

ORDINANCE NO. 2021-_____

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, “STREETS AND SIDEWALKS,” OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.35, “BUILDING OR OBSTRUCTION ON PUBLIC STREETS, SIDEWALKS, AND RIGHT-OF-WAY SWALE AREAS; PEDESTRIAN MEDIAN SAFETY,” TO DELETE INCONSISTENT LANGUAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 24, 2020, the City Commission of the City of Pompano Beach adopted Ordinance No. 2020-59, amending Section 100.35 of the City’s Code of Ordinances, “Building and Obstruction on Public Streets, Sidewalks, and Right-of-Way Swale Area; Pedestrian Median Safety,” to address street and sidewalk safety, obstructions, and restrictions: and

WHEREAS, subsection (C)(2) of Section 100.35 was intended to be deleted upon completion of the final draft of a corresponding Ordinance that amended Section 100.41 of the city’s Code, but was inadvertently retained at the time of the passage of the Ordinance, constituting a scrivener’s error and requiring deletion as the subsection acts in conflict with the revised Section 100.41 of the Code; and

WHEREAS, deletion of such language as proposed will not compromise the pedestrian and traffic safety goals of the Ordinance; 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 100.35, “Building or Obstruction on Public Streets, Sidewalks, and Right-of-Way Swale Areas,” of Chapter 100, “Streets and Sidewalks” of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

OBSTRUCTIONS

§ 100.35 BUILDING OR OBSTRUCTION ON PUBLIC STREETS, SIDEWALKS, AND RIGHT-OF-WAY SWALE AREAS; PEDESTRIAN MEDIAN SAFETY.

...

(C) It shall be unlawful for any person to:

(1) For any period of time, sit or stand, in or on

(a) any unpaved median, or any median of less than three feet, or

(b) any median less than five feet where the adjacent roadway has three or more vehicular travel lanes in any one direction at the point of intersection (including turning lanes), except that pedestrians may use median strips only in the course of lawfully crossing from one side of the street to the other.

~~(2) For any roadway that has three or more vehicular travel lanes in any one direction at the point of intersection (including turning lanes), to hand or seek to transmit by hand or receive by hand anything to any person who operates or occupies a motor vehicle of any kind, which vehicle is engaged in travel on or within any portion of the roadway, whether or not such vehicle is temporarily stopped in travel lanes of the road.~~

~~(32)~~ (3) Occupy a paved travel lane or other portion of a roadway while the traffic is flowing.

~~(43)~~ (4) Alter or impede the flow of traffic by any means.

(~~54~~) Remain in the portion of the paved road or highway designated for vehicular use, upon the commencement of traffic flow from a stopped position.

(~~65~~) Jaywalk. The following shall constitute jaywalking and shall be deemed a violation of this section:

...

(~~76~~) Where sidewalks are provided on a roadway with four or more total travel lanes (counting both directions), walk along and upon the portion of a roadway paved for vehicular traffic.

(~~87~~) Between adjacent intersections at which traffic control signals are in operation, cross at any place except in a marked crosswalk.

(~~98~~) Intentionally block the path of travel of a vehicle or cause a vehicle to take unreasonable evasive action to avoid contact or collision with said person;

(~~109~~) Physically touch a person or any portion of a vehicle without the consent of the person or vehicle occupant, or throw any object at or into any vehicle unless specifically requested by an occupant;

(~~110~~) For purposes of this section, unreasonable evasive action shall mean causing a vehicle to depart from the lane of traffic in which it is traveling to change lanes, to straddle lanes, or to enter onto a swale to obtain passage; it also means causing a pedestrian to leave the sidewalk on which he or she is traveling or to make contact with a wall or fence bordering the sidewalk.

(~~111~~) Exemptions. The following shall be exempt from the provisions of this subsection:

...

(~~112~~) (a) Violations of subsections 1 – 5, 9 and 10 above, shall be punishable under § 10.99.

...

SECTION 2. All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any 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

MEB/jrm
10/5/2020
L:ord/ch100/2020-03