

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 32.90, "ESTABLISHMENT," SECTION 32.91, "FUNCTIONS; RESPONSIBILITIES," AND SECTION 32.92, "CULTURAL AFFAIRS COMMITTEE," TO ESTABLISH THE CULTURAL AFFAIRS DEPARTMENT, ASSIGN FUNCTIONS AND RESPONSIBILITIES AND CREATE A CULTURAL AFFAIRS COMMITTEE; REPEALING RESOLUTIONS 98-141, 2001-155, 2004-303, 2005-116 AND 2011-221, WHICH CREATED AND AMENDED RESPECTIVELY THE CULTURAL ARTS COMMITTEE; AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," BY AMENDING SECTION 98.01, "DEFINITIONS," SECTION 98.02, "PROHIBITED ACTS," SECTION 98.03, "DAMAGE TO CITY PROPERTY," SECTION 98.04, "INTOXICATED PERSONS; NUDITY," SECTION 98.05, "TRESPASS," SECTION 98.06, "UNATTENDED CHILDREN," SECTION 98.07, "PUBLIC EVENT," SECTION 98.071, "PARK RECREATIONAL FACILITY RENTAL"; PERMIT APPROVAL; RIGHT OF APPEAL," SECTION 98.10, "FEES," SECTION 98.45, "FUNCTION AND PURPOSE," SECTION 98.46, "HOURS AND DAYS OF OPERATION," SECTION 98.47, "FEES," SECTION 98.48, "LIABILITY FOR DAMAGES," SECTION 98.50, "RECREATION CENTER STAFF," SECTION 98.53, "TERMINATION OF PRIVILEGES," SECTION 98.80, "CITY-OWNED SHOWMOBILE," SECTION 98.81, "CITY-OWNED PORTABLE STAGE," TO DISTINGUISH THE ROLES OF PARKS AND RECREATION AND CULTURAL AFFAIRS DEPARTMENTS AND THEIR RESPECTIVE FACILITIES AND THEIR OPERATION; AMENDING SECTION 98.51, "PERMITS," TO ALLOW THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT RECREATION CENTERS FOR APPROVED FACILITY RENTAL APPLICATIONS MEETING ADDITIONAL PERMIT REQUIREMENTS; CREATING SECTION 98.90, "FACILITY USE," SECTION 98.91, "APPLICATION; PERMIT," SECTION 98.92, "CULTURAL FACILITY FEES," SECTION 98.93, "ENFORCEMENT," AND SECTION 98.94, "TERMINATION OF CULTURAL FACILITY PRIVILEGES; EVICTION," TO PROVIDE FOR THE OPERATION, MAINTENANCE AND REGULATION OF CULTURAL FACILITIES; AMENDING CHAPTER 160, "PUBLIC

ART,” BY AMENDING SECTION 160.02, “DEFINITIONS,” SECTION 160.05, “PUBLIC ART FUND ESTABLISHED,” AND SECTION 160.06, “PUBLIC ART FUND PURPOSE,” TO CLARIFY APPROPRIATIONS TO PUBLIC ART FUND AND RECOGNIZE THE CULTURAL AFFAIRS DEPARTMENT’S ROLE IN PUBLIC ART; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pompano Beach has made great strides to encourage and facilitate the development and support of the arts by promoting the development of artists and cultural institutions and establishing and sponsoring cultural programs and activities for the enjoyment and enrichment of its residents and visitors to Pompano Beach, Broward County and the greater South Florida area; and

WHEREAS, the support and advancement of cultural arts is essential to promoting economic development within Pompano Beach and establishing Pompano Beach as a tourist destination; and necessitates the establishment of a department specifically tailored to administer cultural programming and activities of the City that includes visual arts, performing arts, public art, heritage and humanities; and

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 32.90, “Establishment,” of Chapter 32, “Departments,” of the Pompano Beach Code of Ordinances, is created to read as follows:

CULTURAL AFFAIRS DEPARTMENT

§ 32.90 ESTABLISHMENT.

The Cultural Affairs Department is established and shall be responsible for administering the city's cultural affairs programming and activities and shall be directly responsible to the City Manager.

SECTION 2. That Section 32.91, "Functions; Responsibilities," of Chapter 32, "Departments," of the Pompano Beach Code of Ordinances, is created to read as follows:

§ 32.91 FUNCTIONS; RESPONSIBILITIES.

The Cultural Affairs Department shall be responsible for the following:

(A) Ensuring that the city has ongoing varied and inclusive arts and cultural programming and activities.

(B) Establishing a program for periodic review of all fees and assessments approved for the Department; ensure maximum recovery of actual costs of providing the programming and activities for which fees and assessments are charged; and provide for establishment of new fees and assessment charges for appropriate programming and activities.

(C) Supporting and facilitating the development and growth of the city's artistic and cultural resources.

(D) Providing liaison and administrative support to the Cultural Arts Committee towards the goals of stimulating increased awareness, development and use of artistic and cultural resources in the city, encouraging new artistic and cultural programs and events, and increasing the percentage of residents and visitors that use artistic and cultural resources.

(E) Encouraging and facilitating greater and efficient use of governmental and private resources for the development and support of the arts.

(F) Promoting the development of local artists, public, charitable and community organizations sponsoring cultural activities.

(G) Serving as a liaison between the city, other governmental agencies, the private sector, nonprofits and art and cultural groups on cultural matters.

(H) Developing and promoting artistic and cultural programs and facilities, and encourage an aesthetic and cultural environment in the community.

(I) Assisting in the promotion of the city as a tourist destination through the support and advancement of public, charitable and community organizations sponsoring cultural activities.

(J) Providing liaison and administrative support to the Public Art Committee and manage the Public Art Program and related Public Art Fund as prescribed in Chapter 160, City Code of Ordinances.

SECTION 3. That Section 32.92, “Cultural Arts Committee,” of Chapter 32, “Departments,” of the Pompano Beach Code of Ordinances, is created to read as follows:

§ 32.92 CULTURAL ARTS COMMITTEE.

(A) The Cultural Arts Committee is created and established to generally promote and advocate the cultural arts within the city and ensure that the general artistic and cultural arts needs of city residents are best served.

(B) The City Commission shall request that residents who meet the qualification requirements or who have an interest in serving on the Cultural Arts Committee to apply for appointment. The City Clerk shall provide notice of the request for applications for appointment to the respective Committee through notices posted at City Hall, on the city's web site, or in local newspapers of general circulation. The application shall be kept on file in the City Clerk's office.

(C) Once all applications are submitted, the City Clerk shall provide copies of all of the applications for each prospective member to the Mayor and Commissioners for their review. The Mayor shall appoint one applicant to serve as a voting member and each Commissioner shall appoint one applicant who is a resident of their district to serve on the Committee. If no applications are received from a particular district, the Commissioner representing that district shall use reasonable efforts to locate a resident within that district that is willing to serve. Such efforts may include requesting the City Clerk to re-advertise the open position on the Committee. If no residents within a particular district are willing or able to serve on the Committee, the Commissioner representing that district may consider applicants from outside of the district to fill the position on the Committee.

