

ORDINANCE NO. C-14-41

AN ORDINANCE AMENDING CHAPTER 16 – MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE II, OFFENSES INVOLVING PROPERTY RIGHTS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA; CREATING SECTION 16-31, CAMPING PROHIBITED WITHIN THE DOWNTOWN; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION OF UNAUTHORIZED CAMPING ON PUBLIC PROPERTY WITHIN THE DOWNTOWN AREA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale has a substantial interest in the revitalization, preservation of property values and the prevention of the deterioration in its downtown and a prohibition against camping in areas without adequate resources is a reasonable means of achieving these goals; and

WHEREAS, the Legislature of the State of Florida enacted Chapter 2005-346, Laws of Florida, re-created the charter for the Downtown Development Authority of the City of Fort Lauderdale, Broward County, (“DDA”) finding it necessary to promote the health, safety, morals, and general welfare of the downtown area and its inhabitants, visitors, property owners, and workers; to establish, maintain, and preserve aesthetic values and preserve and foster the development and display of attractiveness; to prevent overcrowding and congestion; to regulate auto traffic and provide pedestrian safety; to secure safety from fire, storm, panic, riot, vandals, and other dangers; to conserve and provide adequate light and air; and to provide a way of life which combines the conveniences and amenities of modern living with the traditions and pleasures of the past; and

WHEREAS, the City of Fort Lauderdale has a substantial interest in the goals of the DDA; and

WHEREAS, the City of Fort Lauderdale has a substantial interest in protecting against sanitation and safety issues and promoting public health and prohibiting camping in areas without adequate resources is a reasonable means of achieving that goal; and

WHEREAS, the unauthorized use of public property for camping where the property in question is neither intended nor designed as a camp site, campground, or site for

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temporary human habilitation tends to impair, obstruct, and otherwise detract from the use of the property for its intended purpose; and

WHEREAS, the City Commission of the City of Fort Lauderdale has determined that the following amendments promote and protect the general health, safety, and welfare of the residents 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 II, Offenses Involving Property Rights, of Chapter 16, MISCELLANEOUS PROVISIONS AND OFFENSES, of the Code of Ordinances of the City of Fort Lauderdale is hereby amended to read as follows:

Sec. 16-31. Camping Prohibited Within the Downtown.

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Camping means to reside or dwell temporarily in a place, with shelter, and conduct activities of daily living such as eating, sleeping or storage of personal possessions in such place.

Downtown means the lands described in Section 2 of Chapter 2005-346, Laws of Florida, the Charter for the Downtown Development Authority of the City of Fort Lauderdale and depicted on Exhibit "A" attached hereto and incorporated herein.

Shelter includes, without limitation, any tent, hut, lean-to, shack, tarpaulin, sleeping bag, bedroll, or any form of cover or protection from the elements other

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than clothing for purposes of sleeping.

Officer means a sworn law enforcement officer.

Public property means any street, alley, sidewalk, pedestrian pathway, bicycle lane, or any other area encompassed within the public right-of-way, any park, or other recreation facility, or any other grounds, buildings, or other facilities owned or leased by the City of Fort Lauderdale.

(a) It shall be unlawful for any person to engage in camping on public property at any time within the Downtown, except in any location where camping has been expressly authorized by the City of Fort Lauderdale or the agency having the control, management and supervision of the public property at issue.

(b) No officer shall issue a citation, make an arrest or otherwise enforce this section against any person unless:

- (1) The officer orally requests or orders the person to refrain from the alleged violation of this section, and if the person fails to comply after receiving the oral request or order, the person may be cited or arrested for a violation of this section; and
- (2) The officer attempts to ascertain whether the person is in need of medical or human services assistance, including but not limited to mental health treatment, drug or alcohol rehabilitation, or homeless assistance. If the officer determines that the person is in need of the assistance, the officer shall afford the person an opportunity to be transported to either a hospital or a public shelter; and
- (3) The officer shall advise the person that all of his or her personal property which is not taken to the hospital or public shelter accompanying the person, except that which is of no apparent utility

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or which is in an unsanitary condition, shall be inventoried and stored by the City police department for a maximum of thirty (30) days, until reclaimed; and

(4) The person who needs medical or human services assistance refuses to be transported to a hospital or public shelter; and

(5) The person is not in need of medical or human services assistance.

(c) Any personal property that was inventoried and stored by the City police department for a person transported to a hospital or public shelter under the provisions of this section which has not been reclaimed within thirty (30) days of the date the personal property was inventoried and stored shall be deemed abandoned and disposed of according to Chapter 705, Florida Statutes.

