

ORDINANCE NO. 2017-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 132, "PUBLIC PEACE AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 132.12, "DISORDERLY CONDUCT," BY MODIFYING LANGUAGE TO BETTER DEFINE CONDUCT WHICH WOULD CONSTITUTE A VIOLATION; TO FURTHER PROVIDE FOR AN EXEMPTION FOR CONSTITUTIONALLY PROTECTED ACTIVITY; 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 132.12 entitled, "Disorderly Conduct," of Chapter 132, "Public Peace and Safety," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 132.12 DISORDERLY CONDUCT.

~~All persons shall be deemed guilty of disorderly conduct who shall, within the city, do any of the following:~~

It shall be unlawful for any person to engage in disorderly conduct as hereinafter described.

A person shall be guilty of disorderly conduct if, with a purpose to cause a breach of the peace, public danger, disorder, or nuisance, or with the knowledge that he reasonably will create such breach of the peace, public danger, disorder or nuisance he or she:

...

(B) ~~Collect in bodies or crowds~~ Gathers or creates a crowd for any unlawful purpose, to the annoyance or disturbance of which annoys or disturbs other persons or for any unlawful purpose or by failing or refusing to obey a lawful order of dispersal by a police officer where the person is committing acts of disorderly conduct in the officer's presence .

...

(H) Exception. This section shall not apply to constitutionally protected speech not in contravention of other laws.

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 _____, 2017.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

Tal:jrm
11/29/16
l:ord/ch132/2017-61