

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.01, "DEFINITIONS," TO MODIFY AND ADD NEW DEFINITIONS; BY CREATING SECTION 98.071, "PARK RECREATIONAL FACILITY RENTAL; PERMIT APPROVAL; RIGHT OF APPEAL," TO PROVIDE FOR PERMITTING OF PARK AND RECREATIONAL FACILITIES ENUMERATED IN SECTION 98.10; BY AMENDING SECTION 98.10, "FEES," TO INCLUDE PAVILION ACCESSORIES IN THE RENTAL FEE, DELETE REFERENCES TO FORMER PRESCHOOL SERVICES, AND ELIMINATE DOG PARK RULES AND REGULATIONS FROM FEE SECTION; BY AMENDING SECTION 98.15, "RESIDENCY AND EMPLOYEE BENEFITS," TO PROVIDE DISCOUNTS FOR MILITARY PERSONNEL AND VETERANS AND THEIR FAMILIES AND SENIORS THAT ARE AGE 55 AND OLDER; BY AMENDING SECTION 98.22, "AUTHORITY TO EVICT AND SUSPEND," TO MODIFY SUSPENSION FOR CERTAIN ACTS AND TO PROVIDE AUTHORITY TO CERTAIN CITY PERSONNEL TO CLOSE, VACATE OR DENY ADDITIONAL ENTRY OF PATRONS INTO PARKS AND RECREATIONAL FACILITIES UNDER SPECIFIC CIRCUMSTANCES; BY CREATING SECTION 98.24, "ENFORCEMENT AUTHORITY," TO ENABLE LAW ENFORCEMENT AND DEPARTMENT PERSONNEL TO ENFORCE CHAPTER 98 AND TO EVICT OR SUSPEND PRIVILEGES WHEN REQUIRED; BY AMENDING SECTION 98.45, "FUNCTION AND PURPOSE," TO MODIFY REQUIREMENTS FOR USE OF RECREATION ACTIVITIES CENTERS; BY AMENDING SECTION 98.47, "FEES," TO REQUIRE LEASING OF RECREATION ACTIVITIES CENTERS FOR PUBLIC EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City of Pompano Beach recognizes that parks and recreational facilities are vitally important to establishing and maintaining the quality of life in a community, ensuring

the health of families and youth, and contributing to the economic and environmental well-being of a community; and

**WHEREAS**, the City Commission of the City of Pompano Beach owns and operates an active system of parks and recreation facilities and programs for public use and enjoyment, and desires to maintain the quality of life, promote the City as a desirable location for businesses to relocate, and environmentally steward their natural resources; and

**WHEREAS**, the City Commission of the City of Pompano Beach has a substantial interest in discouraging unlawful activity and in maintaining a safe and orderly environment in its parks and recreation facilities; and

**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 98.01, "Definitions," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is 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.

**DEPARTMENT.** As used in this chapter is the Parks, Recreation and Cultural Arts Department or its designated staff.

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**PARK or RECREATIONAL FACILITY.** Any park, playground, recreation fields, pavilion, gazebo, hut, publicly designated open space and greenway, bikeway, trail, picnic area, concession stand, kitchen area, outdoor grill area, ranges, splash pads, natural area, forest, preserve, hammock, waterways, water recreational areas, docks, ~~recreation activities center~~, swimming pool, tennis court, and the areas designated for parking, roadways, walkways, paths, trails, restroom, public service, maintenance, storage, and grounds which are provided in connection with such facilities, and other improvements thereto, or any other area in the city, owned, ~~or used by the city~~, operated, or managed by or under the control of or assigned for upkeep, maintenance, or operation by the city and all related air rights owned, operated, or managed by the city and devoted to active or passive recreation; including, but not limited to, the Pompano Beach Golf Course, and Public Beach.

...

**PUBLIC EVENT.**

...

(2) Any other organized activity or set of activities conducted by an individual, group, or entity for a common or collective use or benefit including, but not limited to, events providing food concessions ~~and/or~~ alcoholic beverages, utilizing vendors or charging admission to invitees, exhibiting, showcasing or retailing products and which may involves the use of public facilities a park recreational facility or recreation activities center or ~~and the possible or necessary~~ provision of city services ancillary to such use thereto, including, but not limited to, ~~the need for security~~, road closures, Fire Rescue inspections ~~or~~ personnel, law enforcement or Public Works personnel, ~~and or the need for~~ issuance of a building permit.

