

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 99 OF THE CODE OF ORDINANCES ENTITLED "MUNICIPAL BEACH" BY AMENDING SECTION 99.05 ENTITLED "HOLLYWOOD DOG BEACH" TO EXPAND THE LOCATION, REMOVE THE DAYS OF ACCESS AND REMOVE THE REQUIREMENT FOR A PASS AND FEES.

WHEREAS, Chapter 99 of the Code of Ordinances establishes Municipal Beach regulations; and

WHEREAS, the City wishes to amend the Ordinance pertaining to the Dog Beach hours of operation to better accommodate users of the beach year-round; and

WHEREAS, the City wishes to allow access at all times; and

WHEREAS, the City will eliminate the requirement for a liability form as well as all fees for use of the Dog Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Chapter 99 of the Code of Ordinances entitled "Municipal Beach" is hereby amended as follows:

TITLE IX: GENERAL REGULATIONS

* * *

CHAPTER 99. MUNICIPAL BEACH

* * *

Coding: Words in ~~struck through~~ type are deletions from existing text; underscored words are additions to existing text.

§ 99.05 HOLLYWOOD DOG BEACH.

(A) The Hollywood Dog Beach shall be located between Custer Life Guard Tower North #4 (Custer Street) and Pershing Life Guard Tower North #3 (Pershing Street) on Hollywood Beach. Any owner of a dog shall be permitted to bring his/her dog to the Hollywood Dog Beach for land and aquatic activities in the designated area during the time period set forth in division (B) below. Dogs shall not be permitted in any other area of the beach as set forth in § 99.03(K).

(B) Rules and regulations.

~~(1) Access to the Hollywood Dog Beach shall be Mondays through Sundays. The hours of operation for the Hollywood Dog Beach shall be the same as the Hollywood Beach Safety Division.~~

~~(2) Each dog owner wishing to enter the Hollywood Dog Beach on Friday, Saturday or Sunday shall apply to the Director of Department of Parks, Recreation and Cultural Arts or his/her designee for the issuance of a pass and shall submit with such application documentation that the dog has a then current county tag. No dog shall be permitted on the Hollywood Dog Beach on Friday, Saturday or Sunday unless the owner has a valid pass for that dog.~~

~~(3)~~(1) All dogs shall be required to be on a leash or under voice command inside the Dog Beach.

~~(4)~~(2) All rules posted at the Hollywood Dog Beach shall be adhered to and strictly enforced.

(C) ~~Fees. All fees for access to the Hollywood Dog Beach shall be established by resolution of the City Commission. Any violation of the rules and regulations may result in removal and/or ban from the Dog Beach.~~

(D) ~~(1) The Assistant Director of the Department of Parks, Recreation and Cultural Arts shall be authorized to revoke a pass issued to any person who violates any provision of this section, including but not limited to the form described in division (B)(4) above. The dog owner shall not be allowed to obtain another pass for the same or a different dog for a period of one year after revocation. If the Assistant Director determines that a dog owner has violated any provision of this section, then he/she may issue a written notice of revocation. Said notice shall be served upon the dog owner by:~~

~~(a) Personal service upon dog owner; or~~

~~(b) Certified mail delivered to the dog owner.~~

~~(2) The notice shall afford the dog owner with reasonable facts or conduct which warrant the revocation, and shall advise the dog owner of his/her right to appeal the Assistant Director's determination to the Director of Parks, Recreation and Cultural Arts.~~

~~(E) Appeal. The dog owner may, within five business days of being served with the notice, make a written request for a hearing before the Director of Parks, Recreation and Cultural Arts. Failure to timely request a hearing shall result in the imposition of the revocation without further action of the city. If a hearing is requested, the notice of revocation will not be enforced until the Director of Parks, Recreation and Cultural Arts renders his/her decision. Upon receiving a request for a hearing, the Director of Parks, Recreation and Cultural Arts shall schedule a hearing within five business days of receipt of said request. The Director shall hear evidence as to the reason the Assistant Director made his/her decision to revoke the dog owner's pass as well as evidence from the dog owner as to why the pass should not be revoked. Upon hearing the evidence, the Director shall sustain or reverse the decision of the Assistant Director in accordance with the Director's judgment as to whether the pass should be revoked. The Director shall make a final decision of the matter and provide the dog owner with written notice thereof.~~

Section 3: That it is the intention of the City Commission and it is ordained that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2022.

PASSED on first reading this _____ day of _____, 2022.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 99 OF THE CODE OF ORDINANCES ENTITLED "MUNICIPAL BEACH" BY AMENDING SECTION 99.05 ENTITLED "HOLLYWOOD DOG BEACH" TO EXPAND THE LOCATION, REMOVE THE DAYS OF ACCESS AND REMOVE THE REQUIREMENT FOR A PASS AND FEES.

PASSED AND ADOPTED on second reading this _____ day of _____, 2022.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY