

ORDINANCE NO. C-20-11

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SUBSECTION 19-3(b) OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY DELETING THE ONE MEETING OR EVENT PER MONTH LIMITATION FOR HOMEOWNER ASSOCIATIONS' USE OF CITY OWNED PARKS AND RECREATION FACILITIES, DELETING THE ADDITIONAL COSTS PROVISION, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, Subsection 19-3(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, authorizes the City, through its Parks and Recreation Director, to donate the use of city owned parks and recreation facilities to City of Fort Lauderdale recognized homeowner associations, in furtherance of a public purpose and for a user fee; and

WHEREAS, Subsection 19-3(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, limits Homeowner Associations' use of city owned parks and recreation facilities to one meeting or event per month; and

WHEREAS, eliminating the one meeting or event per month limitation and the provision for the payment of additional costs will encourage Homeowner Associations to meet and work to enhance their neighborhoods and the City of Fort Lauderdale, thereby serving a public and municipal purpose;

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

SECTION 1. That subsection 19-3(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Authority to donate use of city owned facilities. The city, through its parks and recreation director, is authorized to donate the use of city owned parks and recreation facilities for which a user fee has been established pursuant to section 19-3, to City of Fort Lauderdale recognized homeowner associations or governmental entities who can demonstrate that the use of the facility will be in furtherance of a public purpose. ~~Homeowner associations will be limited to one (1) meeting or event per month and~~

gGovernmental entities will be limited to events providing a beneficial public service, informational meetings, seminars, workshops or speeches.

Use of such facility by officially recognized homeowner associations and governmental entities shall be subject to the following conditions:

~~(1) *Additional costs.* The association or entity shall pay for any and all other costs to the city in conjunction with their use of the facility, including any staff overtime.~~

(21) *Insurance and indemnification.* The association or entity shall provide all insurance deemed necessary by the city's risk manager prior to use of the facility. In order to accept the donation, each association or entity shall be required to assume all risk and liability for any damage or injury to person or property that may occur as a result of their use of the facility and release, discharge and covenant not to sue, city, its officers, employees, agents, and volunteers for any reason. The association or entity must also agree to indemnify, defend, save and hold City fully harmless from and against any and all liabilities, claims, suits, actions, demands, losses, judgments or fines of every kind and nature, including all costs, expenses, attorney's fees, arising from or related to use or occupancy of the facility, to the extent permitted by law. The association or entity shall be liable for all costs incurred by city in and about any such claim, suit, action, demand or loss for investigation of same. This indemnification shall not be limited by any insurance required under this section.

(32) *Availability.* The facility is available at the time of their request.

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 are hereby repealed to the extent of such conflict.

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

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

PASSED FIRST READING the 3rd day of March, 2020.

PASSED SECOND READING the _____ day of _____, 2020.

ATTEST:

Mayor
DEAN J. TRANTALIS

City Clerk
JEFFREY A. MODARELLI