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**RECREATION CENTER OR RECREATION ACTIVITIES CENTER.** Auditoriums, banquet rooms, and other recreational areas within or adjacent to buildings owned, leased, operated, or managed by or under the control of or assigned for upkeep, maintenance, or operation by the city and all related air rights, including, but not limited to, the Aquatics Center, Houston/Sworn Aquatic Center, Emma Lou Olson Civic Center, E. Pat Larkins Civic Center, Herb Skolnick Civic Center, and Municipal Tennis Center; such facilities as identified and regulated under Sections 98.45 through 98.53, entitled “Recreation Activities Center.”

**SECTION 2.** That Section 98.071, "Park Recreational Facility Rental; Permit Approval; Right of Appeal," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is created to read as follows:

**§ 98.071 PARK RECREATIONAL FACILITY RENTAL; PERMIT APPROVAL; RIGHT OF APPEAL.**

(A) Except as otherwise provided herein, it shall be unlawful for any person or organization to sponsor, give, or participate in the giving of an event within a city park or use a recreational facility and areas immediately adjacent thereto as identified in §98.10, unless a permit for the event or facility has first been obtained from the Department. A person shall not be charged with a violation of this Section if the person immediately leaves the park or recreational facility identified in §98.10 or, if desiring to reserve the facility, submits the appropriate application, pays the requisite fee and obtains the requisite permit.

(1) Unless otherwise provided hereinafter, rental of park recreational facilities identified in §98.10 and the appurtenances thereto must be obtained in advance and must be for a specific time and duration for each such facility and shall be subject to the conditions and provisions contained in the facility rental permit. The rental application must be completed and accompanied by the requisite nonrefundable fee as described in §98.10.

(2) The Recreational Facility Rental application, at a minimum, shall request the following information:

- (a) The name and address of the applicant;
- (b) The name and address of the person, persons, corporation, or association sponsoring the activity, if any;
- (c) The day and hours for which the permit desired;
- (d) A description of the park area or recreational facility for which the permit is requested;
- (e) An estimate of the anticipated attendance; and
- (f) Any other information which the Department shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(B) *Standards for issuance of park recreational facility rental permit.*  
If the park recreational facility will be available for use on the date and time

requested, and is not subject to a prior reservation, the Department may issue a facility rental permit when the Department finds the facility rental application complete and the rental is in accordance with the purpose for which such city property is designed or intended, and further that the proposed activity will not unreasonably interfere with or detract from the general public enjoyment of the remaining park area or facility, or interfere with or endanger public health, welfare or safety, or be reasonably calculated to incite violence, crime or disorderly conduct on the part of the participants or entail unusual, extraordinary or burdensome expense for supervision, maintenance, cleanup or police protection by the city.

(C) The Department must ensure that the applicant has paid to the City the required application fee, security deposit (if any), and any other fees required under the City Code. All fees must be paid in full ten business days prior to the event date. If the application is made for an event scheduled in less than ten days from the date of application, the applicant will pay an additional charge for expediting the application process. If any damage occurs, the applicant shall be liable for such damage.

(D) All persons, groups or organizations using a park recreational facility must furnish general liability insurance coverage and other insurance coverage as otherwise required by the city. Proof of the required insurance coverage shall be provided to the City Risk Manager at least ten calendar days before the commencement date of the event/performance and shall provide coverage for the date(s) the event holder is onsite and the date of the actual event. The insurance policy or a certificate of insurance must include the policy number, policy limits, and provide that the City of Pompano Beach is included as an additional insured to the policy. The insurance requirements depend upon the risk level of the event, and will be determined by the City Risk Manager, who has the right to review, modify, reject or accept any insurance policy, including limits, coverages or endorsements.

