

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 151.03, "STRUCTURES IN WATERWAYS," TO MODIFY REQUIREMENTS FOR DOCK AGREEMENTS BETWEEN ABUTTING PROPERTY OWNERS REGARDING DOCKS EXTENDING BEYOND PERMITTED PROPERTY LINE AREAS; 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 151.03, "Structures in Waterways," of the Pompano Beach Code of Ordinances is hereby amended as follows:

**§ 151.03. STRUCTURES IN WATERWAYS.**

...

(D) No fixed docks, floating docks, wharves, finger piers, boat lifts (floating or stationery), mooring devices, dolphin, mooring or fender piles, mooring buoys or other similar structures may be erected or installed within five feet of an extended side property line or cause a watercraft to extend within five feet of an extended side property line unless the following conditions have been met prior to any permit being issued pursuant to the terms of this section:

(1) The affected abutting property owners shall enter into an agreement with the city which states the property owners have reviewed and approved the proposed plans as they relate to the placement of any structure which is erected within five feet of the extended property line and the owners indemnify the city for any claim brought against the city for the placement of structures installed within five feet of the extended property line. The agreement shall be approved by the Office of the City Attorney for legal content and recorded along with a copy of the approved plans in the Public Records of Broward County, Florida, and shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the property owners. ~~Upon conveyance of either abutting parcel, the heirs, successors, and assigns of the conveying abutting property owner shall enter into a new agreement with the city and the affected abutting parcel's property owner or remove the structure(s) or portion(s) thereof which extends within five feet of the extended property line.~~

...

**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.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
7/29/16  
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