

**ORDINANCE NO. 2022 - 32**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING CHAPTER 21 "OFFENSES" OF THE CODE OF ORDINANCES FOR THE CITY OF DELAND BY AMENDING SECTION 21-29 "PANHANDLING" BY ADDING A NEW SUB-SUBSECTION 21-29(a)(13)(i) AND A NEW SUB-SUBSECTION 21-29(d)(7)a.9 FOR THE PURPOSE OF ADDING AN ADDITIONAL DANGEROUS INTERSECTION AT WHICH PANHANDLING IS PROHIBITED; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City's Code of Ordinances contains a prohibition against panhandling;  
and

**WHEREAS**, the current panhandling ordinance addresses pedestrian and traffic safety at eight delineated intersections; and

**WHEREAS**, the City Commission of the City of DeLand held two public hearings on August 16, 2021 and September 8, 2021 at which it accepted a testimony and a significant amount of written evidence to assess the public safety risks associated with panhandling within high traffic intersections, and thereupon adopted Ordinance 2021-26 which prohibited panhandling at certain high traffic – high risk intersections; and

**WHEREAS**, the City Commission hereby adopts and incorporates the evidence presented at the aforementioned hearings and hereby adopts the legislative findings and intent used to establish Ordinance 2021-26; and

**WHEREAS**, the City of DeLand Police Department has compiled accident data at the high traffic intersection of Woodland Boulevard and Taylor Road; and

**WHEREAS**, the traffic related accidents at such intersection have resulted in 23 injuries from June 2019 through June 2022; and

**WHEREAS**, the City Commission of the City of DeLand has considered whether it would be appropriate to include the intersection of Woodland Boulevard and Taylor Road to the current list of intersections at which panhandling is prohibited; and

**WHEREAS**, the City Commission of the City of DeLand has determined that it is in the best interest of pedestrians and roadway travelers to prohibit the act of panhandling at the intersection of Woodland Boulevard and Taylor Road; and

**WHEREAS**, it is necessary to amend Chapter 21 "Offenses" of the Code of Ordinances of the City of DeLand, to prohibit panhandling at the intersection of Woodland Boulevard and Taylor Road to further the public health, safety and welfare.

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

**Section 1.** Section 21-29(a)(13) of the Code of Ordinances of the City of DeLand is hereby amended by adding the new underlined language and deleting the ~~strikethrough language~~ as follows:

**(a) Definitions.**

(13) *High risk intersection for pedestrians* means the following intersections, as identified and applied from the City of DeLand Police Department Pedestrian Traffic Safety Study, ~~for the period from January 1, 2017 to March 8, 2021:~~

- a. Woodland Boulevard/United States Highway 17 and Violetwood Road.
- b. Woodland Boulevard/United States Highway 17 and Old Daytona Street.
- c. Woodland Boulevard/United States Highway 17 and United States Highway 92.
- d. United States Highway 92 and Amelia Avenue.
- e. Woodland Boulevard/United States Highway 17 and Plymouth Avenue.
- f. Woodland Boulevard/United States Highway 17 and Beresford Avenue.
- g. Woodland Boulevard/United States Highway 17 and Orange Camp Road.
- h. New York Avenue and State Road 15A.
- i. Woodland Boulevard and Taylor Road.

**Section 2.** Section 21-29(d)(7)a.9 of the Code of Ordinances of the City of DeLand is hereby amended by adding the new underlined language and deleting the ~~strikethrough language~~ as follows:

(7) Notwithstanding the foregoing, panhandling is prohibited and unlawful on the parcels and road right-of-way included within the following geographic areas:

- a. Within 50 feet (this distance to be measured from the stop bar at each lane of travel to create a square around the intersection) of the following intersections:
  1. Woodland Boulevard/United States Highway 17 and Violetwood Road.
  2. Woodland Boulevard/United States Highway 17 and Old Daytona Street.
  3. Woodland Boulevard/United States Highway 17 and United States Highway 92.
  4. United States Highway 92 and Amelia Avenue.
  5. Woodland Boulevard/United States Highway 17 and Plymouth Avenue.

6. Woodland Boulevard/United States Highway 17 and Beresford Avenue.
7. Woodland Boulevard/United States Highway 17 and Orange Camp Road.
8. New York Avenue and State Road 15A.
9. Woodland Boulevard and Taylor Road.

**Section 3. Conflicts.** All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

**Section 4. Severability.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**Section 5. Codification; Directions to Code Codifier; Correction of Scrivener's Errors.**


(a). The provisions of Sections 1 and 2 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of DeLand and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3 through 6 shall not be codified.

(b). The Code codifier shall instruct the Municipal Code Corporation to make all changes necessary in the Code of Ordinances of the City of DeLand to implement the provisions of this Ordinance and is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

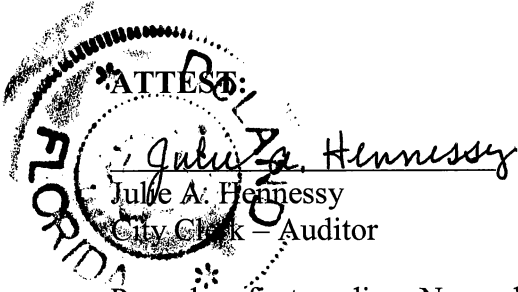
(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 19<sup>th</sup> day of December, 2022.

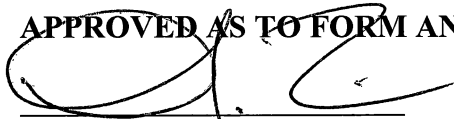


Christopher M. Cloudman  
Mayor – Commissioner



Passed on first reading: November 21, 2022  
Adopted on second reading: December 19, 2022

**APPROVED AS TO FORM AND LEGALITY:**



Darren J. Elkind  
City Attorney