

ORDINANCE NO. 2019-\_\_\_\_\_

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 76, "PARKING METERS," BY AMENDING SECTION 76.04, "ENFORCEMENT OF PROVISIONS," TO PROVIDE AUTHORITY TO PARK RANGERS TO ENFORCE PARKING VIOLATIONS WITHIN CITY PARKS; BY AMENDING CHAPTER 90, "ANIMALS," BY AMENDING SECTION 90.02, "AUTHORITY OF LAW ENFORCEMENT OFFICERS," TO PROVIDE AUTHORIZATION TO PARK RANGERS TO ENFORCE ANIMAL VIOLATIONS OBSERVED WITHIN THE CITY PARKS; BY AMENDING SECTION 90.38, "DOG PARK," TO PROVIDE PARK RANGERS WITH AUTHORITY TO ENFORCE THE RULES AND REGULATIONS OF THE CITY'S DOG PARK AND DESIGNATED DOG AREAS IN OTHER PARKS; BY AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," BY AMENDING SECTION 98.01, "DEFINITIONS," TO DEFINE THE DUTIES AND AUTHORITY OF PARK RANGERS; BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO ENUMERATE ADDITIONAL PROHIBITED ACTS WITHIN ANY MUNICIPAL RECREATION FACILITY, MUNICIPAL BEACH AND ADJACENT AREAS THERETO; TO PROVIDE FOR PENALTIES FOR CERTAIN PROHIBITED ACTS; 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 76.04, "Enforcement of Provisions," of Chapter 76, "Parking Meters," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

**§ 76.04 ENFORCEMENT OF PROVISIONS.**

It shall be the duty of the Chief of Police or person in command of the city's law enforcement agency, or his designee, and any other person or entity designated and authorized by the city to provide parking enforcement services to enforce all provisions of this chapter. In addition, the city's Park Rangers, as defined in §98.01 of this Code, shall have authority to enforce the provisions of this chapter within city parks through the issuance of civil citations.

**SECTION 2.** That Section 90.02, "Authority of Law Enforcement Officers," of Chapter 90, "Animals," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

**§ 90.02 AUTHORITY OF LAW ENFORCEMENT OFFICERS.**

Any police officer, or designated Animal Control Officer of the city who finds an animal in a motor vehicle, residence, or any structure in violation of this section and the animal is clearly in a life threatening condition may break and enter the motor vehicle, residence, or structure if necessary, without civil or criminal liability, to remove the animal. Park Rangers, as defined in §98.01 of this Code, may also enter a motor vehicle located within a city recreational facility, without liability and under such conditions as set forth above, to rescue an animal in distress. In the event an animal is suspected to be abandoned inside a residence or any other structure, and does not appear to be in any immediate danger, a notice of abandonment shall be posted in a prominent place. This notice of abandonment shall allow 24 hours for an owner to respond. If no response has been made within the 24-hour time period following the posting of such notice, a police officer, or animal control officer may break and enter the residence or structure without any civil or criminal liability to remove the animal. The law enforcement officer removing the animal shall follow impoundment procedures. The law enforcement officer shall, in the event the owner or custodian of said animal cannot be otherwise contacted, leave in a prominent place in the motor vehicle, residence, or structure a written notice bearing his name and department with the address, so that the animal may be claimed by the owner thereof.

**SECTION 3.** That Section 90.38, "Dog Park," of Chapter 90, "Animals," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

**§ 90.38 DOG PARK.**

The city may establish areas specifically designated “dog parks” for dogs to run off leash. The following rules shall apply in such areas.

The city’s Park Rangers, as defined in §98.01 of this Code, shall have the authority to issue civil citations for violations which occur in the Dog Parks.

...

**SECTION 4.** That Section 98.01, "Definitions," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

**§ 98.01 DEFINITIONS.**

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

...

***PARK or RECREATIONAL FACILITY.*** Any park, recreation activities center, swimming pool, tennis court, or any other area in the city, owned or used by the city, and devoted to active or passive recreation, including but not limited to, the Pompano Beach Golf Course, Public Beach, Aquatic Facilities, and Recreation Centers/Facilities.

**PARK RANGER.** A person hired and authorized by the city to patrol city park grounds, recreational facilities including public beaches to ensure public compliance with designated portions of the Code of Ordinances. The Park Ranger shall be responsible for enforcement of the Code and shall have the authority to issue civil citations to violators for prohibited activities at the above locations as set forth by the Code.

