



City of North Port

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, PROHIBITING CERTAIN CONDUCT AT CITY FACILITIES AND CITY PARKS BY AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, TO CREATE SECTION 46-1 – CITY FACILITIES RULES AND TO REPEAL SECTION 50-2 – PARK PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Port, Florida owns and manages buildings, parks, amenities, and the grounds thereof and other properties (“facilities”) that are open to the public; and

WHEREAS, the City Commission of the City of North Port, Florida recognizes the need to regulate use of the public spaces of the City’s facilities in the interest of public health and safety; and

WHEREAS, the City Commission finds it necessary in the interests of public health and safety to prohibit use of City facilities in a manner which poses an unreasonable risk of harm to visitors and employees or inhibits pedestrians to safely and expeditiously utilize public spaces; and

WHEREAS, the City has a significant governmental interest in vehicular and pedestrian traffic safety in City facility parking lots and other areas; and

WHEREAS, the City Commission has a compelling interest in promoting the health, safety and security of citizens and visitors by regulating potentially hazardous conditions at its public facilities; and

WHEREAS, the City Commission recognizes that the City has a compelling interest in ensuring that employees and visitors at City facilities have minimum unobstructed access to public spaces; and

WHEREAS, the City Commission recognizes that the City has a compelling interest in complying with the requirements of the Americans with Disabilities Act, which include minimum unobstructed access to public spaces for those with disabilities; and

WHEREAS, the City Commission seeks to maintain a safe, orderly, and pleasant environment on public property; and

WHEREAS, the City Commission desires to promote behavior at City facilities that supports the proper use of its facilities by the public, the protection and preservation of City facilities, and the health and safety of visitors and employees at City facilities; and

WHEREAS, Section 50-2 of the Code of the City of North Port, Florida addresses prohibited behavior in City parks; and

WHEREAS, the creation of Section 46-1 incorporates and broadens existing regulations of prohibited behavior in City parks, allowing for the repeal of Section 50-2; and

WHEREAS, the City Commission finds that the proposed amendments serve the public health, safety, and welfare of the citizen of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

1.01 The recitals outlined above are incorporated by reference herein as findings of fact.

SECTION 2 – ADOPTION

2.01 Section 46-1 of the Code of the City of North Port, Florida is hereby created to read as follows:

~~“Chapter 46 – OFFENSES AND MISCELLANEOUS PROVISIONS~~

~~ARTICLE I. – IN GENERAL – OFFENSES INVOLVING PROPERTY~~

Sec. 46-1. – City facility rules.

(a) Prohibited conduct. The following conduct is prohibited at all buildings, parks, amenities, and grounds thereof, and any other properties owned or managed by the city for the purpose of conducting the operations of the city (“facilities”) (excluding public sidewalks and rights-of-way):

- (1) Engaging in any activity prohibited by law.
- (2) Littering.
- (3) Activities or behaviors which present an unreasonable risk of injury or harm to oneself or others, including visitors or employees.
- (4) Activities or behaviors which present an unreasonable risk of damage, harm, degradation, or removal of any city property, including plants, flowers, trees, grass, or soil.
- (5) Activities or behaviors which present an unreasonable risk of damage, harm, harassment, or removal of any animals, birds, other wildlife, or their habitat on city property.
- (6) Tampering with or unauthorized use of interior or exterior facility systems, grounds, or devices, including but not limited to electrical, plumbing, locks, doors, cameras, plants, and other infrastructure.

- (7) Possession of weapons, with the exception of firearms as defined in F.S. Chapter 790 or as allowed pursuant to local, state, or federal authority.
- (8) Unauthorized leaving or storing of personal property.
- (9) Use of insulting or fighting words which by their very utterance inflict injury or tend to incite a breach of the peace.
- (10) Disruptive or unsafe behavior, including conduct which intentionally interferes with employees or contractors in the performance of their duties or intentionally interferes with the proper use of a facility by others.
- (11) Being under the influence of any controlled substance or intoxicating liquor or beverage.
- (12) Possessing, selling, distributing, or consuming any alcoholic beverage, except as allowed by a city permit, at an event approved by the city, or otherwise allowed by this code.
- (13) Blocking access to a building, park, or amenity, including doorways, walkways, ramps, parking access, or steps.
- (14) Remaining in a building, park, or amenity, or remaining in its attached covered areas, doorways, ramps, or steps after posted hours of operation or after the conclusion of an "after hours" public meeting or city-hosted event.
- (b) Additional rules. Additional rules related to the specific functions or use of a facility may be created and implemented by the City Manager's Office or designee. All additional rules must be clearly posted with or near the facilities rules established herein.
- (c) Posting of rules. Facilities rules must be posted conspicuously, both inside and outside, at all facilities open to the public.
- (d) Unlawfully stored property. Unlawfully stored property will be removed pursuant to Section 46-3 of this code.
- (e) Warning required. Except where an activity is prohibited by law, a verbal warning by any city employee must first be issued to the offender, who then has an opportunity to correct their violation prior to any enforcement. If an individual fails to comply with these rules after a verbal warning, a city employee may instruct the offender to immediately leave the premises. If an offender fails to leave the premises immediately, a law enforcement officer can issue the offender a trespass warning.
- (f) Exceptions. The following are exempt from the prohibitions of this section, unless any exemption creates and/or causes a hazardous condition or threatens public health or safety:
 - (1) Medical emergency. Items stored or activities conducted pursuant to a medical emergency until the medical emergency is addressed.

- (2) Permitted event. Items stored or activities conducted pursuant to and as allowed under a city-permitted event, including but not limited to parades, festivals, assemblies, or concerts for the duration of the permitted event, at the discretion of the city manager or designee.
- (3) Permitted property. Items stored pursuant to a city-issued permit or express permission from the city manager or designee.
- (4) Government property or activity. Items stored or activities conducted by a government entity or pursuant to direction from a government entity, at the discretion of the city manager.”

SECTION 3 – REPEAL

- 3.01 Section 50-2, entitled “Park property,” of the Code of the City of North Port, Florida is hereby repealed in its entirety.

SECTION 4 – CONFLICTS

- 4.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or provisions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 5 – SEVERABILITY

- 5.01 If any section, subsection, sentence, clause, phase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6 – CODIFICATION

- 6.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations shall not appear in the codified text.

SECTION 7 – EFFECTIVE DATE

- 7.01 This ordinance shall take effect immediately after adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on the 12th day of January 2021.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session this 9th day of February 2021.

CITY OF NORTH PORT, FLORIDA

GISELE "JILL" E. LUKE
MAYOR

ATTEST

HEATHER TAYLOR, CMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY