

**ORDINANCE NO. 1471-23**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA CREATING SECTION 130.23 SLEEPING AND CAMPING IN PUBLIC AND CERTAIN PRIVATE PLACES PROHIBITED; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Zephyrhills, Florida (the "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**, as provided in section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

**WHEREAS**, the City Council has determined that it is in the City's interest to create new sections of the City's Code of Ordinances from time to time to assure that the Code of Ordinances adequately meet the needs of the City; and

**WHEREAS**, the City Council hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare, and that it advances a valid and important public purpose.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Zephyrhills, Florida, as follows:

**Section 1. Authority.**

This Ordinance is enacted pursuant to Chapter 163, Florida Statutes, and under the home rule powers of the City.

**Section 2. Legislative Findings of Fact.**

The foregoing **WHEREAS** clauses are hereby adopted as legislative findings of the City Council of the City of Zephyrhills and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 3. Creation of Section 130.23 of the City of Zephyrhills Code of Ordinances - Sleeping and Camping in Public and Certain Private Places Prohibited.**

Section 130.23 - Sleeping and Camping in Public and Certain Private Places Prohibited is hereby created as part of the City of Zephyrhills Code of Ordinances as follows:

**130.23 SLEEPING AND CAMPING IN PUBLIC AND CERTAIN PRIVATE PLACES PROHIBITED**

- A. It shall be unlawful for any person to sleep or camp at a time or under circumstances that warrant a justifiable and reasonable concern for the health, safety, or welfare of the public:
1. In or on any public right-of-way, including any street, alley, roadway access, median, or embankment.
  2. In or on any public park, trail, or upon the grounds of any public facility or property, whether improved or unimproved.
  3. Upon any unimproved private lot unless such use is with the permission of the owner and permissible under the city's zoning ordinance.

4. Upon the premises of any private, commercial, or industrial property unless such use is with the permission of the owner and is permissible under the city's zoning ordinance.
- B. **Camp Defined:** As used herein, "camp" shall mean an outdoor place for eating, cooking, and sleeping, and includes, but is not limited to:
1. The use of camping facilities such as tents, tarpaulins, or temporary shelters.
  2. The use of sleeping bags, cots, beds, or hammocks.
  3. The use of park benches, picnic tables, recreation equipment, or similar structures.
  4. The use of any parked vehicle, including an automobile, bus, truck, camper, trailer, or recreational vehicle.
- C. Circumstances that may be considered in determining whether immediate concern is warranted include but are not limited to, the length of time the individual has been sleeping or camping at the site where the violation was observed.
- D. In addition, any camp violation of this section is declared to be a public nuisance, and the chief of police or his/her designee, upon a determination that such camp constitutes an immediate threat to the health, safety, or welfare of persons in the city, including persons using the camp, is authorized to remove the camp forthwith. If persons are occupying the camp at the time, then before removing the camp, the chief of police or his/her designee shall warn the person or persons occupying the camp that they are in violation of this section and shall give them the opportunity to remove the camp forthwith.
- E. Any and all violation of the Ordinance shall constitute a separate Class VI offense as set forth in the Uniform Fine and Citation Schedule as adopted by the Sixth Judicial Circuit, and shall be prosecuted as provided in Section 162.21, Florida Statutes. Each violation and each day constituting a violation shall be fined and prosecuted as a separate offense.

#### Section 4. Repealer

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

#### Section 5. Severability.

It is declared to be the intent of the City Council of the City of Zephyrhills, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having continued the said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

#### Section 6. Inclusion into the Code.

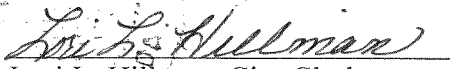
It is the intent of the City Council that the provisions of this Ordinance shall become and be made a part of the City of Zephyrhills code, and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

#### Section 7. Effective Date.

This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. 1471-23 was passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 25<sup>th</sup> day of September, 2023.

Attest:

  
Lori L. Hillman, City Clerk

  
Lance A. Smith, Council President

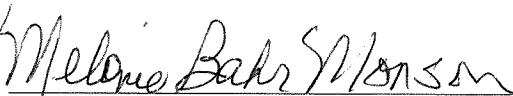
The foregoing Ordinance 1471-23 was passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 9<sup>th</sup> day of October, 2023.

Attest:


  
Lori L. Hillman, City Clerk

  
Lance S. Smith, Council President

The foregoing Ordinance 1471-23 was approved by me this 9<sup>th</sup> day of October, 2023.

  
Melonie Bahr Monson, Mayor

Approved as to legal form and legal content

  
Matthew E. Maggard, City Attorney