(D) The Mayor and each City Commissioner shall provide the names of their appointees to the Committee to the City Clerk for placement on the City Commission agenda. The Mayor and each City Commissioner shall announce their appointees to the respective Committee at a public meeting of the City Commission. The City Commission shall also appoint a member to serve at large. No further action shall be required by the City Commission to approve the Mayor or City Commissioners' appointees or the at large appointment. Committee members shall be subject to removal for cause by the City Commission during a public hearing.

(E) Regular voting members of the Committee shall be appointed for a term which shall run concurrently with the term of the member of the City

Commission who appointed them. The member serving at large shall serve a term of three years. Each newly elected or re-elected official shall appoint a member to succeed the prior appointee or may reappoint the current appointee. Notwithstanding any other provisions contained in this Code, any Committee member who is absent from two consecutive regular meetings of the Committee or who is absent from three meetings within any six-month period, and who has not been excused therefrom by a majority vote of the members of the Committee, shall automatically forfeit such position or office as a member of the Committee. The clerk or secretary of the Committee shall promptly notify the removed member and the appointing Commission of such removal. Any member removed may, within 15 days of receipt of the notice, request a hearing before the City Commission to show cause why the member should not be removed. If the City Commission finds that there is good cause to justify the absence of the member, the member shall be reinstated. If any such member shall fail to request a hearing or if the City Commission does not find good cause to justify the member's absence, a new member shall be appointed in accordance with the City Code.

(F) The City Commission shall appoint two alternate members of the Committee, who are residents of the city, to be designated as Alternate 1 and Alternate 2. Each alternate shall be appointed for a term of three years. Alternate members shall be subject to removal for cause by the City Commission. Alternate member vacancies shall be filled for the unexpired term of the member. Should a temporary absence or disqualification of any member of the Committee occur, the Committee Chair shall have the right and authority to designate one of the alternate members to serve as a substitute member during the continuance of such absence or disqualification. The Chair shall rotate such assignments between the alternate members to the extent that availability of alternate members allows.

(G) *Membership.* Membership of the Committee shall be composed of city residents and shall consist of seven members serving without pay. Any vacancies in the Committee shall be filled by the appointing Commissioner or the City Commission where applicable, and where a vacancy occurs other than by expiration of the term, the appointment filling the vacancy shall be for the unexpired term.

(H) *Organization and meetings.* The Committee shall meet at least bimonthly at such times and places as the Committee shall determine are appropriate.

(I) *Powers and duties.*

(1) Immediately after their appointment, the Committee shall meet and organize by electing from the membership a Chair and Vice Chair. The Committee shall adopt rules and regulations for the conduct of its meetings, including the methods of calling a meeting. The Committee shall, with the assistance of the Cultural Affairs Department staff, keep minutes of its meetings and shall send copies of the minutes to the City Commission and the City Manager.

The Committee shall make reports from time to time as may be requested by the City Commission.

(2) The Department may initiate for Committee consideration and review the forms of cultural activities at cultural centers and other cultural facilities owned or controlled by the city and may make its recommendations to the City Commission with respect to their operation and improvement, as well as recommend improvements to the existing forms of cultural activity or the implementation of new forms of cultural activities which will employ the leisure time of the residents of the city in a constructive and wholesome manner.

(3) The Committee shall also be responsible for the following:

(a) Stimulating greater governmental and public awareness and appreciation of the importance of cultural development within the city;

(b) Recommending opportunities for city residents to participate in cultural activities;

(c) Recommending avenues to support, promote and increase awareness of arts education programs offered through the city;

(d) Recommending avenues to support, promote, and increase awareness of creative industries through cultural arts activities;

(e) Undertake such other duties, projects and responsibilities regarding arts and cultural programming as may be assigned by the City Commission; and

(f) Recommend grant and other funding for arts and cultural programming.

(4) It shall be the duty of the Committee to make policy recommendations for legislation to the City Commission in relation to cultural arts; to promote and facilitate artistic and cultural programs and facilities; and to promote an aesthetic and cultural environment in the city.

(5) No member of the Committee shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of their duties. Each Committee member, at a minimum, shall comply with the ethical obligation expressed in Chapter 112, Part III, Florida Statutes. Violation of the statutory code of ethics or Committee rules constitutes grounds for removal of a Committee member by the City Commission, following notice and opportunity to be heard during a public hearing before the City Commission.

(6) The Cultural Arts Committee is empowered and encouraged to establish subcommittees of its membership as may be deemed advisable to assist the Committee in carrying out its assigned functions. Members of such subcommittees shall serve at the pleasure of the Committee and any subcommittee so established may be abolished at any time upon a determination by the Committee that such subcommittee no longer serves any useful function. The Committee shall appoint by majority vote a chair of each subcommittee created. Members of the Committee may also be members of any subcommittee. The City Clerk shall maintain an active file containing the names and addresses and other pertinent information as to persons who have expressed an interest in serving on such subcommittees.

SECTION 4. That Resolutions 98-141, 2001-155, 2004-303, 2005-116 and 2011-221 which created and amended respectively the Cultural Arts Committee, are repealed in accord with the codification.

SECTION 5. That the title to Chapter 98, "Parks and Playgrounds," and Section 98.01, "Definitions.," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances are amended to read as follows:

**CHAPTER 98: PARKS AND RECREATION AND PLAYGROUNDS,
CULTURAL AFFAIRS.**

§ 98.01 DEFINITIONS.

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

CULTURAL FACILITY. A building or structure which is used for the programming, production, presentation, exhibition of any of the arts and cultural disciplines including, but not limited to, music, dance, theatre, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, public media, history, and the execution and exhibition of other such allied, major cultural forms, as well as the auditoriums, banquet rooms and other areas within or adjacent to such buildings or structures owned, leased, operated or managed by or under the control of or assigned for upkeep, maintenance, or operation by the city and all related air rights including, but not limited to, Pompano Beach Cultural Arts Center, Pompano Beach Amphitheater, Ali Cultural Arts Center, Bailey Contemporary Arts Center and the Blanche Ely House Museum.

DEPARTMENT. As used in this chapter is ~~the Parks, Recreation and Cultural Arts Department or its designated staff~~ either Parks and Recreation Department or Cultural Affairs Department and their staff, depending upon the respective facility and event or program, and unless otherwise stated.

...

PERMIT. An administrative or recreation or cultural facility document granting an individual or organization exclusive use of a City of Pompano Beach ~~park and playground~~ facility which is normally open to the public. The permit shall set forth the terms and conditions including applicable fees for use in accordance with approved policies and procedures. Additionally, the applicant shall be required to comply with all applicable laws and ordinances.

...

PUBLIC EVENT.

