

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 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.01, "DEFINITIONS," TO MODIFY DEFINITIONS; BY AMENDING SECTION 98.02 "PROHIBITED ACTS," TO PROVIDE ADDITIONAL RESTRICTIONS; 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 protecting the children who visit and play in its parks and recreation facilities and safeguarding against unlawful activity by others during such use; 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.

DESIGNATED CHILDREN PLAY AREAS. An area or section within a city park designated for use by children ages 12 or younger only and posted by signage at prominent locations indicating such limited occupancy and use.

...

SECTION 2. That Section 98.02 "Prohibited Acts," of Chapter 98 "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is 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.

...

(LL) Use any nicotine vaporizers as defined in § 115.30(A) of this Code within or upon any city parks, recreation, or cultural facilities.

...

(MM) For any adult 18 years or older to enter or remain in a designated play area as defined in § 98.01, unless the adult is supervising and/or accompanying children who are utilizing the play area.

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 _____, 2019.

PASSED SECOND READING this _____ day of _____, 2019.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

TAL:jrm
8/12/19
L:ord/ch98/2019-250