

City Attorney's Communication #2022-155

November 22, 2020

TO: Mark A. Beaudreau, Recreation Programs Administrator

Phyllis Korab, Cultural Affairs Director

FROM: James E. Saunders III, Assistant City Attorney

RE: Ordinance Amending Chapters 32, 98 and 160

Pursuant to your request, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF **POMPANO** BEACH. FLORIDA. AMENDING **CHAPTER** 32. "DEPARTMENTS," **OF** THE **POMPANO BEACH CODE** 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 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 "INTOXICATED **PERSONS**; **NUDITY,**" **SECTION** "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** "CITY-OWNED 98.81, **PORTABLE** STAGE,"

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> 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 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.

Please carefully review the ordinance to ensure that it meets your requirements.

JAMES E. SAUNDERS III

JES/jrm l:cor/recr/2022-155

Attachment