(1) Any organized formation, parade, procession, or assembly consisting of persons, animals, vehicles, or any combination thereof, traveling in unison and with a common purpose upon any public street, highway, alley, sidewalk, courtyard, plaza, open space, or other public way which does not comply with normal and usual traffic regulations or controls; or

(2) Any other organized activity or set of activities conducted by an individual, group, or entity for a common or collective use or benefit including, but not limited to, events providing food concessions or alcoholic beverages, utilizing vendors or charging admission to invitees, exhibiting, showcasing or retailing products and which may involve the use of a park recreational or cultural facility or recreation activities center or the provision of city services ancillary to such use; including, but not limited to, road closures, Fire Rescue inspections or personnel, law enforcement or Public Works personnel, or the issuance of a building permit.

(3) **CITY PUBLIC EVENT** is an event which is initiated, financed and executed by the city and approved by the City Commission, not including arts and cultural programing. Examples of **CITY PUBLIC EVENTS** include the Annual Nautical Flea Market, July 4 Celebration, Music Under The Stars and the Annual Yuletide Celebration, Old Town Untapped and Green Market Pompano Beach. It does not include events in which the city is merely listed as a co-sponsor.

PUBLIC EVENT COMMITTEE. The **PUBLIC EVENT COMMITTEE** shall review all public event applications to approve or disapprove and set conditions for any such event based upon the criteria set forth in this chapter. The **PUBLIC EVENT COMMITTEE** shall be comprised of representatives as appointed by the City Manager from the following departments: Public Works, Parks, and Recreation, ~~and Cultural Arts Affairs,~~ city's law enforcement agency, Risk Management, Development Services, Parking Enforcement, and Fire Rescue.

RECREATION CENTER OR RECREATION ACTIVITIES CENTER. Auditoriums, banquet rooms, and other recreational areas within or adjacent to buildings owned, leased, operated, or managed by or under the control of or assigned for upkeep, maintenance, or operation by the city and all related air rights;

including, but not limited to, the Aquatics Center, Houston/Sworn Aquatic Center, Emma Lou Olson Civic Center, E. Pat Larkins Civic Center, Herb Skolnick Civic Center, Charlotte J. Burrie Civic Center, and Municipal Tennis Center; such facilities as identified and regulated under §§ 98.45 through 98.53, entitled "Recreation Activities Center."

SECTION 6. 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 cultural or recreational facilities described in § 98.01 or on other public 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 recreational or cultural facility. This provision shall not apply to persons having express permission to do so from the City Commission or its authorized agents or personnel.

...

(D) Take, carry, lead, or permit dogs or other pets to come on any cultural or recreational facilities, including the east side of Pompano Beach Boulevard, in the right-of-way thereof consisting of the curb, gutter, grass, sidewalks, or other public improvements adjacent thereto but not including the west side of Pompano Beach Boulevard. However, this restriction shall not apply to any such facility which permits dogs or to any service dog as defined by federal or other applicable law or standards for such dogs.

(E) (1) Drive or operate motor vehicles on the municipal cultural or recreation facilities or the municipal public beach; however, this provision shall not apply to regular employees of the city working under the direction and supervision of the city, nor to operation by any person of any motor vehicle for which permission to operate on a specific cultural or recreational facility has been granted by the City Commission.

(2) Park in non-designated parking areas ~~including grassy areas and around park pavilions.~~

(F) Solicit for commercial photographers or take pictures in connection with commercial photography upon the municipal cultural or recreational facilities unless invited to do so by the person desiring that the picture be taken.

...

(H) Throw, place, deposit, sweep, or scatter, or cause to be thrown, deposited, swept, or scattered any paper, food, trash, fruit peeling, or other refuse on a municipal public beach or any other municipal cultural or recreational facility, or on any street, sidewalk, alley, vacant lot, or municipal area near any municipal cultural or recreational facilities.

(I) Picnic or eat or consume food upon a municipal cultural or recreational facility except in approved areas.

...

(P) Bring onto any cultural or recreational facility or the municipal public beach any type of container made of glass for any purpose unless authorized by the City Manager or his designee.

(Q) Operate a motorized device by which any person may be transported having not more than three wheels. For this paragraph, motorized device shall include, but not limited to, mopeds as defined in F.S. § 316.003(77) as it presently exists or as it may hereafter be defined, go-peds and self-propelled bicycles. However, this provision shall not apply to the operation by any person of any such motorized vehicle for which permission to operate on a specific cultural or recreational facility has been granted by the City Commission, nor to city owned vehicles in the course of official business, nor to motorized disability access vehicles as defined in F.S. § 320.01(34) as it presently exists or as it may hereafter be defined or such similar vehicles designed for handicapped persons when used by handicapped individuals.

(R) While upon any cultural or recreational facility or the municipal public beach, possess, display or discharge any BB gun, air gun, paintball gun or gas-powered gun, or any similar device that expels a projectile of any type, excluding firearms which are subject to regulation under F.S. Chapter 790. Emergency or life-saving equipment shall be exempt from the provisions of this subsection when utilized for any such emergency, or when in the possession of authorized personnel.

(S) Create a disturbance or otherwise engage in conduct while at or on a municipal recreational or cultural facility which causes a breach of the peace that interferes with or prevents others from utilizing the facility for its intended recreational, artistic or cultural purpose, or which interferes with the operation of the facilities by city staff.

(T) The performance of non-emergency maintenance or repair of any boat, automobile, or other mechanical equipment while on, or attached to, any municipal recreational or cultural facility.

(U) The assembly or unpermitted construction of a structure or equipment on municipal property, that interferes with or prevents others from using

all or a portion of the municipal recreational or cultural facility for its intended purpose.

(V) Conduct business or otherwise engage in private commercial activity on any city recreational or cultural facility, without the express authorization of the City Commission or its designee.

...

(X) Possess or consume alcoholic beverages; unless at an event, or within designated areas at city recreational or cultural 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, inflatable pools or other similar inflatable devices for other activities.

(Z) Set up or operate generators, or play amplified music.

...

(CC) Skateboard, rollerblade, roller skate, operate a Segway, hoverboard or ride a bicycle whether or not motorized upon the sidewalk on the east side of Pompano Beach Boulevard or on city recreational or cultural facilities and any adjacent common areas.

...

(EE) While in any park or recreational facility or cultural ~~center~~ facility or upon park grounds willfully mark, deface, disfigure, damage, tamper with or displace or remove any tables, benches, cameras, public art, fountains, fireplaces, railings, electrical outlets or panels, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities, ~~or park property~~ or appurtenances whatsoever, either real or personal.

(FF) Loiter in or around any restroom, dressing room, ~~or bathhouse courtyard, outdoor shower, playground, or plaza~~ located in city recreational or cultural facilities and any adjacent common areas.

...

(HH) Make any excavations by tool, equipment, blasting or other means or agency, nor construct or erect any building or structure of whatever kind either permanent or temporary or run or string any public utilities into, upon, across, or over any park, cultural or recreation facility or lands, unless authorized by permit and easement.

...

SECTION 7. That Section 98.03, "Damage to City Property," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.03 DAMAGE TO CITY PROPERTY.

It shall be unlawful for any person to commit any of the following acts.

(A) Misuse, damage, or injure any municipal property at the municipal recreational or cultural facilities of the city.

(B) Misuse, damage, or injure any municipal public beach property at the municipal public beach area, or to fail to comply with the regulations pertaining to the picnic area.