(E) *Conditions of permit.* Permits may be issued subject to such special regulations and instructions as may be prescribed by the Department or other city agencies with governing authority. Permittees shall be bound by all park and facility rules and regulations and all applicable ordinances as fully as though the same were inserted in the permits. Permittees agree to hold the city harmless from any claims for loss, injury or damage to any persons or property whatsoever caused by the negligence of permittees in the exercise of such permit. Depending on the nature of the activity, the permit may be conditioned on the provision of an indemnity bond to protect the City from any liability of any kind or character and to protect the city from damage. The bond amount shall be determined by the City Manager or his or her designee. The Department shall have the authority to revoke a permit upon finding a violation of any rule or ordinance, or upon good cause shown.

(F) *Decision on facility rental application; right of appeal.*

(1) Within five business days after receipt of a complete application for park recreational facility rental, the Department shall either approve or deny same and advise the applicant accordingly, either in person or by mail.

(2) If an application is denied, the Department at the time of notification shall apprise the applicant in writing of the reasons for such refusal. Any persons aggrieved thereby shall have the right to appeal such adverse decision in writing within five calendar days of receipt of such refusal to the city manager, who shall consider the application under the standards hereinabove set forth, and without undue delay, sustain, overrule or modify the Department's decision.

(G) *Cancellations.* In the event a park recreational facility rental is cancelled at least 48 hours prior to the event date, the Department will refund 75% of the total rental fee. No refunds of the facility rental fee will be made for cancellations that are less than 48 hours from the event date.

(H) The following additional rules and conditions shall apply to Park Recreational Facility Rental permits:

(1) Permits are issued on a first come, first served basis.

(2) Permits are nontransferable, and are good only on the date specified.

(3) The permittee will be held responsible for the conduct of the entire group.

(4) The permittee shall observe, obey and comply with the rules and regulations established by this Chapter, as well as all applicable city, county, state and federal laws, rules and regulations.

(5) The permittee shall assume all risk in the use of the facility and shall be solely responsible and answerable in damages for all accidents and injury to person or property.

(6) A security deposit, where required, must be paid when the permit is granted.

(7) *Food preparation and cooking.* No person will picnic, lunch or cook in any area not specifically designated or regulated by the Department for such usage. No person shall build, light or cause to be lighted any

fire upon the ground or on other object in any area except as specifically designated and in an approved grill, stove, fireplace or other suitable container as determined by the Department, nor shall any person starting a fire leave the area without extinguishing the fire. No person shall use a grill or other device in such a manner as to burn, char, mar or blemish any bench, table or any other object of park property.

(8) The Department will regulate activities in park areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. If the facilities are crowded, persons holding activities in any park area, building, facility or structure will avoid using same to the exclusion of others for an unreasonable time; the determination of what is unreasonable shall be made at the Department's discretion.

(9) Special conditions related to the various types of facilities may be printed on the permit forms.

**SECTION 3.** That Section 98.10, "Fees," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 98.10 FEES.**

The following schedule of fees for residents and nonresidents is hereby established for the use of the enumerated municipal recreational facilities and programs.

...

(D) Park/field rentals.

...

	<i><b>Resident</b></i>	<i><b>Nonresident</b></i>
(3) Pavilion	\$75.00/daily	\$135.00/daily

Pavilion rental fee includes, where applicable, the grill area or other appurtenance.

...

(F) ~~Preschool.~~

	<i><b>Resident</b></i>	<i><b>Nonresident</b></i>
(1) <del>Registration fee</del>	<del>\$25.00</del>	<del>\$50.00</del>

<del>(2)</del> <u>(F)</u> Full day program	\$486.00/month	\$669.00/month
<del>(3)</del> <u>(F)</u> Half day program	\$306.00/month	\$350.00/month

...

~~(G)~~ (F) Specialty Camps.

...

~~(H)~~ (G) Summer Programs.

...

~~(I)~~ (H) Recreation Programs and City Operated Youth Programs.

...

~~(J)~~ (I) Full refunds will be made for programs, activities and events cancelled by the Parks, Recreation and Cultural Arts Department. If a refund is requested by the participant, a \$15.00 administrative fee will be deducted from the program/activity/event fee paid. The administrative fee will be assessed per activity refunded. Registration fees are non-refundable. There will be no refunds for weekly camps if the participant has attended any day(s) of that week.

