

ORDINANCE NO. 24-01-03

**AN ORDINANCE OF THE CITY OF NICEVILLE, FLORIDA,
AMENDING ARTICLE 1 CHAPTER 17 AND ADDING NEW
SECTION 17-3 OF THE CITY OF NICEVILLE CODE OF
ORDINANCES PROHIBITING STRUCTURES ON CITY PROPERTY;
PROVIDING FOR DEFINITIONS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, as provided in Article VIII of the Constitution of the State of Florida and chapters 163 and 166, Florida Statutes, the City of Niceville enjoys all home rule authority, police power, land development and zoning authority, and governmental and proprietary powers necessary to conduct municipal government and perform municipal functions; and

WHEREAS, the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, prohibiting structures on City property is in the best interest of the health, safety and welfare of the public; and

WHEREAS, The City of Niceville has a significant interest in protecting the health, safety and welfare of those peacefully moving about within the city; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED that:

Section 1. **Recitals.** The foregoing recitals are hereby ratified and confirmed as true and correct and incorporated herein by this reference.

Section 2. **Authority.** The City Council of the City of Niceville has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

Section 3. **Article 1 Chapter 17, Streets, Sidewalks and Other Public Places** shall be amended and codified to create a new section 17.3 as follows:

17-3 – Structures on City Property Prohibited

No person shall have, maintain, occupy or use, or cause to be maintained, occupied or used, any fence, enclosure, building, house, shed, tent or other structure or obstruction, on any street, park or other property, or on any part thereof, of the City, except as authorized by the City Manager.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 5. **Codification.** It is the intention of the City Council of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

Section 6. **Conflicting Provisions.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. **Effective Date.** This Ordinance shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ENACTED in regular session upon this second and final reading this 9th day of January, 2024.


MAYOR

ATTEST:


CITY CLERK