

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 37, "POMPANO BEACH CODE ENFORCEMENT," OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 37.12, "ALTERNATE CODE ENFORCEMENT PROCEDURES," TO PROVIDE FOR ENFORCEMENT OF ADDITIONAL VIOLATIONS BY CODE ENFORCEMENT INSPECTORS, AND PROVIDING PENALTIES FOR VIOLATIONS; AMENDING CHAPTER 94, "CIVIL EMERGENCIES," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 94.04, "UNLAWFUL ACTS DURING EMERGENCY," TO PROVIDE FOR ENFORCEMENT OF VIOLATIONS OF THE CITY'S EMERGENCY ORDERS BY LAW ENFORCEMENT OFFICERS AND CODE ENFORCEMENT INSPECTORS; AND AMENDING CHAPTER 130, "GENERAL PROVISIONS," OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 130.01, "STATE MISDEMEANORS AND NONCRIMINAL INFRACTIONS; COUNTY VIOLATIONS," TO MAKE VIOLATIONS OF FEDERAL, STATE OR COUNTY EMERGENCY ORDERS AN UNLAWFUL VIOLATION OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING FOR ENFORCEMENT; 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 37.12, “Alternate Code Enforcement Procedures,” of Chapter 37, “Pompano Beach Code Enforcement,” of the City of Pompano Beach Code of Ordinances is hereby amended as follows:

§ 37.12 ALTERNATE CODE ENFORCEMENT PROCEDURES.

...

(H) (1) ~~— Schedule of civil penalties.~~ All civil violations cited under this section shall be imposed a penalty of \$200.00 for violations that are uncontested, \$250.00 for contested violations, and \$500.00 for repeat violations.

		Civil Penalty	
Code Section	Description of Violation	Uncontested	Contested
96.12	Collection Regulations – Garbage/Bulk	\$200.00	\$250.00
96.10	Littering	\$200.00	\$250.00
156.12	Prohibited Signs	\$200.00	\$250.00
156.26	Signs on Right of Way	\$200.00	\$250.00
155.4303.X.4.	Parking Standards for Vehicles/Residential Zoning Districts	\$200.00	\$250.00

(2) ~~— All civil penalties for repeat violations shall be double the amounts shown in subsection (1) above.~~

SECTION 2. That Section 94.04, “Unlawful Acts During Emergency,” of Chapter 94, “Civil Emergencies,” of the City of Pompano Beach Code of Ordinances is hereby amended as follows:

§ 94.04 UNLAWFUL ACTS DURING EMERGENCY.

(A) It shall be unlawful to violate any order which is issued pursuant to this chapter during an emergency when the order is included in any proclamation of emergency and is issued for the purpose of protecting life, ~~and~~ property, or both.

(B) City law enforcement officers may enforce violations of this section by any person, punishable under Section 10.99.

(C) City Code Enforcement Inspectors may enforce violations of this section pursuant to the provisions of Chapter 162, F.S. and Chapter 37 of this Code, including, but not limited to, issuance of civil citations pursuant to Section 37.12.

SECTION 3. That Section 130.01, “State Misdemeanors and Noncriminal Infractions; County Violations,” of Chapter 130, “General Provisions,” of the City of Pompano Beach Code of Ordinances is hereby amended as follows:

§ 130.01 STATE MISDEMEANORS AND NONCRIMINAL INFRACTIONS; COUNTY VIOLATIONS; EMERGENCY ORDERS.

(A) It shall be unlawful for any person to commit, within the corporate limits of the city, any act which is or shall be recognized by the laws of the state as a misdemeanor or noncriminal infraction, and the commission of such acts is expressly forbidden. However, this provision shall not apply to acts recognized as misdemeanors solely on account of being violations of a county ordinance except to the extent provided in Section 8.04 of the Broward County Charter.

(B) It shall be unlawful for any person to commit, within the corporate limits of the city, any act which is **or shall be deemed** a violation of any Broward County ordinance of county-wide application. However, this section shall not apply to any county ordinance provision which is in conflict with any provision of any city ordinance.

~~(C) Whoever violates the provisions of this section, upon conviction thereof, shall be punished.~~ It shall be unlawful for any person to commit, within the corporate limits of the city, any act which is **or shall be deemed** in violation of any Executive Order or Emergency Order issued by a federal, state or county authorized official during a declared state of emergency.

D. (1) City law enforcement officers may enforce violations of this section by any person, punishable under Section 10.99.

(2) City Code Enforcement Inspectors may enforce violations of this section pursuant to the provisions of Chapter 162, F.S. and Chapter 37 of this Code, including, but not limited to issuance of civil citations pursuant to Section 37.12.

SECTION 4. 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 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2020.

PASSED SECOND READING this _____ day of _____, 2020.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
4/13/2020
l:ord/ch94/2020-187