~~(K)~~ (J) Adult Athletic Leagues.

...

~~(L)~~ (K) Recreation Department instructor agreements will provide that the Instructor and the City will share in the income received from a student paying the requisite fee to participate in a class in the amount of 70% and 30%, respectively, share between the instructor and city. Agreements will be renewed the beginning of each fiscal year (October 1).

~~(M)~~ (L) Fees for recreation programs not specifically provided for in this chapter shall be published at least two times each fiscal year. Printed flyers and publications shall also be available at Pompano Beach recreational facilities. Residents registered for city-run programs will have priority for placement in those programs when group size or space is a limiting factor.

(M) Cancellations. In the event a park recreational facility rental is cancelled at least 48 hours prior to the event date, the Department will refund 75% of the total rental fee. No refunds of the facility rental fee will be made for cancellations that are less than 48 hours from the event date.

~~(N) Refund of Reservations. A refund of 75% of the total rental fee for the softball/baseball fields, football/soccer fields and gymnasiums will be given if~~



~~the cancellation is made 30 days or more prior to the reservation date. No refunds of the rental fee for such facilities will be made for cancellations that are less than 30 days from the reservation date.~~

~~(O)~~ (N) An annual fee is charged for all adult programs.

...

~~(P)~~ (O) Tournaments. All users/renters requesting the use of city owned fields for tournaments shall complete a tournament application and submit to Parks, Recreation and Cultural Arts Department staff. Tournament rental fees will include field preparation of all rented field(s) twice per rental hour(s). Field preparation shall consist of dragging and lining of the field(s). The guidelines will be the same for all field locations listed below:

...

~~(Q)~~ (P) Senior Softball League Rental. Any senior league requiring the use of the city softball fields will be charged at a rate of \$300.00 per field for a four month period for residents and \$350.00 for non-residents. All senior leagues will be required to submit with its application a current membership roster showing that at least 51% of the members of the organization reside within the city limits and will be classified as resident league for purposes of the fee schedule. In addition all senior leagues will be required to submit with its application a membership roster verifying that all members are 55 years or older for the purposes of the fee schedule. These rates shall be in addition to other fees associated with the use of city parks and/or fields.

~~(R)~~ (Q) Dog Park Fees.

~~(1)~~—All persons using the dog park must first obtain a dog park membership and register their dog prior to entry into the park.

	<i>Resident</i>	<i>Nonresident</i>
(a) Annual Membership:	\$30 per year for one dog, \$5 per additional dog	\$60 per year for one dog, \$5 per additional dog
(b) Six Month Membership:	\$20 for 6 months for one per dog, \$5 per additional dog	\$40 for 6 months for one per dog, \$5 per additional dog
(c) Weekly Membership:	\$10 per week per dog,	\$20 per week per dog,
(d) Daily Membership:	\$5 per visit per dog	

~~(2)~~—Rules for the Dog Park can be found in § 90.38 of the city's Code of Ordinances. Upon registration, the following shall be applicable for all applicants:

~~(a) — Dog owner will furnish proof of current rabies vaccination for each dog registered.~~

~~(b) — The applicant shall receive a copy of the rules and regulations of the dog park and sign an agreement that they have read, understand and will abide by the dog park rules and they agree that if they allow access into the park to any other person not using their own key fob or if they loan their key fob to unpermitted users, they will have key fob revoked and be prohibited from park use. Applicant may appeal the decision to prohibit use of dog park according to § 90.38(D)(2).~~

~~(c) — Adult family members residing in same residence may be authorized on the permit but no more than two key fobs will be issued per household.~~

~~(c) — Information collected and stored in RecTrac will include driver's license or another form of picture ID and birthdate for all authorized household users listed on the key fob.~~

~~(d) — The information collected will include the weight of each dog, as stated by owner.~~

~~(e) — For six months and 12 months memberships the key fob will include a photo of the registered dog, which will be provided by the dog owner and information will be associated with the user household in RecTrac. If this is not completed at time of membership purchase, then Animal Control will follow up by meeting with the applicant and taking the photo of the dog. This must be done within two weeks of purchasing membership or key fob will be deactivated until photo is provided.~~

**SECTION 4.** That Section 98.15, "Residency and Employee Benefits," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

**§ 98.15 ~~RESIDENCY AND EMPLOYEE~~ DISCOUNTS AND BENEFITS.**

...

