

Meeting Date: March 22, 2011

Agenda Item

29

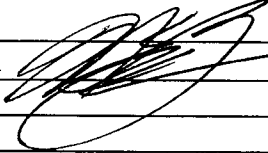
REQUESTED COMMISSION ACTION:


Consent	<input checked="" type="checkbox"/>	Ordinance	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Consideration/ Discussion	<input type="checkbox"/>	Presentation	<input type="checkbox"/>
---------	-------------------------------------	-----------	--------------------------	------------	--------------------------	------------------------------	--------------------------	--------------	--------------------------

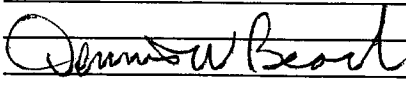
SHORT TITLE An ordinance amending section 37.03, giving the Special Magistrate jurisdiction over certain violations of Section 131.16 "Graffiti"

Summary of Purpose and Why:

AN ORDINANCE AMENDING CHAPTER 37, "POMPANO BEACH CODE ENFORCEMENT," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 37.03, "JURISDICTION," TO CONFER THE SPECIAL MAGISTRATE WITH JURISDICTION OVER CERTAIN VIOLATIONS OF SECTION 131.16, "GRAFFITI"; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

- (1) Origin of request for this action: _____
 - (2) Primary staff contact: Mark E. Berman  _____ Ext. 4614
 - (3) Expiration of contract, if applicable: _____
 - (4) Fiscal impact and source of funding: _____
- _____
- _____
- _____

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
City Attorney	3/8/11	<u>Approval</u>	See City Attorney's Comm. #2011-764 
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

City Manager 

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
1 st Reading	1 st Reading	Results:	Results:
_____	_____	_____	_____
2 nd Reading	_____	_____	_____
_____	_____	_____	_____



City Attorney's Communication #2011-764

March 8, 2011

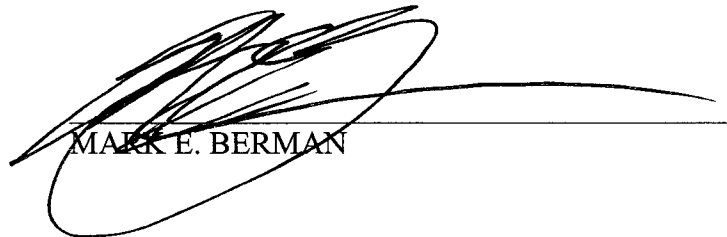
TO: Dennis W. Beach, City Manager
FROM: Mark E. Berman, Assistant City Attorney
RE: Ordinance Amending Chapter 37 – Section 37.03 “Jurisdiction”

Attached please find the following captioned Ordinance addressing the above-referenced matter:

AN ORDINANCE AMENDING CHAPTER 37, “POMPANO BEACH CODE ENFORCEMENT,” OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 37.03, “JURISDICTION,” TO CONFER THE SPECIAL MAGISTRATE WITH JURISDICTION OVER CERTAIN VIOLATIONS OF SECTION 131.16, “GRAFFITI”; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please place this matter on the March 22, 2011 City Commission Agenda. I have attached a Commission Agenda Cover Sheet for your convenience.

Should you have any questions regarding this matter, please feel free to contact me.


MARK E. BERMAN

Meb/ds
l:cor/manager/2011-764
Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 37, “POMPANO BEACH CODE ENFORCEMENT,” OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 37.03, “JURISDICTION,” TO CONFER THE SPECIAL MAGISTRATE WITH JURISDICTION OVER CERTAIN VIOLATIONS OF SECTION 131.16, “GRAFFITI”; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days’ notice has been given by publication in a paper of general circulation in the City, notifying the public of its proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission has been held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had the opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 37.03, “Jurisdiction,” of Chapter 37, “Pompano Beach Code Enforcement,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 37.03 JURISDICTION.

A. The jurisdiction of the Special Magistrate appointed by the City Commission to hear code enforcement violation matters shall be limited to the following chapters and/or sections found within the city code.

- (1) Section 50.14, “Restrictions on Irrigation.”

...

- (15) Chapter 115 “Miscellaneous Businesses.”

- (16) Section 131.16 "Graffiti."
- (~~16~~17) Chapter 150 "Air Park Zoning."
- (~~17~~18) Chapter 151 "Beaches and Waterways."
- (~~18~~19) Chapter 152 "Buildings."
- (~~19~~20) Chapter 153 "Rental Housing Code."
- (~~20~~21) Chapter 154 "Planning."
- (~~21~~22) Chapter 155 "Zoning."
- (~~22~~23) Chapter 156 "Sign Code."
- (~~23~~24) Chapter 157 "Development of Land."

...

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2011.

PASSED SECOND READING this _____ day of _____, 2011.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

MEB/jrm
 2/17/11
 ord/ch37/2011-179