it becomes necessary for the protection of the health, safety and welfare of park patrons or the surrounding community.

(B) Failure to comply with direction provided in Subsection (A) above shall constitute a Trespass under § 98.05 of this Code, punishable under § 10.99.

SECTION 3. 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 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2017.

PASSED SECOND READING this _____ day of _____, 2017.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB:jrm
5/30/17
l:ord/ch98/2017-203