(d) Being in a shelter or being above, atop or covered by materials on public property may be evidence of camping, but not alone sufficient to constitute a violation of this section. One (1) or more of the following activities shall also exist to determine whether the conduct is for the purposes of daily living:

- (1) Numerous items of personal belongings are present;
- (2) The person is engaged in cooking activities;
- (3) The person has built or is maintaining a fire;
- (4) The person has engaged in digging or earth breaking activities;
- (5) The laying down of bedding, such as a mat, blanket, sleeping bag or similar material for the purpose of sleeping.

(e) Violations of this section shall be punishable as provided in Section 1-6 of this Code.

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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 thirty (30) days from the date of final passage.

PASSED FIRST READING this the 3rd day of September, 2014.

PASSED SECOND READING this the ____ day of _____, 2014.

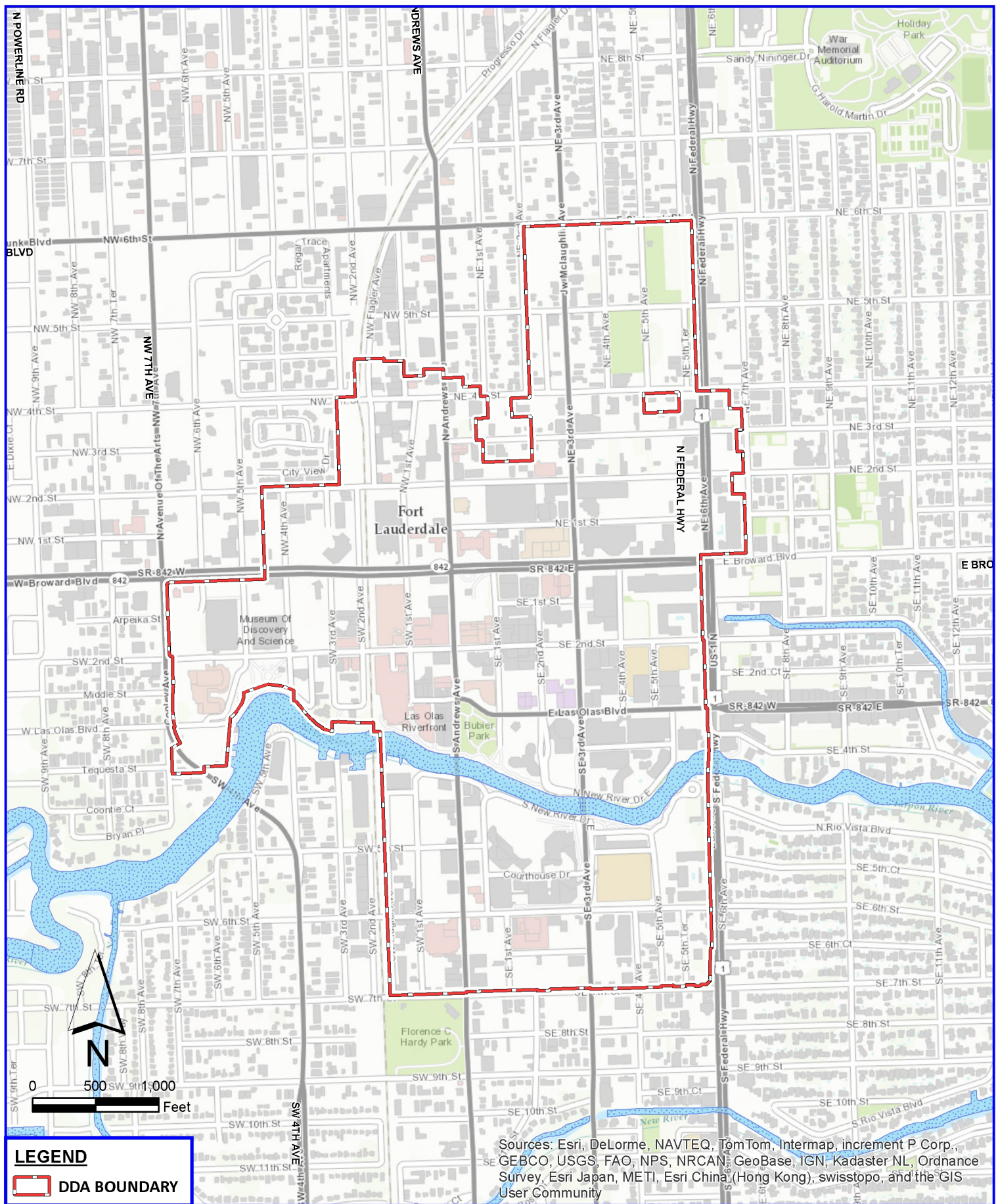
Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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DDA BOUNDARY



CITY OF FORT LAUDERDALE



Date: 8/27/2014