ORDINANCE NO. C-18-02

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING SECTION 8-55.5 OF ARTICLE III – PUBLIC BEACHES, TITLED "HIGH IMPACT EVENTS ON BEACH PROPERTY," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE CITY MANAGER'S AUTHORITY TO IMPOSE IMMEDIATE MEASURES TO PROTECT BEACH PROPERTY DURING HIGH IMPACT EVENTS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the beach property in the City of Fort Lauderdale, Florida, is a popular destination in which many events occur on a regular basis; and

WHEREAS, the measures set forth in this ordinance are intended to regulate high impact events occurring on certain portions of beach property within the City of Fort Lauderdale, Florida, and to establish reasonable and uniform regulations in order to promote and ensure the health, safety, and general welfare of the residents and visitors of the City of Fort Lauderdale;

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

SECTION 1. That Article III – Public Beaches, Section 8-55.5 – High impact events on beach property, of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby created to read as follows:

Sec. 8-55.5 – High impact events on beach property.

a. Definitions.

(1) Beach property means and includes the public bathing beach or beaches on the waters of the Atlantic Ocean in the city extending from the north line of Government Lot 3, Section 12, Township 50 South, Range 42 East extended to the Atlantic Ocean on the south to the northern boundary line of Section 31, Township 49 South, Range 43 East on the north and from North Atlantic Boulevard (State Road A-1-A) on the west to the waters of the Atlantic

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Ocean on the east, save and except therefrom that area bounded on the east by the waters of the Atlantic Ocean, on the west by the easternmost right-of-way of State Road A-1-A, with the northern and southern boundaries 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 Private Beach, being seven hundred (700) feet of privately owned beach, unencumbered by any public beach easement rights and further excepting therefrom that area shown as Sand Beach on the plat of Lauderdale Beach as recorded in Plat Book 4, Page 2, of the Public Records of Broward County, Florida, which extends from the northern boundary line of Section 31, Township 49 South, Range 43 East on the south to the north boundary line of Oakland Park Beach Boulevard extended to the waters of the Atlantic Ocean on the north and from the east boundary line of Blocks 12, 13, Vista Park, 14, C, D, 15, 16, 17, 18 and 19 of Lauderdale Beach Subdivision as recorded in Plat Book 4, Page 2 of the Public Records of Broward County, Florida, on the west to the waters of the Atlantic Ocean on the east, and it is hereby known and designated as "Fort Lauderdale Beach" and is hereby declared to be a public municipal beach and recreational area for the use of the public in general.

(2) High impact event means an event or gathering on beach property in the City of Fort Lauderdale during which one or more of the following occur:

(a) An event, activity or period of time that generates a significant spike in social media conversations, increasing audience impressions, and attention on the City, which is expected to generate attendance by more than 5,000 people for an area of beach property;

(b) City parking lots and garages in an area within a 15-block radius of an event that is held on beach property pursuant to a special event permit, or otherwise, are at full capacity;

(c) An event is held pursuant to a special event permit which is expected to result in attendance by more than 25,000 people on beach property;

(d) A maintenance of traffic plan would be required, or is required (e.g., including, but not limited to, street closures, lane closures, shuttle service) based upon the high impact event, or pursuant to a special event permit;

(e) Hotel occupancy levels are anticipated to be greater than ~~75~~85 percent in the City; or

(f) Law Enforcement Mutual Aid or other assistance from outside law enforcement agencies is required to provide for the safety and well-being of residents and visitors to the beach property.

(3) Cooler means a container designed for or capable of carrying or storing foods and beverages in cans or bottles.

b. City manager's authority to impose immediate measure(s) for high impact events.

Whenever the City manager determines that a high impact event on beach property will occur, or is in progress, one or more of the following immediate measures may be imposed for beach property, or a portion thereof, to protect the beach property from damage and property degradation:

(1) The prohibition of coolers.
(2) The prohibition of any inflatable devices.

(3) The prohibition of tents, tables, and similar structures.

(4) The limitation of live or amplified music.

(5) The limitation of traffic routes to prohibit vehicular access to non-residents, and permit access only for residents and those patrons and employees of businesses located in the specific area where traffic routes have been limited.

(6) The establishment of occupancy limits for different segments of beach property, and prohibiting access to those areas that have reached those occupancy limits, in order to protect the health, safety, and welfare of the general public.

(7) The prohibition of any ~~direct or indirect~~ consumption of alcohol on the beach property.

c. Notification of high impact event measures. When one or more immediate measures are implemented by the City manager pursuant to subsection b., above, such measures, and

their duration, shall be filed with the City Clerk and delivered to all appropriate news and social media for publication and to local radio and television stations for broadcast. If practicable, signs may be posted in the impacted area(s) advising of the measures during the duration of such measures.

d. Enforcement penalty. Any refusal to comply with the measures imposed pursuant to subsection 8-55.5(b), above, may be punished as provided in section 1-6 of this Code.

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 within ten (10) days from the date of final passage and shall sunset and be repealed at 11:59 pm on August 16, 2018.

PASSED FIRST READING this the 23rd day of January, 2018.
PASSED SECOND READING this the 6th day of February, 2018.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFF MODARELLI

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