(B) *Employee benefits.* A 20% discount on all ~~Parks, Recreation and Cultural Arts~~ Department facility rentals, memberships and recreation program fees (excluding contractual classes, league/tournament fees and trade shows) will be given to City of Pompano Beach employees. Fee discounts shall not apply to annual registration fees, application fees and public event fees.

Criteria: Employee Fees will be based on resident and non-resident status, in accordance with requirements outlined in §98.01, Evidence of Residency. Employee must present valid City ID card and most recent payroll check stub. Once employee establishes resident or nonresident employment discount the family (employee's spouse and minor children) will be entitled to employee discount with payment being made by City employee.

(C) Active military personnel, honorably discharged veterans and military retirees may receive a 20% discount on all Department facility rentals, memberships and recreation program fees (excluding contractual classes, league/tournament fees and trade shows). The applicable fees will be based on veteran's evidence of residency required in §98.01 and presentment of a valid military ID. Once confirmed, the discount will be applied on behalf of the military personnel and their immediate family up to a family of five. The military discount shall not apply to annual registration fees, application fees and entry or admissions to public events.

(D) Seniors that are age 55 and older may receive a 20% discount on all Department facility rentals, memberships and recreation program fees (excluding contractual classes, league/tournament fees and trade shows). The applicable fees will be based on senior's evidence of residency required in §98.01. Anyone wishing to receive the senior discount must show a valid ID. Once the residency and age are confirmed, the discount will be applied. The discount shall not apply to annual registration fees, application fees and entry or admissions to public events.

(E) A discount cannot be combined with any other discount or promotion.

**SECTION 5.** That Section 98.22, "Authority to Evict and Suspend," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 98.22 AUTHORITY TO EVICT AND SUSPEND.**

(A) The Recreation Programs Administrator of the city or authorized designee, and the Ocean Rescue Supervisor of the city are hereby given authority to:

...

(C) In addition to other provisions set forth in this chapter which are applicable to specific recreational facilities:

(1) The Recreation Programs Administrator or authorized designee, and Ocean Rescue Supervisor may suspend a person's right to enter the municipal beach or any other municipal recreational facility, and also their playing privileges, for any person who:

(a) has been arrested for committing an offense or unlawful act on a municipal recreational facility, or

...

(d) has been evicted or given a trespass warning pursuant to any of the provisions contained in subsection (A) above, or ~~Said suspension may be for a period of up to 6 months, or up to 12 months if the person has previously been suspended from any city recreational facility under this chapter. Notice of the suspension shall be in writing and provided by certified mail or by hand delivery, and shall contain information referencing the procedure for appeal of the suspension. Any fees paid for use of any facility during the suspension period shall not be refunded.~~

(e) has committed an additional offense or unlawful act under this section following completion of a 12 month suspension, whereupon a permanent suspension may be imposed. All notice and appeal provisions as set forth herein shall apply.

(2) Suspensions pursuant to subsections (a) through (d) above may be for a period of up to 6 months, or up to 12 months if the person has previously been suspended from any city recreational facility under this chapter.

(3) In addition, any person who commits an offense or unlawful act in a city recreational facility involving violence or engages in conduct demonstrating a hazard to other patrons may be suspended from any or all city recreational facilities for up to 12 months, or permanently upon conviction by any court for the commission of said act. For purposes of this section, "conviction," shall mean entry of a plea of guilty or nolo contendere or a finding of guilty at trial, all regardless of an adjudication of guilt by the court.

(4) Notice of the suspension shall be in writing and provided by certified mail or by hand-delivery, and shall contain information referencing the procedure for appeal of the suspension. Any fees paid for use of any facility during the suspension period shall not be refunded.

(2 5) Any suspension may be appealed by filing a written request for a hearing with the City Manager within seven days after notice of the suspension is received. The City Manager shall hold a hearing within seven days or as close to thereto as possible after receipt of the request for the hearing. At the hearing the City Manager shall hear testimony of any relevant witnesses, and shall review all relevant evidence for the city and the appellant. The City Manager may uphold, revoke or modify the suspension. Said suspension shall remain in full effect during the appeal period.

(3 6) It shall be unlawful for any person to enter upon or utilize a municipal recreational facility while under suspension, while any such suspension is under appeal, or after said suspension is upheld on appeal by the City Manager. Any such conduct shall constitute a trespass pursuant to § 98.05.

(D) (1) The City Manager, the Chief of the City's Law Enforcement Agency, the Recreation Program Administrator, or their designee shall have the authority to close, order patrons to vacate, or to deny additional entry of patrons into any city park or recreational facility when it has been determined that the park or recreational facility is overburdened by current occupancy, or when the parking capacity has been exceeded, or whenever it becomes necessary for the protection of the health, safety and welfare of park patrons or the surrounding community.

(2) For purposes of this section, the determination as to whether a city park or recreational facility is "overburdened" shall take into consideration the number of persons in a facility along with such factors as the size of the facility, its capacity to adequately hold or host the reserving persons without interfering or preventing others from utilizing the facility for its intended use; the availability of sanitary facilities including restrooms; availability of parking facilities; the need for crowd control, parking control and standby emergency medical services for the number of people occupying the facility; and the potential interference to response of emergency services to persons and properties in the immediate vicinity of the park or recreational facility due to impeded roadway access.

(E) Failure to comply with the city's direction provided herein, except as otherwise provided, shall constitute a Trespass under § 98.05 of this Code, punishable under § 10.99.

**SECTION 6.** That Section 98.24, "Enforcement Authority," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is created to read as follows:

**§ 98.24 ENFORCEMENT AUTHORITY.**

(A) It shall be the duty and responsibility of a law enforcement officer, park ranger and designated Department employees to enforce this chapter.

(B) It shall be unlawful for any person to do any act forbidden or fail to perform any act required by this chapter or for any person to fail to comply with any lawful or any reasonable order given by the law enforcement officer, park ranger and designated Department employees.

(C) Law enforcement officers, park rangers and designated Department employees shall have the authority to evict and suspend any person or permittee for any unlawful act as described herein in accordance with Section 98.22.

**SECTION 7.** That Section 98.45, "Function and Purpose," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

(A) The recreation centers and facilities are considered to be provided primarily for the programs, activities, and events promoted, sponsored, and conducted by the ~~Parks, Recreation and Cultural Arts~~ Department. To the extent that the recreation center is not fully utilized by programs, activities or events of the ~~Parks, Recreation and Cultural Arts~~ Department, the Department may give use of its facilities to other city departments ~~of the city municipal government~~ and to other outside organizations and individuals.

...

**SECTION 8.** That Section 98.47, "Fees," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

(A) Recreation centers and outdoor facilities.

(1) Use by organizations. Use of the recreation centers, operated by the ~~Parks, Recreation and Cultural Arts~~ Department, by bona-fide organizations may be permitted upon written application for the use of the center or facility on a specific date. The application shall be filed with the ~~Recreation Programs Administrator or designee~~ Department. All applications shall be signed by the president of the organization or designee duly authorized to act on their behalf. All applications shall state the purpose for which the center or other facilities are to be ~~made~~ used. Any nonprofit organization registered to do business in the State of Florida, which submits with its application a current membership roster compiled within a preceding 30-day period showing that at least 51% of the members of the organization reside within the city limits, shall be

classified as a resident organization for purposes of the fee schedule set forth herein for any legitimate function of the organization. Any organization which submits an inaccurate or falsified roster may be denied use of the recreation center or facility. All other nonprofit organizations shall be classified as nonresident organizations.

...

(7) ~~A license agreement will be necessary for any item or activity that is not governed by the fee structure ordinance.~~ Any use of facilities described in this section for a Public Event shall be accomplished through a lease agreement approved by resolution of the City Commission. ~~This license~~ The lease agreement will be presented to the City Commission after negotiations with the organization or the individual have been completed.

...

**SECTION 9.** 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 10.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

JES:jrm  
11/28/18  
l:ord/ch98/2018-184