...

**SECTION 5.** That Section 98.02, "Prohibited Acts," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby 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 recreational facilities described in § 98.01 or on other properties described subsequently herein.

...

(B) Engage in or play rough or potentially dangerous games or practice for same; practice or exercise involving thrown or otherwise propelled objects, stones, arrows, javelins, shuttlecocks, ball or any other games or activities on the municipal beach or at the municipal swimming pools wherein a hard ball or hard object is used which might endanger persons upon the beach or in the swimming pools except in designated activity areas, clearly marked, and under the control of the lifeguard supervisor as to type of activity permitted; except where such acts are specifically authorized and posted with appropriate signage on such property in a reasonably conspicuous place and manner, subject to such reasonable rules and regulations as may be established and permitted by the Department.

...

(BB) Bring or provide animals for entertainment purposes, other than at facilities designated for animals in accordance with city regulations for said facilities.

(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.

(DD) Build or maintain a fire, or utilize any cooking device, equipment, or combustible devices containing fuel of any kind except in locations permitted and approved by the City Manager and/or his designee.

(EE) No person While in any park or recreational facility or cultural center or upon park grounds willfully mark, deface, disfigure, damage, tamper with or displace or remove any tables, benches, 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) No person will Loiter in or around any restroom, dressing room or bathhouse.

(GG) No person shall Damage or remove plants or plant materials, trees or parts thereof, or any flowers or nuts or seeds whatsoever, except that park

personnel may be empowered to make such removals and scientists and students of botany may be given special written permission by the city.

(HH) ~~No person shall~~ Make any excavations by tool, equipment, blasting or other means or agency, nor ~~shall any person~~ 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 or recreation lands, unless authorized by permit and easement.

(II) ~~No fires shall be built by any person~~ Build any fire against or adjacent to any park building, structure, tree or plant or adjacent to property of others or in any area of any park, except in such areas as are specifically designed for fire building, nor ~~shall any person~~ dump, throw or permit to be scattered, by any means, lighted matches, burning tobacco products or any other inflammable material within any park area or highway or road or street abutting thereto.

(JJ) ~~No person shall~~ Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing fences, tables or upon any other property not designated or customarily used for such purposes, or otherwise lodge and store personal property on public property as prohibited in Chapter 131 of this Code.

(KK) ~~No person shall~~ Allow or provide access into the dog park to an unpermitted user who does not have an authorized key fob. The key fob shall only be utilized by the registered owner as defined in section 90.38.

(LL) ~~No person shall~~ Use any nicotine vaporizers as defined in §115.30(A) within or upon any city parks, recreational, or cultural facilities.

*Penalties.* Any person violating the provisions of § 98.02 (B) (D), (E) (1) and (2), (H), (I), (J), (P), (R), (V), (Y), (Z), (AA), (BB), (CC), (DD), (EE), (FF), (GG), (HH), (II), (JJ), (KK) and (LL) shall be deemed guilty of a civil infraction. During a one-year period, each violation of the above-referenced subsections of § 98.02 shall constitute a separate offense. Violations of the above-referenced section shall be punished as follows:

(1) For the first violation, by a civil penalty of \$100.

(2) For a second violation, by a civil penalty of \$150.

(3) For each additional violation, by a civil penalty of \$250.

(4) Any person who fails to pay the appropriate civil penalty within the time allowed or who fails to appear in court to contest the citation shall be deemed to have waived his/her right to contest the citation, and judgment may be entered against the person for an amount not to exceed \$500.

(5) In addition to the above penalties, an individual found to be in violation of section (KK) above for improper use of a key fob, shall be subject to a revocation of the key fob and prohibited from using the dog park for a period of one (1) year from the date of revocation. Individuals may appeal the decision to prohibit use of the dog park according to §90.38(D)(2).

(6) The City's Law Enforcement Officers and Park Rangers shall have the authority to issue civil citations to violators of this subsection.

**SECTION 6.** 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 7.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

---

**LAMAR FISHER, MAYOR**

**ATTEST:**

---

**ASCELETA HAMMOND, CITY CLERK**

TAL:jrm  
9/27/18  
l:ord/ch98/2018-177