

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 99 OF THE CODE OF ORDINANCES; PROHIBITING TENTS; AMENDING DISTANCE REQUIREMENTS FOR CANOPIES; PROHIBITING BICYCLES GREATER THAN 48 INCHES WIDE; PROHIBITING LOW-PROFILE RECUMBENT CYCLES WITH A WHEEL DIAMETER OF LESS THAN 24 INCHES; ESTABLISHING BEACH CLOSING HOURS.

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

WHEREAS, the City wishes to revise Section 99.02 to prohibit tents and amend distance requirements for canopies and umbrellas; and

WHEREAS, with the increase in visitors to the beach, the amount of tents on the beach has also increased; and

WHEREAS, tents pose a public safety hazard, especially during peak times and locations, as they block access to and visibility of the water's edge which can lead to delays in first responder response time or the inability to quickly spot an imminent danger; and

WHEREAS, the City wishes to amend Section 99.02 to prohibit bicycles greater than 48 inches wide; and

WHEREAS, the bicycle lane on the Broadwalk is designed for two-way north and south travel, and bicycles greater than 48 inches are too wide for the bicycle lane, which causes rider to travel outside the designated bicycle lane, endangering pedestrians; and

WHEREAS, the City wishes to amend Section 99.03 to prohibit low-profile recumbent cycles ~~tricycles~~ with a wheel diameter of less than 24 inches because they pose a safety hazard due to their low-lying position and difficulty steering; and

WHEREAS, the City wishes to create Section 99.07 to establish beach closing hours; and

WHEREAS, the establishment of beach closing hours will increase the safety and security of the beach by deterring nighttime trespassing and other criminal activity.

Coding: Underlined text reflects additions to existing text; ~~stricken through~~ text reflects text that has been removed from existing text. Shaded text reflects changes presented on the dais at first reading. Shaded and double underlined text reflects changes between first and second reading.

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 99.02 of the Code of Ordinances is amended to read as follows¹:

TITLE IX: GENERAL REGULATIONS

* * *

CHAPTER 99.02: ACTIVITIES ALLOWED

* * *

(A) The following activities are permitted on all sections of Hollywood Beach:

* * *

(6) ~~Tents, or Open air canopies, with no single side greater than 10 feet, with and no sides enclosed, except canopies designed for babies or small children no greater than 36 inches (for any of these, no dimension may exceed 10')~~ and lounge chairs with attached cabanas are permitted on the sandy beach westward of a line parallel to the front edge of the Beach Towers/Lifeguard Stands and 10 ~~ten~~ feet eastward of the Broadwalk wall. Canopies ~~Tents~~ will be placed no closer than 20 ~~ten~~ feet apart from another ~~umbrella, tent or canopy~~ or within 10 feet of a dune.

(7) Single pole umbrellas are permitted on the sandy beach except in the areas designated by markers and/or cones surrounding the Beach Towers/Lifeguard Stands, including a clear path from the Beach Tower/Lifeguard Stands to the ocean's edge equal in width to the markers and/or cones. ~~Umbrellas will be placed no closer than ten feet apart from another umbrella, tent or canopy.~~ Umbrellas will be placed no closer than ten feet apart from another umbrella or canopy.

(8) Surf fishing is permitted between the hours of 6:00 p.m. and 12:00 a.m. and between the hours of 5:00 a.m. and 9:00 a.m. Beach Safety personnel may open or close areas and extend restricted hours to fishing depending on bather load/capacity, weather or other conditions.

(B) The following activities are permitted in the designated areas set forth herein:

* * *

(6) Bicycling and the use of any human powered device that operates on wheels and is no greater than 48 inches wide (hereinafter collectively referred to as "device") on the Broadwalk is permitted at all times, however, only within the designated bicycle path(s). For purposes of this subsection, any person using a device must control and operate their device in a safe manner in order to prevent endangerment to pedestrians as follows:

- (a) Yield to pedestrians on the Broadwalk; and
- (b) Remain within the designated bicycle path(s) on the Broadwalk; or
- (c) Refrain from operating the device in a careless manner.

Section 3: That Chapter 99.03 of the Code of Ordinances is amended to read as follows:

TITLE IX: GENERAL REGULATIONS

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CHAPTER 99.03: PROHIBITED ACTIVITIES

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(S) The operation of any low-profile recumbent cycle tri-cycle that has any single wheel diameter of less than 24 inches, including but not limited to recumbent tricycles known as mini peel, banana peel or fun cycles. or similar device on which the rider sits in a reclined, legs forward position. Devices used for the mobility of disabled persons are exempt from this provision.

Section 4: That Section 99.07 of the Code of Ordinances is created to read as follows:

TITLE IX: GENERAL REGULATIONS

* * *

CHAPTER 99.07: CLOSING HOURS

* * *

§ 99.07 CLOSING HOURS.

Except as permitted in Section 99.02(A)(8) and (B)(3), the public sandy beach, including any dune, shall be closed to the general public from 12:00 a.m. until 5:00 a.m. daily. The provisions of this section shall not apply to law enforcement officers or authorized personnel while in the discharge of their duties. Nothing contained in this

section shall interfere with the closing hours of any City department or division thereof and the use of its own facilities in the public interest, but this section is designed to prevent persons from entering or loitering upon municipally owned real estate referred to herein during the prohibited hours when such entering or loitering is not connected with official business. The City Manager or designee may establish exceptions to the operating hours within his or her discretion.

Section 5: 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, and the sections of this Code may be renumbered to accomplish such intention.

Section 6: 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 7: 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 8: That this Ordinance shall be in full force upon adoption.

Advertised on _____, 2022.

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

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