

ORDINANCE NO. C-15

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CITY CODE OF ORDINANCES CHAPTER 8, "BOATS, DOCKS, BEACHES AND WATERWAYS," ARTICLE III, "PUBLIC BEACHES," DIVISION 2, "ESTABLISHMENT AND REGULATION OF UNNAMED SPECIFIED MUNICIPAL PUBLIC BEACH," REVISING THE DEFINITION OF PUBLIC BEACH IN CODE SECTION 8-71 (A), "PUBLIC BEACHES DEFINED," TO EXEMPT OUT FROM THE DEFINITION OF PUBLIC BEACHES CERTAIN PRIVATE PROPERTY, MORE PARTICULARLY DESCRIBED BELOW, AND ELIMINATION OF OFFENSES ON SUCH PRIVATE PROPERTY; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE.

WHEREAS, prior to this amendment, the definition of "Public Beach" in City Code Section 8-71 (a) included a certain portion of the public beach that is privately owned and unencumbered by any "public beach easement; and

WHEREAS, the owner of that portion of the "Public Beach" which is in private ownership that is not encumbered with any "public beach easement" has requested that the portion of the privately owned portion of the Public Beach which is not encumbered by any "public beach easement be deleted from the definition in Code Section 8-71 (a) of "Public Municipal Beach"; and

WHEREAS, the City Commission of the City of Fort Lauderdale finds and declares that excluding that portion of privately owned beach, which is not encumbered with a "public beach easement," from the definition of "Public Beach" in Code Section 8-71 (a) serves a valid municipal purpose;

THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AS FOLLOWS:

SECTION 1. That Chapter 8, "Boats, Docks, Beaches and Waterways", Article III, "Public Beaches", Division 2, "Establishment and Regulation of Unnamed Specified Municipal Public Beach", by amending Section 8-71 (a), "Public Beaches Defined" to read as follows:

Sec. 8-71. Public Beaches Defined.

(a) All of the area lying east of North Atlantic Boulevard (State Road A-1-A) and south of the southern boundary line of "Lauderdale Beach," according to the plat thereof recorded in Plat Book 4, at page 2 of the public records of Broward County,

Florida, and north of the south line of Tract 39 of Bahia-Mar, according to the plat thereof recorded in Plat Book 35, Page 39 of the public records of Broward County, Florida and west of a point fifty (50) yards east of the low water mark of the Atlantic Ocean, save and except therefrom that area bounded on the east by the mean high water mark of the Atlantic Ocean, bounded on the west by the easternmost right-of-way of State Road A-1-A, with the northern and southern boundary thereof as described in those instruments recorded at Deed Book 372, Page 360 and Official Records Book 1213, Page 643 of the Public Records of Broward County, Florida, said instruments being on file in the Office of the City Clerk and said area generally known as Bonnet House Beach, being 700 feet of privately owned beach unencumbered by any public beach easement, is hereby declared to be a public municipal beach and recreation area of the city.

(b) The area of Bahia-Mar property(formerly United States Coast Guard Base No. 6) lying east of the existing centerline of Seabreeze Avenue extended, shown as Block "A" on the map or plat attached to Ordinance No. C-918 (adopted March 9, 1953), is hereby established and designated as public beach and park for the use and benefit of the residents of the city.

Sec. 8-72 – Scope.

Except as specifically stated otherwise, this division applies to the municipal public beaches designated in section 8-71.

Sec. 8-73. – Offenses.

It shall be unlawful for any person to solicit on the public beaches or within one hundred and fifty (150) feet of Atlantic Boulevard or Seabreeze Boulevard; provided, however, that this provision shall not apply to persons operating under beach franchises, concessions, or pursuant to temporary beach license agreements or concessions for special events described in this chapter and established business operations conducted entirely within an enclosed building or in a permanent structure for which a building permit is required. The terms "solicit" or "soliciting" shall mean and include any one (1) or more of the following activities:

