

ORDINANCE NO. C-15-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING A NEW SECTION 8-55.4, ENTITLED FOOD AND NON-ALCOHOLIC BEVERAGE SERVICE, OF CHAPTER 8, BOATS, DOCKS, BEACHES AND WATERWAYS, ARTICLE III, PUBLIC BEACHES, DIVISION I, GENERALLY, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, PROVIDING FOR A PROGRAM FOR FOOD AND NON-ALCOHOLIC BEVERAGE SERVICE ON CERTAIN DESIGNATED PORTIONS OF THE BEACH MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on January 22, 2013 and September 16, 2014 the City Commission discussed the concept of a program allowing for the provision of food and non-alcoholic beverage service on certain designated portions of the public beach; and

WHEREAS, the City wishes to enact a pilot program in order to secure an efficient, safe and dependable service to the public that encourages use of the public beach; and

WHEREAS, the goal of the program is to improve the experience of tourists and visitors to the beach by providing food and beverage service on the sand; and

WHEREAS, the program will build upon the resort image of Fort Lauderdale by allowing visitors to order and have delivered food and/or beverages on the sand without leaving the beach; and

WHEREAS, the program will establish standards and criteria to be eligible for a permit in order to ensure accountability and a high quality of service for the public while protecting the beach area;

WHEREAS, pursuant to Section 8-55.1 of the City Code, the City Commission may grant concessions on the public beach upon certain findings; and

WHEREAS, the City Commission has determined that such program would promote the recreational use of the beach; and

WHEREAS, the City Commission has determined that such program will have no adverse impact on pedestrian and vehicular traffic, accessibility of the beach by the general public, marine life, air quality water quality or vegetation; and

WHEREAS, the City Commission has also determined that such program will be compatible with the use of adjacent beach areas; and

WHEREAS, the City will monitor the success of the program and modify the program and the annual fee as necessary; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein.

SECTION 2. A new Section 8-55.4 is hereby added to Chapter 8, Article III, Division I, as follows:

8-55.4. Food and Non-Alcoholic Beverage Service

Notwithstanding anything in the Code of Ordinances or the Parks and Recreation Rules and Regulations to the contrary, a program is hereby created to provide for food and non-alcoholic beverage service on portions of the beach more specifically described as:

All that portion of land lying south of the north line of Section 6, Township 50 South, Range 43 East, and north of the south line of Tract 39 "Bahia Mar", according to the plat thereof recorded in Plat Book 35, page 39, of the public records of Broward County, Florida, lying east of State Road A-1-A and lying west of the Atlantic Ocean.

Less and Except:

The south 979.0 feet, as measured at right angles, of the north 1551.5 feet of said Section 6, lying east of State Road A-1-A and lying west of the Atlantic Ocean.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida.

(a) PERMIT.

1. It shall be unlawful to provide food and non-alcoholic beverage service on portions of the beach described above without a permit.
2. A permit to provide food and non-alcoholic beverage service will be issued to service providers in accordance with the requirements set forth in this section.
3. In order to limit the impact of vehicular traffic and parking on the beach, no

motorized vehicles shall be used in the delivery of food and beverages. Therefore, in order to participate in the program, applicants must be located within 1/8 of a mile (660 feet) of a lifeguard stand in the area of the beach described above.

4. All applicants must be properly licensed by the State of Florida Department of Business and Professional Regulation Division of Hotel and Restaurants or such applicable successor agency, for food service and delivery.

(b) ADMINISTRATION. The Department of Sustainable Development shall be responsible for the administration and issuance of permits pursuant to the program.

(c) REQUIREMENTS.

1. Each permit holder shall be required to pay a \$1000 annual fee.
2. All service providers shall wear uniforms and name tags that identify the permit holder they are representing as more specifically set forth in the City's permit application.
3. All permit holders shall use standard recycled food and beverage containers, cutlery and condiments that identifies where the order originated as more specifically set forth in the City's permit application.
4. All permit holders shall have consistent service hours daily as detailed in the permit application.
5. All permit holders shall be responsible for continuous cleanup of trash generated as a result of their service.
6. Each permit holder shall furnish the City with insurance naming the City as an additional insured in an amount more specifically set forth in the permit application and as approved by the City's Risk Manager.
7. Each permit holder will provide the City with an indemnification and hold harmless release of the City and its authorized agents and employees from and against any and all claims and costs arising out of or related to the permit holder's activities, as more specifically set forth in the permit application.
8. Each permit holder will be required to comply with all applicable federal, state and local laws.

(d) TEMPORARY SUSPENSION. In the event the portion of the beach described herein will be used for an approved special event, maintenance or repairs, the

City may temporarily suspend permit holders services during such time period upon prior written notice to permit holder. Upon the issuance of a severe storm, tropical storm or hurricane warning by the National Weather Service, City may suspend permit holders services without any prior written notice.

(e) PENALTIES; PERMIT REVOCATION City shall have the right to deny, suspend or revoke the permit for noncompliance with any of the requirements of this section. Permit holders shall be required to correct any failure to comply with any provisions of the permit after notice by the City and City shall have the option to suspend or revoke the permit for failure to comply after written notice. Permit holders whose permit is revoked for any reason shall not be eligible to reapply for a new permit. If a permit holder or applicant continues to provide services pursuant to this section after notice of denial, suspension or revocation of the permit, they may be subject to the penalties in Section 1-6 of the Code of Ordinances. Each day the violation exists shall constitute a separate violation under this Article and shall be punishable as such.

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That this Ordinance shall be in full force and effect immediately upon and after its final passage.

PASSED FIRST READING this the ____ day of _____, 2015.

PASSED SECOND READING this the ____ day of _____, 2015.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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