(C) Misuse, damage, injure, or destroy any equipment provided by the city in connection with the operation of any of the municipal recreational or cultural facilities.

SECTION 8. That Section 98.04, "Intoxicated Persons; Nudity," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.04 INTOXICATED PERSONS; NUDITY.

(A) It shall be unlawful for any person to come on the municipal recreational or cultural facilities of the city while intoxicated or under the influence of intoxicating beverages, drugs or other substances to such an extent that ~~his~~ their normal faculties are impaired.

(B) It shall be unlawful for any person to come on the municipal recreational or cultural facilities of the city either in the daytime or at night while nude.

SECTION 9. That Section 98.05, "Trespass.," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.05 TRESPASS.

(A) It is hereby declared and found to be a trespass for any person or persons to use any of the recreational or cultural areas or facilities of this city including the municipal public beach without the express or implied permission of the City Commission or its authorized agents or personnel, or if playing privileges or right of entry onto a facility have been denied, suspended, terminated or

withdrawn. It is hereby expressly found and made a trespass for any person to use any of these premises or facilities after permission has been withdrawn or has been denied them by the City Commission or its authorized agents.

(B) It is expressly found and made a trespass for any person to remain on or fail to vacate any city cultural or recreational facility when directed to do so by the Recreation Programs Administrator, Cultural Affairs Director or ~~his or her~~ their authorized designees.

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SECTION 10. That Section 98.06, "Unattended Children.," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.06 UNATTENDED CHILDREN.

It shall be unlawful for the parent, legal guardian, or other person having the care and custody of a child ten years of age or under to knowingly permit the child at any time to loiter, idle, wander, stroll, play, or be in or on the municipal public beach, pool, park, cultural or recreational facility unless the child is accompanied by his parent, legal guardian, or other person 15 years of age or over having the care and custody of the child. Each violation of the provisions of this section shall constitute a separate offense. Any parent, guardian, or other person having the care and custody of a child ten years of age or under, violating the provisions of this section shall be guilty of an offense.

SECTION 11. 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 Public Event 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:

- (1) The name and address of the applicant;

...

(3) The day and hours for which the permit is desired;

...

(B) Any volunteer organization or group ~~that wishes~~ wishing to provide an activity or service that solely enhances the beautification of the city and benefits the residents ~~thereof, are~~ is required to write a letter to the Parks, and Recreation ~~and Cultural Arts~~ Department explaining in detail their activity or service for submission to the Public Event Committee. The letter must be received by the Parks and Recreation ~~d~~Department at least two weeks prior to the activity or service. Upon approval, ~~all applicable~~ certain 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.

(C) The Public Event Committee shall issue a permit ~~hereunder~~ when it finds the following:

(1) The proposed activity will not unreasonably interfere with the peaceable enjoyment of any property in the vicinity of the proposed activity;

...

(7) The applicant has paid ~~any other~~ all facility/field rental fees (~~§ 98.47 Fees~~).

(8) All fees for events, including, but not limited to, personnel, and facility, ~~etc.~~, must be paid in full within ten business days prior to event. ~~If any damage has occurred,~~ The applicant shall be liable for payment for the any damage occurring during their use or event and any resulting costs. Cancellations ten or more days prior to your event will ~~be subject to~~ result in a 25% charge of the total application fees; against any funds paid by the applicant to the city. Any remaining funds will be refunded to the applicant. However, No refunds will be issued for cancellations by the applicant made less than ten days prior to ~~an~~ their event. Any event cancelled by the city will receive a full refund.

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(D) Prior to the issuance of the public event permit, the applicant shall maintain, at its sole expense, liability insurance covering the city properties and the desired public event uses ~~thereof~~, naming the city as an additional insured, in amounts required to cover the specific event as ~~established~~ determined by the city's Risk Manager. The applicant shall furnish and deliver to the Public Event Committee a certificate or certificates of insurance, acceptable to the Risk Management Division, evidencing the existence of public liability insurance in the minimum amounts described above. Each certificate shall provide that the city receive not less than ten ~~40~~ days written notice of cancellation, expiration or termination of public liability insurance. In the event that such insurance is canceled, expired or terminated, the applicant shall be required to obtain insurance

immediately and furnish proof to the Public Event Committee. If such insurance is not obtained within 24 hours after the insurance cancellation or termination, the Public Event Committee shall revoke the public event permit and the public event shall cease. The applicant shall be responsible for submitting all certificates of insurance of its contractors.

(E) Within ten business days after receipt of an application, the Public Event Committee shall notify the applicant and the City Commission in writing of ~~his~~ its decision to either grant or deny the permit. In the event that the permit has been granted, the City Commission shall have ten working days, or until the next regularly scheduled City Commission meeting, whichever period is greater, to reverse the decision of the Public Event Committee at a City Commission meeting if the Commission by majority vote finds that the application does not meet the criteria set forth in subsection (B) above. Notice of the hearing set to reconsider the approved permit shall be provided to the applicant when the matter is placed on the City Commission agenda for consideration. In the event a permit has been denied, the Public Event Committee shall state their reasons ~~therefor~~ for denial in writing. Any aggrieved person shall have the right to appeal in writing within ten days to the City Commission, which shall consider the application under the standards set forth in subsection (B) above and sustain or overrule the decision of the Public Event Committee at the next regular meeting of the City Commission following receipt of the appeal. The decision of the City Commission shall be final.

(F) The City of Pompano Beach provides limited Co-Sponsorships to charitable not-for-profit entities registered to do business in the State of Florida and having a 501(c) certificate, and public educational institutions and other governmental entities through “in-kind services.” Support for co-sponsored events may include the waiver of some permit fees, or fees for use of city owned equipment ~~and/or~~ fees for the use of city facility facilities. Organizations will be required to pay the necessary city personnel charges including Public Works, Parks, and Recreation and Cultural ~~Arts~~ Affairs, Fire Rescue, the city’s law enforcement agency and Development Services assessed on the current salary schedule. Organizations still must provide the required insurance and must fund other associated costs; including, but not limited to, such as the cost of additional dumpsters, portable toilets, lighting, fencing, damage to the facility or grounds, ~~etc.~~

~~(G) For public events to be considered for city Co-Sponsorship by the Public Event Committee, with the final approval from the City Manager, must meet the following criteria: The Public Event Committee may consider applications for co-sponsorship and recommend such applicants to the City Manager for final approval following their receipt and review of the applicant’s financial statement.~~

~~(1) — Provide a Applicants must provide a financial statement with a letter of request addressed to the Committee 45 days prior to the event date, including Submit a program proposal with a budget showing the full event’s anticipated expense that the applicant anticipates incurring. Submit a letter stating what the applicant is requesting of the city and its services and identifying the services requested from the city.~~

~~(2) — Provide a~~ Following the approved public event co-sponsored by the city, but in no event later than 30 calendar days following the event date, the sponsoring applicant is required to provide the city with a financial statement following the event that shows full complete details of all incurred expenses by the sponsor for the event and, all revenue collected for the event, including, but not limited to, revenue collected prior and during the event, no later than 30 days from the event date.

(H) The application date for the Public Event Permit will be deemed to be that date ~~for~~ on which the application has been officially received; provided, however, that all required documents have been submitted to and approved by the city, such as the application fee, insurance certificate, and any other requirement of the city ~~or state,~~ and all documents have been submitted and fees paid to any governing authorities over the event; for example, including—the Florida Department of Transportation, and Florida Department of Environmental Protection. The Public Event Permit applicant shall be solely responsible for the aforementioned required fees imposed by governmental entities.

(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 cultural 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 section does not apply to athletic field events/tournaments.

SECTION 12. 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 Parks and Recreation 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~~ their 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.~~

...

(H) The following additional rules and conditions shall apply to park recreational facility rental permits:

(1) Permits are issued on a first come, first served basis.

...

(10) The use of "bounce houses" and other inflatable playground equipment is prohibited at city-owned property unless the company operating the equipment has received prior written approval from the city's Park and Recreation Department to operate such equipment. The notice of approval shall be posted at the location the equipment is installed during the time that the equipment is being operated in order to allow the appropriate city representative to verify that the operator received prior approval from the city. Any equipment installed on city-owned property without prior approval shall be immediately deflated and/or disconnected by the authorized city representative. These devices are allowed only in conjunction with an approved recreational facility rental at approved parks within the City of Pompano Beach. There is a maximum of two bounce houses per facility rental. Only generators, associated with approved bounce house and inflatables, are allowed and must follow the applicable Florida Building Code. The provisions of this section shall be enforced by the city's code enforcement officers, as well as the city's law enforcement officers. Regulations regarding the placement, use, insurance, and supervision requirements shall be developed and published by the city's Parks and Recreation Department.

SECTION 13. 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 RECREATIONAL FACILITY AND PROGRAM 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 municipal 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.

...

(e) All fields pending availability can be rented from 8:00 a.m. – 10:00 p.m., for a maximum time period of 14 consecutive calendar days.

(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~~ applicant requiring the use of baseball fields at North Pompano Park for a sports tournament or sporting event shall be at a pay the rate of \$325.00 per day or part thereof for both residents and non-residents applicants. Any tournament requiring the use of a single field at North Pompano Park shall ~~be at a~~ pay the 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) Municipal Public Beach

(a) Any applicant requiring the use of the municipal public beach for a sports tournament or sporting event shall pay a rental fee of \$150.00 per day for resident applicants and \$300.00 per day for non-resident applicants. These rental fees shall be in addition to other fees associated with the use of city parks and/or fields.

(b) Whenever any individual desires to use the municipal public beach for the purpose of a wedding ceremony, the individual shall first obtain a permit. The individual or wedding planner seeking issuance of a permit shall file a \$25 application fee and \$125 rental fee. The application shall state the following:

1. The name, physical address and e-mail address of the applicants;

2. The name and address of the wedding planner, if any;

3. The day and hours for which the permit is desired;

4. The portion of the municipal public beach for which the permit is desired;

5. An estimate of the anticipated attendance;
and

6. A brief description of the set-up.

(c) 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. 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. The Recreation Programs Administrator or their designee shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance.

...
 (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 | \$1,095.00/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. | |

...

SECTION 14. 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 CENTER

§ 98.45 FUNCTION AND PURPOSE.

(A) The recreation centers ~~and facilities~~ are considered to be provided primarily for the programs, activities, and events promoted, sponsored, and conducted by the ~~Department city and its various departments~~. To the extent that the recreation center is not fully utilized by programs, activities or events of the ~~Department city~~, the ~~Department city~~ may give use of its facilities to other ~~city departments and to other outside~~ organizations and individuals.

(B) For those hours of operation that the recreation activities centers are not being utilized for programs, activities or events by the ~~Parks, Recreation and Cultural Arts Department~~ city or other ~~its~~ 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 15. 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, Recreation and Cultural Arts Department~~ supervisory personnel.

...

SECTION 16. 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 RECREATION CENTER FEES.

(A) Recreation centers and indoor facilities.

(1) Use by organizations. ~~Use of the recreation centers, operated by the Department, by bona fide o~~Organizations may be permitted upon written application for the use of the center or facility on a specific date to use/rent the recreation centers. The application shall be filed with the ~~Department~~ Recreation Programs Administrator or designee. 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 using~~ 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~~ whose current officers, directors, partners or managing members 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 fee 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.

(c) Nonprofit organizations using space in any recreation center ~~or facility~~, for fund-raising purposes:

...

(d) Organizations, other than nonprofit organizations, using space in any recreation center ~~or facility~~, where no charge is made for admission or free will donation is taken:

...

(e) Organizations, other than nonprofit organizations, using space in any recreation center ~~or facility~~, where a monetary profit to the organization or to any person is expected:

...

(f) Trade shows - trade associations with organizational ties or similar interests to exhibit, showcase, or retail their products. The following schedule of fees shall apply and are subject to sales tax. Fees include personnel costs; a non-refundable application fee of \$50.00; a refundable security deposit of \$250.00 and the following rental facilities:

...

Nonprofit organizations, using space in any recreation center ~~or facility~~, where no charge is made for admission or free will donation accepted.;

...

Organizations, other than nonprofit organizations, using space in any recreation center ~~or facility~~, where no charge is made for admission or free will donation is taken.;

...

Organizations, other than nonprofit organizations, using space in any recreation center ~~or facility~~, where a monetary profit to the organization or to any person is expected.;

...

(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.

...

(2) Use by individuals. Individuals using the facilities of the recreation center ~~or facility~~ for weddings, wedding receptions, children's parties, patio parties, and the like or other private nonprofit purposes shall be charged according to the following fee schedule.;

...

(3) Warming and Commercial Kitchen fee Usage.

(a) A flat \$50.00 fee will be charged for the use of the any warming kitchen facility offered for use by the Parks and Recreation Department.

(b) The following fees have been established as rental fees for the commercial kitchens offered for use by the Parks and Recreation Department and shall be subject to sales tax.

1. Resident: \$20/hour (proof of residency required).

2. Non-Resident: \$40/hour.

3. Nonrefundable application fee: \$25.

4. Refundable deposit (due at booking): \$200.

(c) Reservations for use of a commercial kitchen may not be booked more than 60 days in advance and shall not occur before or after the center's hours of operation. The following documents are required at the time of booking a reservation:

1. Completed rental application;

2. Proof of residency, if applicable;

3. Photo ID;

4. Certificate of Insurance with the approved and required amounts of coverage naming the City of Pompano Beach as additional insured; and

5. Copy of Food Handler's Certificate.

...