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- (1) Seeking to obtain orders for the purchase of goods, merchandise, foodstuff, services or any other thing of any kind, character or description whatsoever for any kind of consideration whatsoever.
- (2) Selling good, merchandise, foodstuff, services or other thing of any kind, character or description whatsoever, for any kind of consideration whatsoever.
- (3) Selling or seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication for any kind of consideration whatsoever.
- (4) Seeking to obtain gifts, or contributions of money, clothing or any other thing for any reason whatsoever.
- (5) Seeking to obtain orders for, or selling real estate of any kind, character or description whatsoever for any kind of consideration whatsoever.
- (6) Renting or seeking to obtain orders for the rental of goods, merchandise, foodstuff, services, real estate or any other thing of any kind, character or description whatsoever, for any kind of consideration whatsoever.
- (7) Promoting sales or rentals of real estate, services or goods by the offering of any free services or goods of any kind, character or description whatsoever as an inducement to examine the desirability of such purchase or rental.
- (8) Placing or carrying, or causing to be placed or carried any showboard, placard or sign for the purpose of accomplishing any of the activities set forth in paragraphs (1) through (7) of this section.

Sec. 8-74. – Playing ball, games.

It shall be unlawful for any person to engage in or play ball or other games upon the public beaches, wherein a hard ball or hard object is used which might endanger persons upon the beach.

Sec. 8-75. – Fishing.

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It shall be unlawful for any person to fish or surf cast from any part of the public beach between the hours of 9:00 a.m. and 6:00 p.m. on any day except as follows:

- (1) Fishing and surf casting shall be allowed on the sandy part of the public beach located between N.E. 18th Street and N.E. 23rd Street, during any hours other than 9:00 a.m. through 4:00 p.m. Monday through Friday, and 9:00 a.m. through 6:00 p.m. on Saturday, Sunday and national holidays.
- (2) Persons engaged in fishing or surf casting as provided herein shall have the affirmative duty to avoid contact with swimmers.
- (3) Nothing herein shall authorize any person to launch a vessel from any part of the public beach for purposes of engaging in fishing or surf casting.
- (4) The city manager or designee may temporarily restrict fishing or surf casting on any part of the public beach to accommodate an outdoor event or in a declared emergency.

Sec. 8-76. – Pet control.

It shall be unlawful for any person to take, carry, lead or permit dogs or other pets, except service animals to come upon the public beach at any time, except under the following conditions:

- (a) A valid permit shall be required before a person may take a dog upon that part of the public beach located between the centerline of the East Sunrise Boulevard to Lifeguard Stand North 5, as provided in Section 4.1(c)(5) of the City of Fort Lauderdale Department of Parks and Recreation Rules and Regulations. The dog shall at all times be leashed and under the control of such person. The person in control of the dog shall immediately remove from the sandy part of the public beach and properly dispose of any fecal matter deposited by such dog.
- (b) The city manager or his designee shall issue a permit for a person to take, carry or come upon the public beach with a dog as provided in subsection (a)
 - (1) A permit fee schedule shall be established by the city manager or designee commensurate with the cost of administering the permit

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system. The permittee as a condition of the permit shall follow all applicable park rules.

- (2) A permit may be revoked by the city manager or his designee upon the sworn affidavit of a law enforcement officer or other city employee witnessing a permittee's violation of a provision of this section or any applicable park rule. Upon receipt of a notice of intent to revoke the permit from the city, the permittee shall have ten (10) days to request a hearing before the city manager or his designee. The decision of the city manager to revoke a permit shall be final. A person whose permit has been revoked shall be eligible to apply for a new permit after six (6) months from the date of the revocation.

Sec. 8-77. – Operation of vehicles.

It shall be unlawful for any person to drive or operate a motor vehicle upon the public beach; provided that this provision shall not apply to regular employees of the city working under the direction and supervision of the city or those persons authorized by the city manager or his designee for a specific purpose such as city contractors, outside maintenance crews or special event work crews under the terms and conditions contained in such authorization.

Sec. 8-78. – Soliciting for commercial photographers.

It shall be unlawful for any person to solicit for a commercial photographer or to take pictures in connection with the commercial photography upon the public beaches, unless invited to do so by the person desiring that the picture be taken.

Sec. 8-17. – Dressing, undressing in public.

It shall be unlawful for any person to dress or undress, either by changing from ordinary street clothes into bathing or beach attire, or from beach attire into ordinary street clothes, upon the public beach, or while riding in a motor vehicle upon any public street or park in the City; provided that this provisions shall not apply to children under eight (8) years of age.

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SECTION 2. 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 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

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

PASSED FIRST READING THIS ___ day of _____, 2015.

PASSED SECOND READING THIS ___ day of _____, 2015.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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Exhibit 5
CAM 15-0564