

ORDINANCE 3322-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK BY ADDING NEW SECTIONS TO CHAPTER 62, OFFENSES INVOLVING PUBLIC PEACE AND ORDER, TO PROVIDE FOR ADDITIONAL STANDARDS IN PUBLIC PARKS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.021(3), Florida Statutes, provides, in pertinent part, that “[t]he Legislature recognizes that pursuant to the grant of powers set forth in Section 2(b), Art. VIII of the State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state legislature may act” except for certain very limited matters; and

WHEREAS, the City Commission of the City of Winter Park, Florida (“City”), has determined that this Ordinance continues to protect the health, safety, and welfare of the City’s citizens.

WHEREAS, the Florida Legislature has passed Section 125.0231, Florida Statutes, prohibiting a municipality from authorizing or allowing any person to camp in public areas except as permitted by statute.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION I. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION II. Amendment of City Code. Chapter 62, Code of Ordinances, City of Winter Park, is hereby amended by adding the following (words that are underlined are additions):

Sec. 62-81. - Urinating or Defecating in Public

- (a) It shall be unlawful for any person to urinate or defecate in a public place other than one set aside and designated for that particular purpose.
- (b) Violations of this section shall be punishable as provided in Winter Park Code section 1-7. 43

Sec. 62-82. - Camping Prohibited

- (a) For the purpose of this section, “camp” is defined as sleeping, lodging, or residing overnight or otherwise being in a temporary shelter outdoors; or sleeping outdoors.
- (b) It shall be unlawful for any person to camp or sleep on public property, including, but not limited to, public buildings or its grounds, public sidewalks, streets, alleyways, city property, parks or green spaces, on or under public right of ways, not designated as a campground by a governmental entity.

(c) Violations of this section shall be punishable as provided in Winter Park Code section 1-7.

Sec. 62-83. – Sitting or Lying on Sidewalks or Bicycle Paths Prohibited

(a) It is unlawful for any person, after having been notified by a law enforcement officer of the prohibition in this section, to sit or lie down upon a public sidewalk or bicycle path, or upon any blanket, chair, stool, or any other object placed upon a public sidewalk or bicycle path.

(b) Violations of this section shall be punishable as provided in Winter Park code section 1-7. 11

(c) It is an affirmative defense to the prohibition in this section if it is shown that:

(1) Sitting or lying down in violation of subsection 62-83(a) due to a medical emergency;

(2) The person is sitting while operating or patronizing an event conducted on or within a public sidewalk or bicycle path pursuant to a City issued permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting or similar event conducted on a public sidewalk pursuant to a street use or other applicable City issued permit;

(3) The person sitting on a sidewalk is there only temporarily while awaiting transportation on a particular bus at a bus stop and the person is not obstructing the ability of others to use the sidewalk.

SECTION III. Authorizing Inclusion in Code. The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the City of Winter Park, as additions or amendments thereto.

SECTION IV. Severability. Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION V. Conflicting Ordinances. All ordinances or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

SECTION VI. Effective Date. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission, held at City Hall, Winter Park, Florida, on the 17th day of October, 2024.

Mayor Sheila DeCiccio

ATTEST:

City Clerk