

CHAPTER 99: MUNICIPAL BEACH

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§ 99.01 LEGAL DESCRIPTION.

All of the area lying east of the mean high water line and north of the common Hollywood-Hallandale city limits and south of an easterly extension of the south right-of-way of Magnolia Terrace and west of a point 50 yards east of said mean high water line; and all of the area lying east of the west right-of-way of the boardwalk and north of an easterly extension of the south right-of-way of Magnolia Terrace and south of the north line of Block 205, Hollywood Central Beach according to the part thereof as recorded in Plat Book 4, Page 20 of the Public Records of Broward County, Florida, and west of a point 50 yards east of said mean high water line; and all of the area lying north of said Block 205 and east of said mean high water line and south of John U. Lloyd State Park and west of a point 50 yards east of said mean high water line, less that portion in the corporate city limits of Dania, Florida, including the boardwalk, street ends and approaches to boardwalk, Beach Safety Division administrative offices, and all structures on the above area, is hereby declared to be a public municipal beach and recreation area of the city.

('72 Code, § 7½-3) (Ord. O-74-24, passed 3-6-74; Am. Ord. O-93-27, passed 7-7-93)

§ 99.02 ACTIVITIES ALLOWED.

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

(1) Swimming in an area within 150 feet from the shore, except in designated vessel launching areas. Beyond 150 feet swimmers must have a "Diver Down Flag".

(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 Boardwalk between Jefferson Street and Simms Street. Picnicking, possession or consuming any food or drink other than in the areas described above or in division (B)(5) of this section is prohibited.

(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 can accommodate no more than two people.

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

(1) Surfing from Franklin to Meade Streets and Georgia Street to Azalea Terrace. Other areas of the beach may be designated for surfing at the discretion of the Fire Chief or his/her designee. Such areas will be designated by the appropriate Black Flag being

posted in the area. These additional areas will be opened or closed on a case by case basis depending upon bather load, weather or other appropriate conditions. Board leashes will be worn by surfers at all times.

(2) Volleyball may be played at designated locations on courts and nets installed by the City of Hollywood only. Private installation of volleyball nets is not permitted without the prior approval of the Director of Parks, Recreation and Cultural Arts or his/her designee. Appropriate county, state or other environmental permits will be required, if applicable. Hours of use will be designated on permit.

(3) Surf fishing is allowed only south of Georgia Street and north of Sherman Street from 9:00 a.m. to 6:00 p.m. at a safe distance (200 yards). Beach safety personnel may open or close areas and extend restricted hours to fishing depending upon bather load/capacity, weather or other conditions.

(4) The launching of non-motorized vessels is permitted between Meade Street and Custer Street and between Bougainvillea and Azalea Terrace. For purposes of this section, non-motorized vessels include kayaks, rowboats, canoes, recreational wind powered watercraft and any non-motorized watercraft which use human physical effort as their primary source of motive power. Non-motorized vessels launched from the designated area must exit the launch area and proceed on a generally straight line east to a point 300 yards from shore where they may then operate on a north south course. Launching of motorized vessels and personal watercraft is prohibited.

(5) The open consumption of alcoholic beverages will be permitted along the boardwalk and beach only on the occasion of limited duration during special events approved in advance by the City Manager or his designee, the Director of Parks, Recreation and Cultural Arts on a case by case basis pursuant to division (C) below or by patrons at a sidewalk café as permitted under Chapter 124 of the Code of Ordinances and Florida Statutes. The use of glass containers for any beverages is prohibited at all times.

(6) Roller skating and rollerblading are permitted at all times on the boardwalk in a safe manner. Roller skating or rollerblading in an unsafe or reckless manner including failure to yield may subject violators to being ejected from the beach and boardwalk by the appropriate city enforcement agencies and officials.

(7) Bicycling and the use of any human powered device that operates on wheels (hereinafter collectively referred to as "device") on the boardwalk 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 boardwalk; and
- (b) Remain within the designated bicycle path(s) on the boardwalk; or
- (c) Refrain from operating the device in a careless manner.