(5) Security deposit. A security deposit of \$200.00 will be required of individuals or organizations as part of the rental fees when written application for use of the center ~~or facility~~ is made to the Recreation Programs Administrator or designee, ~~using any room in the facilities including the kitchen.~~ This deposit may be returned ~~upon the completion of the center's or facility's clearance at the conclusion of the event;~~ however, a portion of the deposit may be retained by the Department as security to ensure that compensation for the facility being rental space and personal property within the rental space are not left unclean, damaged, defaced, broken or missing property. If the individual or organization incurs additional fees for the rental, the deposit will not be refunded until the balance has been paid. If the applicant does not remit the balance due within two weeks of the rental date, the fees will be deducted from the deposit refund. In extreme cases the Department may at its discretion, assess damage charges in excess of the retained security deposit. In the event that the cost of damage is greater than the amount of the deposit, the applicant shall be liable for the remaining costs.

...

(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.

(C) Use by city. Any space used in the recreation center ~~or facility~~ for the purpose of promoting or conducting city-sponsored events is exempt from the above schedule of fees.

...

SECTION 17. That Section 98.48, "Liability for Damages," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.48 LIABILITY FOR DAMAGES.

Any individual or organization using a recreation center ~~or facility~~ shall be responsible for any damage that may occur during the use of the premises, either to the premises or to a person using them. The individual or organization using ~~city recreational facilities~~ a recreation center shall indemnify and hold harmless the city from any liability whatever arising out of the use of the buildings or facilities by that individual or organization.

SECTION 18. That Section 98.49, "Application and Investigation," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

(A) The City Commission finds that in order to protect the morals, health, safety, and welfare of the citizens of the city, prior to the use of the recreation center ~~or facility~~, an investigation shall be made to properly determine the fitness of the event activities to be presented and of the sponsors and producers, including, but not limited to, the moral character and the type of events previously produced, sponsored, or participated in, to insure that there will be no detriment to the health, safety, welfare, and morals of the community.

(B) Prior to any individual or organization using a recreation center ~~or facility~~ for commercial use, the applicant shall on an appropriate form prepared by the City Manager or ~~his~~ designee, provide any information the City Manager deems in the best interest of the city for the protection of the morals, health, safety, and welfare of its inhabitants and the use of, license, permit, lease, or contract for the ~~facility~~ recreation center shall be authorized or issued by the City Manager or ~~his~~ designee. To allow the City Manager or ~~his~~ designee adequate time for careful consideration of the facts presented in the application forms submitted in the

request for use of city-owned ~~facilities~~ recreation centers or property, application forms must be submitted to the City Manager or ~~his~~ designee, a minimum of 30 days prior to the proposed commencement date. The application shall contain the following information.

(1) The name and address of the person making the application and the name of the person, firm, corporation, or organization ~~he~~ they represents.

(2) The names and addresses of the performers or other persons who are to appear at the facility center for the purpose of staging the event, ~~in the case of performers.~~

(3) The names and addresses of the owners or corporate officers of the organization requesting use of the facility center.

...

SECTION 19. 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 RECREATION 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 recreation center 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 20. That Section 98.51, "Permit.," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.51 RECREATION CENTER PERMITS.

(A) Applications for permits to use a room in the recreation center ~~or facility~~ must be made at the center on forms provided for that purpose before the date of requested use and accompanied by payment in full and any necessary security deposit. Permits must be approved by the Recreation Activities Supervisor who can only approve them after payment in full.

...

(J) Possession or consumption of alcoholic beverages within a recreation center is only allowed in conjunction with an approved facility rental application for space located within a designated recreation center. An additional application is required for the possession and consumption of alcoholic beverages in conjunction with such rental. All applications are subject to approval by the city's law enforcement agency once the applicant meets all additional requirements for service of alcoholic beverages at a recreational center. All alcoholic beverages must be consumed on the rented premises.

SECTION 21. That Section 98.53, "Termination of Privileges," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.53 TERMINATION OF PRIVILEGES.

(A) Any person while on the grounds of the recreation center ~~or facility~~ who violates any ordinance or the rules and regulations of the recreation center ~~or facility~~ as adopted by the City Commission shall receive a written warning citation from the Recreation Programs Administrator or ~~his~~ designee. Any person receiving a written warning citation shall have ~~his~~ their recreation activities center use privileges terminated for the duration of that day without refund of any fees paid.

...

SECTION 22. 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 23. 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 24. That Section 98.90, "Cultural Facility Use," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is created to read as follows:

CULTURAL FACILITIES

§ 98.90 CULTURAL FACILITY USE.

(A) Cultural facilities are primarily for the programs, activities, and events promoted by the city and its various departments. Notwithstanding, the city may permit the following organizations or persons to use such facilities, in order of preference:

(B) Resident groups, organizations, individual or nonprofit organizations, as defined below (except where the use is for fundraising purposes or where any goodwill donation is solicited or expected).

(C) Nonresident groups, organizations, individual or nonprofit (except where the use is for fundraising purposes or where any goodwill donation is solicited or expected).

(D) Any nonprofit organization registered to do business in the State of Florida whose current officers, directors, partners or managing members reside within the city limits, shall be classified as a resident organization. All other nonprofit organizations shall be classified as nonresident organizations.

(E) Hours and Days of Operation.

(1) The hours of operation for the various cultural facilities shall be posted at the facilities and can be found on the city's website or in various city publications provided for residents and the public. The cultural facilities will be open various days of the week except for Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Thanksgiving Day, Friday and Saturday after Thanksgiving, Memorial Day, Fourth of July, Veterans' Day, Martin Luther King, Jr. Day, Presidents' Day, Easter Sunday and Labor Day.

(2) Use of the various cultural facilities on Sunday, except for the above holidays, may be permitted by authorization of the Cultural Affairs Director if adequate personnel are available. Use of the facility may be granted for

the hours designated by the Director depending upon the availability of Cultural Affairs Department supervisory personnel.

(3) Cultural Affairs Director or the City Manager shall have the authority to close all or a portion of the cultural facilities at any time due to failure of mechanical equipment or due to the necessity of maintenance or repairs to the building or any of the equipment or grounds. As much notice as possible would be given to the general public any time the center is to be closed during its operating hours.

SECTION 25. That Section 98.91, “Cultural Facility Application; Permit,” of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is created to read as follows:

§ 98.91 CULTURAL FACILITY APPLICATION; PERMIT.

(A) Use of cultural facilities may be permitted upon written application filed with the Cultural Affairs Director or their designee. The application shall include, at a minimum, the following information:

(1) The name and address of the person making the application and the name of the person, firm, corporation, or organization he represents.

(2) The names and addresses of the performers or other persons who are to appear at the facility for the purpose of staging the event.

(3) The names and addresses of the owners or corporate officers of the organization requesting use of the facility.

(4) Whether the use of the facility involves a ticketed event or the solicitation or collection of a contribution from attendees.

(5) Whether any of the performers or applicants have ever been denied use of any other public or private facilities, and if so, where, when, and under what circumstances.

(6) Whether the applicant, any officers of the corporation or organization represented by the applicant, or any person either presenting or performing in the event has ever been convicted in any court of record of an offense or crime involving moral turpitude or any violation, other than traffic offenses, under either the name being used in connection with this event or any other name previously used; and if so, what name or names and what crime or crimes.

(7) The estimated number of persons expected to attend each performance, the number of performances each day, the hours at which each performance will take place, and the dates.

