

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 99 OF THE CODE OF ORDINANCES ENTITLED "MUNICIPAL BEACH" TO REVISE THE REGULATIONS RELATING TO ACTIVITIES ON THE BEACH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 99 of the Code of Ordinances establishes the permitted and prohibited activities on Hollywood Beach; and

WHEREAS, Hollywood Beach is a tourist attraction and has been undergoing redevelopment; and

WHEREAS, due to the revitalization of Hollywood Beach, City staff, along with the Beach CRA, have determined that the regulations regarding Hollywood Beach need to be revised; and

WHEREAS, the City Commission has reviewed the proposed amendments to Chapter 99 and has determined that it is in the best interest of the citizens of Hollywood to amend the regulations;

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

Section 1: That Chapter 99 of the City's Code of Ordinances entitled "Municipal Beach" is hereby amended as follows:

TITLE XIII: GENERAL REGULATIONS

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CHAPTER 99. MUNICIPAL BEACH

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(Coding: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions; words in ~~double struck through~~ are deletions of words that were underscored on 1st reading).

§99.02 ACTIVITIES ALLOWED.

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

* * *

~~(2) Picnicking is allowed on the sandy beach between Sherman Street and Custer Street. In Charnow Park, Keating Park and Harry Berry Park, possessing, carrying, holding, eating or drinking any food, nonalcoholic beverage, candy or confection is also allowed as well as upon the Broadwalk between Jefferson Street and Simms Street. Picnicking, possession or consuming any food or drink other than in the areas described above or in § 99.02(B)(5) is prohibited.~~

(2) Non-alcoholic beverages and snacks are allowed on the sandy beach. However, in areas of the sandy beach where the Broadwalk wall is located, the area where non-alcoholic beverages and snacks are permitted shall commence ten (10) feet eastward of the Broadwalk wall. When such beverages are contained in coolers, such coolers shall not to exceed 36 inches in length. No food or drinks may be placed upon or near the Broadwalk wall.

(3) The playing of casual beach games, such as catching, throwing balls, Frisbees or similar toys, and kite flying, provided that no object is used which reasonably might endanger persons upon said beach.

(4) Snorkeling or scuba diving with the display of a State of Florida approved "diver down" flag.

(5) The use of inflatable rafts, inner tubes, or similar floatation devices which are designed to can accommodate or hold no more than two people.

~~(6) Single pole umbrellas, with a maximum of an 8 foot diameter, are permitted on the sandy beach westward of a line parallel to the front edge of the Beach Towers/Lifeguard Stands and ten (10) feet eastward of the Broadwalk wall.~~

(6) Single pole umbrellas, tents, or canopies, (for any of these, no dimension may exceed 10') are permitted on the sandy beach westward of a line parallel to the front edge of the Beach Towers/Lifeguard Stands and ten (10) feet eastward of the Broadwalk wall. Umbrellas and tents will be placed no closer than ten (10) feet apart from another umbrella, tent or canopy..

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§99.03 PROHIBITED ACTIVITIES.

It shall be unlawful for any person to do any acts set forth below hereinafter set out upon the Hollywood Beach described in §99.01:

* * *

(G) Build or maintain a fire upon the beach, except in locations permitted on a case by case basis and approved by the Fire Chief or his/her designee. Utilize any cooking device, equipment, or combustible devices containing fuel of any kind.

* * *

(N) Use of ~~tents, canopies~~, tie outs for shade covers or ganged shade covers (physically attached to each other). Use of umbrellas, tents or canopies that are placed less than 10 feet apart from another umbrella, tent or canopy.

(O) Possession or Use of any inflatable rafts, inner tubes or other similar floatation devices which are designed to accommodate or hold more than two people.

(P) Use of tables of any kind.

(Q) Use of a cooler that exceed 36 inches in length and/or has a capacity greater than seventy-five (75) quarts.

(R) The operation of any device that produces loud music or noise which annoys or disturbs beach patrons due to its volume.

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§ 99.05 HOLLYWOOD DOG BEACH.

(A) The Hollywood Dog Beach shall be located between Custer Street and 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)(N)~~.

* * *

§ 99.06 ~~DIVISION OF BEACH SAFETY; POWERS AND DUTIES.~~ ENFORCEMENT POWERS.

~~(A) — There is hereby created the Division of Beach Safety consisting of such officers and employees as may be provided by the City Commission and assigned to this Division.~~

(A) (B) It shall be the duty and power of the Beach Safety Division, Police Department, Park Rangers and other City enforcement personnel to enforce all ordinances and laws of the city relative to the public safety on the beach and broadwalk of the city. The Beach Safety Division shall not possess the power to issue notices to appear for the violation of this chapter, nor is it given the power to physically detain a person if such person attempts to flee. If these events take place, such beach personnel will communicate with the Police Department and request assistance.

(B) (C) Nothing in this section shall be construed to permit the carrying of firearms or other weapons by the Division of Beach Safety nor shall such officers have arrest authority other than the issuance of a summons, as authorized above.

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(C) The Division of Beach Safety, Police Department and other City enforcement personnel shall have the authority to limit or prohibit activities on the municipal beach ("HOLLYWOOD BEACH") due to the intensity of the activity, crowd levels, weather or other conditions which warrant such limitation or prohibition.

Section 2: That it is the intention of the City Commission and it is hereby ordained that the provisions of this section 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 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: 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 herewith be and the same are hereby repealed to the extent of such conflict.

CHAPTER 99 MUNICIPAL BEACH ORDINANCE RELATING TO REGULATION OF TENTS ETC.

Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2016.

PASSED on first reading this _____ day of _____, 2016.

PASSED AND ADOPTED on second reading this _____ day of _____, 2016.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
For the use and reliance of the City of
Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY