

ORDINANCE NO. 2017-\_\_\_\_\_

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 151.05, "SEAWALLS," TO MODIFY REQUIREMENTS FOR CONSTRUCTION OR REPAIR OF SEAWALLS AND BY MODIFYING REFERENCES; AND BY AMENDING SECTION 151.08, "STRUCTURES ON WALLS," TO MODIFY THE TYPES OF STRUCTURES THAT MAY NOT BE ERECTED ON TOP OF OR OVER SEAWALLS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 151.05, "Seawalls," of the Pompano Beach Code of Ordinances is hereby amended as follows:

**§ 151.05. SEAWALLS.**

(A) Whenever it shall come to the attention of the City Engineer or the City Building Inspector that any property adjacent to any natural or artificial canal, stream, or other body of water requires the construction of or maintenance of a seawall on the property in order to abate a public nuisance or abate a condition which is injurious to the health, safety, or welfare of the neighborhood or community or dangerous to the navigability of any canal, stream or other body of

water or to abate a condition causing soil erosion or mitigation of soil to such body of water the City Engineer or Building Official shall inspect the premises. The City Engineer or the City Building Official of the city shall give to the owner or person having a beneficial interest in the property notice of the condition. This notice shall require the owner or person having beneficial interest in the property to obtain all necessary approvals and permits to abate the condition and to complete construction or repair. Proper service shall be as set forth in F.S. Ch. 162 and Chapter 37 of this code. In the event that after a hearing before the Pompano Beach Special ~~Master~~ Magistrate for Code Enforcement a violation of this section is found, the Special ~~Master~~ Magistrate shall hear testimony by the alleged violator and the Pompano Beach Building Official or City Engineer or their designees prior to setting a time for compliance. Such testimony shall include a listing of the regulatory agencies which will be involved in the permitting process and the magnitude of the work which will be involved to abate the condition.

...

(C) ~~The elevation of seawalls newly erected, or repaired in a manner which effects elevation, shall be consistent with the elevations of adjacent seawalls. Persons so desiring to construct or repair a seawall to an elevation above adjacent seawalls shall furnish a plan to the City Engineer for approval prepared by an engineer in the State of Florida, showing elevations of proposed and adjacent seawalls referenced to North American Vertical Datum of 1988 (NAVD 88) and justifying the desired seawall elevation. The design shall provide for a stepped transition from proposed to existing seawall elevations with a rise not to exceed seven inches and a run or tread not less than eleven inches. However, the The desired seawall elevation of seawalls shall not exceed an elevation of five feet ten inches NAVD 88. Persons desiring to construct or repair a seawall shall obtain all required permits and furnish a plan to the City Engineer for approval, which are prepared by an engineer in the State of Florida, showing elevations or proposed and adjacent seawalls referenced to North American Vertical Datum of 1988 (NAVD 88).~~

**SECTION 2.** That Section 151.05, "Structures on Walls," of the Pompano Beach Code of Ordinances is hereby amended as follows:

**§ 151.08. STRUCTURES ON WALLS.**

No dock, deck, finger pier, ~~boat lift, mooring device~~ terrace, retaining wall, stairway or other related structures shall be erected on top of or over a seawall.

**SECTION 3.** 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 4.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/sh:jrm  
6/13/2017  
L:ord/ch151/2017-249