(8) A description of the nature of the event and any other information which the Department shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(B) The application form shall be prepared by the City Manager or their designee to provide any information the City Manager deems in the best interest of the city for the protection of the morals, health, safety, and welfare of its inhabitants and the use of, license, permit, lease, or contract for the cultural facility. The application must be submitted to the Cultural Affairs Director or designee, a minimum of 60 days prior to the proposed commencement date.

(C) It shall be unlawful for any person, group or organization to provide false information in any application or to make a false statement or knowingly conceal a material fact regarding the activity, event, or intended use of the cultural facility or otherwise commit a fraud in any manner including, but not limited to, a membership roster. Such action may result in eviction, termination of privileges or termination of contract.

(D) *Standards for issuance of cultural facility rental permit.* If the cultural facility will be available for use on the date and time requested, and is not subject to a prior reservation, the Department may issue a facility rental permit when the Department finds the facility rental application complete and the rental is in accordance with the purpose for which such city property is designed or intended, and further that the proposed activity will not unreasonably interfere with or detract from the general public enjoyment of the remaining facility, or interfere with or endanger public health, welfare or safety, or be reasonably calculated to incite violence, crime or disorderly conduct on the part of the participants or entail unusual, extraordinary or burdensome expense for supervision, maintenance, cleanup or police protection by the city.

(E) The Department must ensure that the applicant has paid to the city the required application fee, security deposit (if any), and any other required fees. All fees must be paid in full ten business days prior to the event date. If the application is made for an event scheduled in less than ten days from the date of application, the applicant will pay an additional charge for expediting the application process.

(F) If any damage occurs, the applicant shall be liable for such damage. All persons, groups or organizations using a cultural facility must, where

determined by the city based upon the nature of the event, furnish general liability insurance coverage and other insurance coverage as otherwise required by the city. Proof of the required insurance coverage shall be provided to the city's Risk Manager at least ten calendar days before the commencement date of the event/performance and shall provide coverage for the date(s) the event holder is onsite and the date of the actual event. The insurance policy or a certificate of insurance must include the policy number, policy limits, and provide that the city of Pompano Beach is included as an additional insured to the policy. The insurance requirements depend upon the risk level of the event, and will be determined by the city's Risk Manager, who has the right to review, modify, reject or accept any insurance policy, including limits, coverages or endorsements.

(G) *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 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 Department shall have the authority to revoke a permit upon finding a violation of any rule or ordinance, or upon good cause shown.

(H) *Decision on facility rental application; right of appeal.* Within five business days after receipt of a complete application for the facility rental, the Department shall either approve or deny the application and advise the applicant accordingly, either in person, e-mail or by mail. If an application is denied, the Department at the time of notification shall apprise the applicant in writing of the reasons for such refusal. Any persons aggrieved by the denial shall have the right to appeal such adverse decision in writing within five calendar days of receipt of such denial to the City Manager or designee, who shall consider the application under the standards set forth above, and without undue delay, sustain, overrule or modify the Department's decision.

(I) *Cancellations.* In the event the facility rental is cancelled by the applicant 48 hours or less prior to the event date, the Department will refund 75% of the total rental fee.

(J) The following additional rules and conditions shall apply to facility rental permits:

- (1) Permits are issued on a first come, first served basis;

(2) Permits are nontransferable, and are good only on the date specified;

(3) The permittee shall be held responsible for the conduct of the entire group;

(4) The permittee shall observe, obey and comply with the rules and regulations established by this chapter, as well as all applicable city, county, state and federal laws, rules and regulations;

(5) The permittee shall assume all risk in the use of the facility and shall be solely responsible and answerable in damages for all accidents and injury to person or property;

(6) A security deposit, where required, must be paid when the permit is issued. All rentals require a non-refundable application fee and are subject to applicable sales tax;

(7) *Food preparation and cooking.* No person will picnic, lunch or cook in any area not specifically designated or regulated by the Department for such usage. No person shall build, light or cause to be lighted any fire upon the ground or on other object in any area except as specifically designated and in an approved grill, stove, fireplace or other suitable container as determined by the Department, nor shall any person starting a fire leave the area without extinguishing the fire. No person shall use a grill or other device in such a manner as to burn, char, mar or blemish any bench, table or any other object of cultural property;

(8) The Department will regulate activities in facility areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. If the facilities are crowded, persons holding activities in any area, building, facility or structure will avoid using same to the exclusion of others for an unreasonable time; the determination of what is unreasonable shall be made at the Department's discretion; and

(9) Special conditions related to the use of various types of facilities may be printed on the permit forms.

SECTION 26. That Section 98.92, "Cultural Facility Fees," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is created to read as follows:

§ 98.92 CULTURAL FACILITY FEES.

(A) The following fee schedule shall apply for usage of cultural facilities within the city and shall be subject to sales tax and:

(1) There will be a \$50.00 non-refundable application fee for use of facility upon written application and a \$200.00 refundable security deposit.

(2) Individual or Non-Profit organizations, using space within an cultural facility where no charge is made for admission, the following fee structure will apply

| | Individuals/ Non Profit | |
|--|-------------------------|-----------------|
| | Resident | Non Resident |
| Theater / Courtyard (1 tech included) | \$630.00/8 hrs. | \$975.00/8 hrs. |
| additional hours outside of facility hours | \$130.00/hr. | \$170.00/hr. |
| | | |
| Multipurpose Room 40 capacity or less | \$90.00/3 hrs. | \$120.00/3 hrs. |
| additional hours outside of facility hours | \$35.00/hr. | \$45.00/hr. |
| | | |
| Meeting Room 20 capacity or less | \$75.00/3 hrs. | \$105.00/3 hrs. |
| additional hours outside of facility hours | \$35.00/hr. | \$45.00/hr. |

(3) Individual or Non-Profit organizations using space within a cultural facility where an admission cost/ monetary profit to the person or organization is expected, the following fees will apply:

| | Individuals/ Non Profit with admission | |
|--|--|-------------------|
| | Resident | Non Resident |
| Theater / Courtyard (1 tech included) | \$930.00/8 hrs. | \$1,200.00/8 hrs. |
| additional hours outside of facility hours | \$160.00/hr. | \$205.00/hr. |
| | | |
| Multipurpose Room 40 capacity or less | \$115.00/3 hrs. | \$165.00/3 hrs. |
| additional hours outside of facility hours | \$45.00/hr. | \$60.00/hr. |
| | | |
| Meeting Room 20 capacity or less | \$90.00/3 hrs. | \$135.00/3 hrs. |
| additional hours outside of facility hours | \$45.00/hr. | \$60.00/hr. |

(4) The following theater or courtyard fee packages include access between the hours of 8:00 a.m. to 10:00 p.m., one technical staff, one front line staff and table and chair set up.

