

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 33, "BOARDS AND COMMISSIONS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 33.130, "NUISANCE ABATEMENT BOARD," TO MODIFY THE CODE TO CONFORM WITH CHANGES MADE TO FLORIDA STATUTES, THROUGH THE PASSAGE OF HOUSE BILL 625 IN THIS YEAR'S LEGISLATIVE SESSION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed House Bill No. 625 effective July 1, 2020, which amended Section 893.138 F.S. to provide for additional criteria for declaring certain places and/or premises public nuisances;

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 33.130, "Nuisance Abatement Board," of Chapter 33, "Boards and Commissions," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 33.130 NUISANCE ABATEMENT BOARD.

...

(B) *Definitions.*

...

PUBLIC NUISANCE. Any place or premises within the city limits of the City of Pompano Beach which has been used:

(a) On more than two occasions within a six-month period, as the site of a violation of § 796.07, F.S.; or

...

(f) On more than two occasions within a six-month period, as the site of a violation of any combination of the following:

1. F.S. § 782.04, relating to murder;

2. F.S. § 782.051, relating to attempted felony murder;

3. F.S. § 784.045(1)(a)2., relating to aggravated battery with a deadly weapon;

4. F.S. § 784.021(1)(a), related to aggravated assault with a deadly weapon without the intent to kill; or

~~(f)~~(g) Any pain-management clinic, as described in § 458.3265 F.S. or § 459.0137 F.S., which has been used on more than two occasions within a six-month period as the site of a violation of:

...

(D) *Procedures.*

(1) Pursuant to § 893.138, F.S., the Nuisance Abatement Board shall hear complaints regarding public nuisances. Any employee, law enforcement officer, or resident of the city may initiate a complaint before the Board. The complaint shall be made to the city's Law Enforcement Agency, and shall be forwarded for review to the Nuisance Abatement Officer as designated by the Chief of Police. The Nuisance Abatement Officer shall promptly review said complaint and if determined that the complaint properly

alleges that a public nuisance exists on a place or premises which is within the purview of the Board, the Nuisance Abatement Officer shall promptly request a hearing before the Nuisance Abatement Board from the Board's Clerk.

...

SECTION 2. 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 3. 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

TAL/jmz
10/8/20
l:ord/ch33/2021-11