(C) For special events of a temporary nature, the City Manager or his/her designee, the Director of Parks, Recreation and Cultural Arts may grant variances from the provisions of this chapter. Applications for such variances must be received prior to the special event for which the variance is sought and should be received at least 60 days prior to the event. The City Manager or the Director of Parks, Recreation and Cultural Arts shall review the request based upon the following criteria:

- (1) Whether the applicant requesting the variance is capable of executing the planned special event;
- (2) Whether the budgetary considerations at the time the request for the variance creates a heavy burden upon the city's financial resources that it would not be practical to hold the proposed special event at the time requested;
- (3) Whether the holding of the special event as planned would create an undue burden upon the staff resources of the city;
- (4) Whether the timing of the proposed special event conflicts with other special events;
- (5) Whether the organization producing the special event is a for profit entity;
- (6) The historical experience, if any, of the event and its producers;
- (7) The effect the proposed special event will have upon the city's resources and public health and safety;
- (8) The frequency with which such special events are held;
- (9) The special event must be approved by the city's Fire Marshal to ensure that all relevant fire and life safety issues have been adequately addressed;

(10) The event is approved by the police department, public works, parking division, neighborhood programs and building division;

After reviewing the request based upon the aforementioned criteria, the City Manager shall approve, approve with conditions or deny the variance. The City Manager or his designee, the Director of Parks, Recreation or Cultural Arts shall refrain from approving a variance if he/she in good faith determines that allowing the variance for such temporary special event may endanger the public health, safety or welfare. A violation of any condition, stipulation or safeguard shall be deemed a violation of this code.

(Am. Ord. O-93-27, passed 7-7-93; Am. Ord. O-95-06, passed 2-1-95; Am. Ord. O-96-35, passed 9-18-96; Am. Ord. O-99-06, passed 1-6-99; Am. Ord. O-2003-41, passed 12-3-03; Am. Ord. O-2008-01, passed 1-9-08; Am. Ord. O-2013-26, passed 12-18-13) Penalty, see § 99.99

§ 99.03 PROHIBITED ACTIVITIES.

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

- (A) Launch any type of boat, vessel (motorized or non-motorized) or personal watercraft within the municipal beach area with the exception of a designated launch area to be used for nonmotorized pleasure craft and boats being used by agencies for the protection and safety of the public (see § 99.02(B)(4)).
- (B) Use a surfboard, canoe, boat or noninflatable raft in the municipal beach area except in designated areas.
- (C) Bathe or swim in the designated boat launching areas.
- (D) Swimming, bathing, surfing, or water activity of any kind, use of any inflatable rafts, inner tubes, or any floating or inflated object of any kind, during severe water or weather conditions as designated by the Beach Safety Division. Such areas will be designated by the appropriate Red Flag being posted in the area.
- (E) Swim, bathe or participate in other water activities in the proximity of groins, jetties or other hazards, or, sit, stand, or perform any activity on these structures.
- (F) Spearfishing is prohibited within 100 yards of the public/municipal beach. It is unlawful to carry or possess a loaded spear gun on the public/municipal beach or in the public swimming areas. Participants must have fish bag and a raft.
- (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.
- (H) Consume and/or carry in any cup, glass, can, bottle or other open or uncovered container, any alcoholic beverage upon the beach, boardwalk, bandshell, public picnic areas or in any adjacent structures or facilities, except as allowed in § 99.02(B)(5).
- (I) Misuse, damage, or injure or destroy any structure, vehicle or equipment provided by the city in connection with the operation of the municipal beach area.
- (J) Drive or operate any device which is not operated exclusively by human power upon the boardwalk or beach, except if expressly permitted by law. However, this provision shall not apply to regular employees of the city or Beach District of the CRA working under the direction and supervision of the city or Beach District of the CRA or with the express permission of the city.
- (K) Have or carry any animal, bird or reptile, or feed sea gulls or pigeons within the beach, boardwalk or public picnic areas.
- (L) Skateboard upon the boardwalk.
- (M) Use or possess any fireworks or explosives. Fireworks or explosives seized as a result of this division may be confiscated in accordance with F.S. § 791.05. Fireworks shall mean any combustible or explosive composition or substance or combination of substance or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including sparklers.

