

ORDINANCE NO. 2020-_____

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 98.10, "FEES," TO PROVIDE FEE SCHEDULE FOR MUNICIPAL FISHING PIER; BY AMENDING SECTION 98.12, "MUNICIPAL FISHING PIER," TO PROVIDE ADDITIONAL RESTRICTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pompano Beach desired to create a fun, safe, friendly and clean environment for families, fishermen and sightseers along its eastern shoreline, who would be captivated by its wider and higher fishing pier with pedestrian lighting, shade structures, fishing stations and a bait and tackle shop; and

WHEREAS, the municipal fishing pier has recently been named the "Fisher Family Pier" and is scheduled to commence operation in Fiscal Year 2020; and

WHEREAS, the current Code does not provide a schedule of fees for the municipal fishing pier and additional standards of conduct are needed; 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 98.10, "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.

(A) City swimming pools.

...

(Q) Dog Park Fees. All persons using the dog park must first obtain a dog park membership and register their dog prior to entry into the park.

...

(R) Municipal Fishing Pier. All persons using the municipal fishing pier shall pay for the following activities:

- | | | |
|-----|--|--------------------------|
| (1) | <u>Sightseeing Daily Pass</u> | <u>\$2.00 per person</u> |
| (2) | <u>Fishing Daily Pass</u> | <u>\$5.00 per person</u> |
| (3) | <u>Sightseeing Annual Resident Only Pass</u> | <u>\$100 per person</u> |

SECTION 2. That Section 98.12, "Municipal Fishing Pier," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.12 MUNICIPAL FISHING PIER.

(A) All acts prohibited by § 98.02 shall also be prohibited on the municipal fishing pier. In addition to those acts, the following provisions shall also govern the conduct of persons on the pier.

(1) Loitering. Any person or persons not patronizing the pier or any of the businesses thereon are prohibited from loitering on the pier, patio area, or adjacent parking area.

(2) Prohibited areas. It shall be prohibited to fish in any areas so designated by appropriate signage.

(3) Disposal of refuse and fish. All refuse, waste, or unusable matter shall be placed in receptacles provided, except fish, which shall be cut or rendered into small pieces deposited in the ocean. Any disposal of refuse, waste or unusable matter off the pier into the ocean is prohibited.

(4) Flame-type lanterns. There shall be no open flame-type lights or lanterns of any nature whatsoever in or about the pier.

(5) Diving, swimming, netting. There shall be no diving or jumping from the pier into the waters surrounding it nor within ~~1,000~~ 100 feet therefrom, unless such activity is sponsored, endorsed or approved by the City. There shall be no spear fishing, underwater fishing, or swimming of any nature whatsoever in, under, or about the pier or within 100 feet therefrom. There shall be no netting of any nature of fish or other sea life in, on, under, or about the pier or within 1,000 feet therefrom.

(6) Boating. There shall be no boating, fishing boats, or any floating surface within 1,000 feet of the pier.

(7) Children prohibited. No children under ten years of age, unless accompanied by ~~an adult~~ a parent, legal guardian or other person fifteen (15) years of age or older responsible for the care and custody of the child, shall be allowed on the pier.

(8) Dogs and pets. No dogs or any other pets shall be allowed on the pier unless a Service Animal as defined under Titles II and III of the Americans With Disability Act and Section. 413.08, F.S. ~~However, the City Commission may authorize the keeping of a guard dog by the pier lessee on the portion of the pier premises and on the terms and conditions the City Commission may deem appropriate.~~

(9) Fishing gear. All fishing gear and equipment must be kept at least 3½ feet from the railing of the pier, except fishing poles and gear in use. The use of hand lines and fly rods are prohibited.

(10) Bait cutting. All bait and fish shall be cut only on tables provided for that purpose and there shall be no cutting of bait or fish on rails, seats, or flooring of the pier.

(11) Running or climbing, or sitting on pier railings. Running or climbing on any part of the pier or rails or sitting on pier railings ~~located thereon~~ is prohibited.

(12) Bait sale. The sale of bait or fish by any person or persons except the lessee or the owner of the pier is strictly prohibited.

(13) Disturbances. Any person or persons creating a disturbance on the pier or acting in violation of any rule, regulation, or ordinance governing or pertaining to the use of the pier shall leave the pier when ordered to do so by the city or its duly-authorized employees or agents, including the pier lessee. Failure to leave when so ordered shall constitute a Trespass. In addition, the Recreation Programs Administrator or authorized designee may evict and suspend any person from the Pier pursuant to the provisions of Section 98.22 of this Code. ~~In the event that one person is so required to leave the pier as many as three times by reason of the foregoing or by reason of the violation of any rule, regulation, or ordinance governing or pertaining to the use of the pier, then in that event, the person shall be permanently barred from the use of the pier, and if the person possesses an annual pass for admission thereto, the unused portion of it, dating from the time of the last expulsion to the expiration date of the pass, shall be refunded to the person. The City Manager and the pier lessee are hereby granted the authority to temporarily bar from the pier any person or persons violating the ordinance, rules, and regulations governing or pertaining to the use thereof, for a period up to one month for each of the first two violations.~~

(14) ~~Restricted area for minors after 7:00 p.m. No person under the age of 18 shall be permitted in any area licensed for the sale and consumption of alcoholic beverages after 7:00 p.m.~~ Shark Fishing. Shark fishing from the pier is prohibited.

(15) ~~Consumption of food. It shall be prohibited to consume food west of the tackle shop except in those areas specifically designated and licensed for food sale and consumption.~~

(15) ~~Parking of motorcycles, and similar vehicles. Motorcycles, motorbikes, mopeds, and bicycles shall be parked only in those areas specifically designated for motorcycle, motorbike, moped, and bicycle parking, and no such vehicle or device shall be operated on or otherwise brought onto the pier. The use of bicycles, skateboards, roller blades, scooters and surfboards are prohibited on the pier.~~

(16) Coin-operated games. It shall be unlawful for any person, firm, or corporation to install or operate any mechanical amusement device or machine which, upon the insertion of a coin, slug, token, plate, or disc, is operated generally for use as a game, entertainment, or amusement, whether or not registering a score, and which includes such devices as marble machines, pinball machines, skill ball, mechanical grab machines, and all games, operations, or transactions similar thereto under whatever name they may be indicated, without the prior written consent of the pier lessee and the City Commission.

(B) The municipal fishing pier shall be open daily to the public from 6:00 a.m. until 11:00 p.m. There will be no holiday closures. The City shall reserve the right to close the municipal fishing pier or adjust the pier operating hours due

to inclement weather, emergencies, special events or incidents determined in the City's best interest.

(~~B~~ C) Any person violating any provision of this section shall, upon conviction thereof, be punished as provided in § 10.99.

SECTION 3. If any provision of this Ordinance or its application 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 _____, 2020.

PASSED SECOND READING this _____ day of _____, 2020.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

JES:MEB:jrm
1/23/2020
L:ord/ch98/2020-91