

ORDINANCE NO. 1092

**AN ORDINANCE OF THE CITY OF LYNN HAVEN, FLORIDA,
ADOPTING AN ORDINANCE RELATED TO DISORDERLY
CONDUCT; PROVIDING FOR DEFINITIONS AND PENALTIES
FOR THE COMMISSION OF AN ACT OF DISORDERLY
CONDUCT; REPEALING ALL ORDINANCES IN CONFLICT;
PROVIDING FOR CODIFICATION; PROVIDING FOR
INCLUSION INTO THE CODE AND PROVIDING AN
IMMEDIATELY EFFECTIVE DATE**

WHEREAS, the City Commission of the City of Lynn Haven, Florida desires to provide for the definitions of Disorderly Conduct and penalties for the commission of such crime within the City limits of the City of Lynn Haven, Florida; and

WHEREAS, the City Commission of Lynn Haven finds that the adoption of the certain definitions and penalties of acts of Disorderly Conduct as set forth herein is in the best interest and safety of the residents of the City of Lynn Haven, Florida.

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

SECTION 1. AUTHORITY. The City of Lynn Haven, Florida 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 2. This Ordinance shall be codified into Chapter 38 of the Code of Ordinances of the City of Lynn Haven, Florida and adopted as follows;

Disorderly Conduct.

(a) *Definitions.* The following words and phrases, as used in this section, shall have the meanings respectively ascribed to them:

1. *Public place* shall mean any place to which the general public has access and a right to resort for business entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks;
2. *Riot* shall mean a public disturbance involving an act of violence by one (1) or more persons part of an assemblage of three (3) or more persons, which act shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual; or a threat of the commission of an act of violence by one (1) or more persons part of an assemblage of three (3) or more persons having, individually or collectively, the ability of immediate execution of any such threat or threats, where the performance of the threatened act of violence

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would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual; and

3. *Incite a riot* shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written advocacy of ideas or expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act.
 4. *Disorderly Conduct* shall mean whoever commits such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engages in brawling or fighting, or engages in such conduct as to constitute a breach of the peace or disorderly conduct
- (b) *Prohibited.* A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:
1. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health;
 2. Commits an act in a violent and tumultuous manner toward another whereby the property of a person is placed in danger of being destroyed or damaged;
 3. Causes, provokes, threatens or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
 4. Interferes with another's pursuit of a lawful occupation by acts of violence;
 5. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear the public way when ordered to do so by the city police or other lawful authority known to be such;
 6. Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his own safety or the safety of others;
 7. Resists or obstructs the performance of duties by the city police or any other authorized official of the city, when known to be such an official;
 8. Incites, attempts to incite or is involved in attempting to incite a riot;
 9. Addresses abusive language or threats to any member of the city police department, any other authorized official of the city who is engaged in the lawful performance of his duties or any other person, when any such words have a direct tendency to cause acts of violence, words merely causing displeasure, annoyance or resentment not being prohibited;
 10. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;
 11. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace

- is broken or disturbed, or the travelling public annoyed; or in any way disturbs the public's tranquility in a manner inconsistent with the time or place of such an incident;
12. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one (1) or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is immediately threatened;
 13. Uses abusive or obscene language or makes an obscene gesture; or
 14. Makes an offensive utterance, gesture or display in a manner that might reasonably lead to violence.
 15. Climbs up, down or over a balcony, or attempts to jump from a balcony, or spits or throws any object to or from a balcony.
 16. Commit an act which constitutes a breach of the peace or disorderly conduct.
- (c) *Exemptions.* This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.
- (d) *Penalties.* Whoever shall violate this ordinance shall be deemed to have committed a misdemeanor punishable by the same penalty as is provided therefor by the laws of the state of Florida.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. It is the intention of the City Commission of the City of Lynn Haven, Florida 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 re-codified copy of same with the City Clerk.

SECTION 5. Severability. If any phrase or portion of this Ordinance is 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.

SECTION 6. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED this 24th day of March, 2020.

ATTEST:


CITY MANAGER-CLERK

CITY OF LYNN HAVEN, FLORIDA


MAYOR MARGO ANDERSON

FIRST READING 3/10/20
SECOND READING 3/24/20