('72 Code, § 7½-4) (Ord. O-74-24, passed 3-6-74; Am. Ord. O-80-83, passed 12-13-80; Am. Ord. O-84-19, passed 3-28-84; Am. Ord. O-86-24, passed 6-4-86; Am. Ord. O-93-27, passed 7-7-93; Am. Ord. O-95-27, passed 5-17-95; Am. Ord. O-98-17, passed 7-1-98; Am. Ord. O-2008-01, passed 1-9-08; Am. Ord. O-2013-26, passed 12-18-13) Penalty, see § 99.99

§ 99.04 OPERATION OF VEHICLES ON THE BOARDWALK.

(A) It shall be unlawful for any person to operate any device (motorized or non-motorized) on the boardwalk, except as provided for in §§ 99.02(B)(7) and 99.03(J) above.

(B) It shall be unlawful for any person to operate a device on the boardwalk in the following manner:

- (1) Failing to yield to pedestrians on the boardwalk.
- (2) Failing to remain within the designated bicycle path on the boardwalk; or
- (3) Operating a device in a careless manner.

('72 Code, § 7½-4.1(a)) (Ord. O-87-29, passed 5-20-87; Am. Ord. O-93-27, passed 7-7-93; Am. Ord. O-2013-26, passed 12-18-13)
Penalty, see § 99.99

§ 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(N).

(B) Rules and regulations.

(1) Access to the Hollywood Dog Beach shall be restricted to Fridays, Saturdays and Sundays. The hours of operation for the Hollywood Dog Beach for those days shall be as follows:

- (a) During Daylight Savings Time: 4:00 p.m. to 8:00 p.m.
- (b) During Non-daylight Savings Time: 3:00 p.m. to 7:00 p.m.

(2) Each dog owner wishing to enter the Hollywood Dog Beach 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 unless the owner has a valid pass for that dog.

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

(4) All rules posted at the Hollywood Dog Beach shall be adhered to and strictly enforced. All users of the Hollywood Dog Beach shall be required to execute a form releasing the city from liability, holding the city harmless from liability and agreeing to abide by the applicable rules.

(C) Fees. All fees for access to the Hollywood Dog Beach shall be established by resolution of the City Commission.

(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.

(Ord. O-2008-09, passed 4-16-08; Am. Ord. O-2015-26, passed 10-21-15)

§ 99.06 DIVISION OF BEACH SAFETY; POWERS AND DUTIES.

(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.

('72 Code, § 7½-1)

(B) It shall be the duty and power of the Beach Safety Division 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.

('72 Code, § 7½-2)

(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.

('72 Code, § 7½-5)

(Ord. O-74-24, passed 3-6-74; Am. Ord. O-80-83, passed 12-3-80; Am. Ord. O-93-27, passed 7-7-93; Am. Ord. O-2008-09, passed 4-16-08)

§ 99.99 PENALTY.

Any person violating the provisions of §§ 99.02, 99.03, 99.04 or 99.05 shall be deemed guilty of a civil infraction. During a one-year period, each violation of §§ 99.02, 99.03, 99.04 or 99.05 shall constitute a separate offense. Violations of §§ 99.02, 99.03, 99.04 or 99.05 shall be punished as follows:

(A) For the first violation, by a civil penalty of \$50.

(B) For the second violation, by a civil penalty of \$100.

(C) For each additional violation, by a civil penalty of \$200.

(D) Any person who fails to pay the appropriate civil penalty within the time allowed or who fails to appear in court to contest the citation shall be deemed to have waived his/her right to contest the citation, and judgment may be entered against the person for an amount not to exceed \$500.

('72 Code, § 7½-6) (Ord. O-74-24, passed 3-6-74; Am. Ord. O-88-23, passed 4-20-88; Am. Ord. O-2008-09, passed 4-16-08)