

ORDINANCE NO. 240-10-157

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 14, OFFENSES AND MISCELLANEOUS PROVISIONS, CREATING ARTICLE IX, UNAUTHORIZED PUBLIC CAMPING AND PUBLIC SLEEPING, PROHIBITING PUBLIC CAMPING AND PUBLIC SLEEPING ON PUBLIC PROPERTY WITHIN THE CITY OF LAUDERHILL PURSUANT TO FLORIDA STATUTES, SECTION 125.0231; PROVIDING DEFINITIONS, PROVIDING METHODS OF ENFORCEMENT; PROVIDING PENALTIES; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)

WHEREAS, pursuant to Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Lauderhill ("City"), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, pursuant to Section 125.0231, Florida Statutes, the City may not authorize or otherwise allow any person to regularly engage in "public camping or sleeping" on any public property under the jurisdiction of the City; and

WHEREAS, it is notable that the statutory definition of "public camping or sleeping" in Florida Statutes 125.0231(1)(b) references, *inter alia*, lodging or residing *overnight* in an outdoor space, *with or without a tent or other temporary shelter*, and

WHEREAS, Broward County passed Ordinance 2024-37 with the intent that it is to be applicable countywide and available for enforcement by the Broward County Sheriff and/or municipal law enforcement within the boundaries of all municipalities located within Broward County, so long as they do not have a conflicting ordinance; and

WHEREAS, the City finds it to be in the best interest of the public health, safety and welfare of the citizens to adopt this Ordinance for enforcement as required by 125.0231; and

WHEREAS, it is the desire of the City Commission to adopt an Ordinance prohibiting unauthorized camping or sleeping on public property in accordance with the Statutes;

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

SECTION 1. That the City of Lauderhill Code of Ordinances, Chapter 14, Offenses and Miscellaneous Provisions, is hereby amended to create Article IX, Unauthorized public camping and public sleeping, to read as follows:

Article IX. Unauthorized public camping and public sleeping.

Sec. 14-130. Definitions.

- (a) *"Public camping or public sleeping"* for the purpose of this Article shall mean to lodge, reside, dwell, or remain overnight on or about an outdoor space temporarily by the erection, use or occupation of any tent, hut, lean-to, shack or temporary shelter of any kind which provides a cover from the elements, for sleeping purposes, or the laying down of bedding, such as a mat, blanket, sleeping bag or other material for the purpose of sleeping, resting or conducting any activities of daily living, including but not limited to, the storage of personal possessions in such place; and also includes the lodging or residing overnight in an outdoor space *without* a tent or other temporary shelter. *Public camping or public sleeping* does not include lodging or residing overnight in a motor vehicle that is registered, insured, and located in a place where it may lawfully be; nor does it include camping for recreational purposes on property designated by the city or other governmental agency to lawfully conduct such activity, if applicable.
- (b) *"Temporary shelter"* means the use of fabric, metal, cardboard, or other material including but not limited to a tent or other temporary structure for living accommodation or human habitation purposes.
- (c) *"Officer"* means a sworn law enforcement officer.
- (d) *"Public property"* means any street, alley, sidewalk, pedestrian pathway, bicycle lane, or any other area encompassed within the public right-of-way, public park, recreation facility, or any other grounds, buildings, land, or other facilities owned or leased by the City of Lauderdale or any other governmental entity within the City of Lauderdale jurisdictional limits.

Sec. 14-131. Intent; enforcement; penalties.

- (a) It shall be unlawful for any person to regularly engage in public camping or sleeping on public property within the city's jurisdiction, except as may be specifically authorized by the City or other appropriate governmental authority.
- (b) No officer shall issue a citation to, make an arrest of, or otherwise enforce this Article against any person unless the following has first occurred:
 - (1) The officer verbally requests or orders the person to refrain from the alleged violation of this Section,
 - (a) if the person complies and moves on, the incident shall be concluded.
 - (b) if the person fails to comply after receiving the verbal request or order, the person may be issued a civil citation for a violation of this Section after either (2)(a) or (2)(b) have been ascertained:
 - (2) If the person fails to comply after receiving the verbal request or order,

- (a) The officer shall attempt 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, and such assistance is available, the officer shall afford the person an opportunity to be transported to either a hospital or a public shelter. A civil citation may be issued for failure to comply with the verbal request or order, but an arrest shall not be made and they shall be transported for services; or
- (b) The officer determines that the person does not appear to be in need of medical or human services assistance, or if the person who needs medical or human services assistance refuses to be transported to a hospital or public shelter, then the person may be issued a Uniform Code civil citation pursuant to this section and/or may be cited under Broward County Code Section 21-2 to be referred into the Broward County Adult Civil Citation Program (or the Juvenile Services Civil Citation Program as appropriate). If the individual fails to meet the Broward County Adult Civil Citation Program requirements or violates the Program, they may be placed under arrest pursuant to Broward County Code Section 21-2 (e).
- (c) If applicable, the officer shall advise the person that any of his or her personal property which is not taken to the hospital, public shelter, jail or detention facility shall be inventoried and stored by the City police department until reclaimed, for a maximum of thirty (30) days, subject to the granting of extensions of time at the City police department`s sole discretion. The officer shall also advise the person that any personal property which is perishable or which is in an unsanitary condition may be immediately discarded and will not be stored by the City. Any personal property that was inventoried and stored by the City for a person transported to a hospital, or public shelter or arrested, 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 F.S. Ch. 705.
- (d) City Uniform Code Civil citations issued in violation of this Section shall be subject to the fines as provided in Section 7 -3 of this Code. Any person criminally convicted of violating the provisions of this Article shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60) days, or by both such fine and imprisonment in the discretion of the court, consistent with Broward County Code Section 21-2.

Sec. 14-132. Notices of alleged violation.

Any resident of the city, or the owner of any business within the city, or the Attorney General, who wishes to bring a civil action against the city for an alleged violation of this Article shall first provide written notice to the city of any alleged violation of this Article prior to applying for an injunction. The applicant must provide the city with five (5)

business days to cure the alleged violation. Notice can be provided to the city through the city`s E-311 online reporting system.

SECTION 2. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 3. This Ordinance shall take effect immediately upon its passage and adoption.

DATED this _____ day of _____, 2024.

PASSED on first reading this _____ day of _____, 2024

PASSED AND ADOPTED on second reading this _____ day of _____, 2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING		SECOND READING
MOTION	_____	MOTION	_____
SECOND	_____	SECOND	_____
M. DUNN	_____	R. CAMPBELL	_____
D. GRANT	_____	M. DUNN	_____
L. MARTIN	_____	J. HODGSON	_____
S. MARTIN	_____	S. MARTIN	_____
K. THURSTON	_____	D. GRANT	_____