

## ORDINANCE NO. C-22-42

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES FOR THE CITY OF FORT LAUDERDALE, FLORIDA, TITLED "BOATS, DOCKS, BEACHES AND WATERWAYS", AMENDING ARTICLE III, TITLED "PUBLIC BEACHES", AMENDING SECTION 8-55.2. TITLED "FRANCHISES." TO ALLOW ONE (1) OPTION TO EXTEND CONCESSION FRANCHISES FOR AN ADDITIONAL TERM NOT TO EXCEED FIVE (5) YEARS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City Commission of the City of Fort Lauderdale, desires to amend Section 8-55.2 of the City of Fort Lauderdale's code of ordinances to allow a one-time extension of beach concession franchises for one (1) additional term not to exceed five (5) years; and

WHEREAS, the City Commission has determined permitting a one-time 5-year extension of beach concession franchises under Section 8-55.2. of the City Code, serves a legitimate municipal purpose by promoting recreational use of the public beach.

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

SECTION 1. That Section 8-55.2. titled "Franchises." of the Code of Ordinances for the City of Fort Lauderdale, is hereby amended to read as follows:

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### **Chapter 8 – BOATS, DOCKS, BEACHES AND WATERWAYS**

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### **ARTICLE III. – PUBLIC BEACHES**

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters double underlined are additions after first reading; words, symbols, and letters ~~double stricken~~ are deletions after first reading.

\* \* \*

**Sec. 8-55.2. - Franchises.**

- (a) The city commission may grant concession franchises for a term not to exceed five (5) years on the public beaches. Franchises shall be granted for the rental of beach cabanas, umbrellas, chairs, windbreakers, dugouts and rafts. The holder of a franchise granted hereunder may be permitted storage on the public beach of said equipment and temporary storage sheds of a type specified by the city commission in a franchise agreement. A franchise granted under this section may be extended for one (1) additional term not to exceed five (5) years with city commission approval and written consent of the franchisee.
- (b) All franchises granted hereunder shall be awarded by competitive bid pursuant to the pursuant code. The franchisee shall enter into a written agreement with the city providing for, among other things, the compensation to be paid to the city for the franchise and for the provision of a certificate of insurance on such terms, amounts and coverages as shall be specified by the city's risk manager and naming the city as an additional insured. The agreement shall further provide that the franchisee shall indemnify and hold harmless the city for any damage or injury to person or property which might occur during or as a result of the operation of the franchise.

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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 ten days from the date of final passage.

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PASSED FIRST READING this 22<sup>nd</sup> day of September, 2022.

PASSED SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
DAVID R. SOLOMAN

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