Individual or Non-Profit organizations where no charge is made for admission, the following fee structure will apply

| Theater/Courtyard Package | Individuals/ Non Profit | |
|----------------------------------|-------------------------|----------------|
| | Resident | Non Resident |
| | \$1,575.00/day | \$2,575.00/day |

Individual or Non-Profit organizations where an admission cost/ monetary profit to the person or organization is expected

| Theater/Courtyard Package | Individuals/ Non-Profit with admission | |
|----------------------------------|--|----------------|
| | Resident | Non Resident |
| | \$2,325.00/day | \$3,000.00/day |

(B) Memorial service/repast fees - The following fees have been established as rental fees for the purposes of memorial service/repast assemblies at a cultural facility:

Theater/Courtyard \$315.00
 Multipurpose Room \$100.00

The above fees include the application fee, set up/clean up, and use of room and are only applicable to applicants that are Pompano Beach residents. Resident shall mean a person who meets the requirements for RESIDENCY as defined in § 98.01.

(C) All fees are subject to sales tax and must not occur before or after the facility's hours of operation.

(D) All fees for use of space in any cultural facility are per a minimum amount depending on the space requested and hourly thereafter.

(E) Any use of facilities described in this section for a public event shall be accomplished through a lease agreement approved by resolution of the City Commission. The lease agreement will be presented to the City Commission after negotiations with the organization or the individual have been completed.

(F) Any nonprofit resident organization wishing to have fees waived will be required to petition the City Manager or designee for approval. This waiver does not include costs that the city may incur, including, but not limited to, staffing, technical support, security, lighting and fencing; such costs shall remain the responsibility of the organization.

(G) 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 Cultural Affairs Department using the city approved financial Tracking System and deposited on a daily basis with the Treasury Division which shall deposit it in the general fund of the city.

(H) Use by city. Any space used in the cultural facility for the purpose of promoting or conducting city sponsored events is exempt from the above schedule of fees.

(I) Possession or consumption of alcoholic beverages is only allowed in conjunction with an approved facility rental located within any indoor approved cultural facility. 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 cultural facility. Sales of alcoholic beverages shall be served for consumption on the immediate premises.

SECTION 27. That Section 98.93, "Enforcement," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is created to read as follows:

§ 98.93 ENFORCEMENT.

The Cultural Affairs Department, by and through its employees, will enforce all rules and regulations concerning use of the cultural facilities and permissible conduct while on the facility's grounds. Violations of any statute or ordinance shall be reported to the city's law enforcement agency immediately by the facility's personnel. The Cultural Affairs Director shall have the authority to remove any person, group or organization from the cultural facility and grounds, where a violation of state statute or ordinance has occurred.

SECTION 28. That Section 98.94, "Termination of Cultural Facility Privileges; Eviction," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is created to read as follows:

§ 98.94 TERMINATION OF CULTURAL FACILITY PRIVILEGES; EVICTION.

(A) Any person, group or organization utilizing a cultural facility who violates an ordinance or the cultural facility's rules and regulations shall receive a written warning citation from the Cultural Affairs Director or their designee. Any person receiving a written warning citation shall have their use privileges terminated without refund of any fees paid.

(B) Any person who receives two written warning citations during a 12-month period shall not be permitted to use a cultural facility for a period of three months. One additional violation during a 12-month period shall be an additional three-month suspension of use privileges. A record of all written citations shall be kept in the office of the Cultural Affairs Department.

(C) Any person receiving citations under this section may appeal the citation to the City Commission within three business days of receipt of the citation. The City Commission may void the citation if they find it wrongfully issued.

(D) Notwithstanding the above, the Cultural Affairs Director or their designee has authority to evict any person, group or organization committing an offense, doing any unlawful act or violating the facility's rules and regulations, whether upon the cultural facility or an adjacent area to the cultural facility.

(E) The penalties provided in this section are in addition to any penalties that may be imposed by a court of competent jurisdiction for any violation of law.

SECTION 29. That Section 160.02, "Definitions," of Chapter 160, "Public Art," of the Pompano Beach Code of Ordinances, is amended to read as follows:

§ 160.02 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ART OR WORKS OF ART. A tangible object including but not limited to paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs and drawings, or combinations thereof, and artist-designed public facilities, buildings, and/or spaces and functional elements, either as integral parts of a larger project or as a separate entity.

~~***CITY CONSTRUCTION PROJECT.*** Any capital improvement project paid for wholly or in part by the city to construct or remodel any building, structure, park, utility, street sidewalk, or parking facility, or any portion thereof, within the limits of the City of Pompano Beach. The definition of city construction project shall also be deemed to include construction projects that are developed by persons or entities other than the city, but which require the participation of the city as a party to a development agreement or ground lease.~~

~~***ESTIMATED IN PLACE COST OF CONSTRUCTION.*** As described in § 152.12.~~

PUBLIC ART. Works of art of an appropriate scale and for general public access in public places.

PUBLIC ART COMMITTEE. The advisory committee appointed by the City Commission to carry out the duties and functions set forth in this chapter.

SECTION 30. That Section 160.05, “Public Art Fund Established,” of Chapter 160, “Public Art,” of the Pompano Beach Code of Ordinances, is amended to read as follows:

§ 160.05 PUBLIC ART FUND ESTABLISHED.

(A) There is hereby established a fund to be known as the Public Art Fund.

(B) ~~All appropriations of city funding for city construction projects shall include an appropriation of funds to the Art in Public Places Fund as follows:~~

~~(1) The amount appropriated to the Art in Public Places Fund shall be 2% of the estimated in place construction cost of the city construction project.~~

(2) The appropriation to the Public Art Fund shall be determined in conjunction with the Ten-Year Art Master Plan adopted by the City Commission and may be periodically adjusted where made at the time each Capital Improvement Plan budget is adopted by the City Commission. ~~If projects are added or modified, but not more than on an annual basis to the Capital Improvement Plan outside of annual adoption period, the appropriation shall be made at the time the project is added.~~ Despite any such adjustments, a minimum of \$200,000 annually shall be appropriated as part of the annual budget process.

SECTION 31. That Section 160.06, “Public Art Fund Purpose,” of Chapter 160, “Public Art,” of the Pompano Beach Code of Ordinances, is amended to read as follows:

§ 160.06. PUBLIC ART FUND PURPOSE.

Funds placed in the Public Art Fund shall be used only for the following purposes:

(A) Acquisition of works of art to be located on public property within the city, inside publicly accessible areas of public buildings, or public facilities within the city, or in publicly accessible areas of private property within the city, in accordance with the procedures in this section. The location for public artwork shall be made in accordance with the adopted Public Art Master Plan ~~and does not need to be associated with the city construction project that contributed the funding.~~

...

(D) All such expenses shall be approved as part of the yearly budget for the fund by the City Commission after considering the recommended budget submitted by the City Manager, ~~the Development Services Department,~~ the Cultural Affairs Department and the Public Art Committee.

...

SECTION 32. That Section 160.07, “Project Subject to Requirements of the Public Art Program,” of Chapter 160, “Public Art,” of the Pompano Beach Code of Ordinances, is repealed in its entirety.

SECTION 33. All ordinances or parts of ordinances in conflict with this Ordinance are revoked.

SECTION 34. That 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 35. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

JES:jrm
1/11/22
L:ord/ch98/2022-44