

ORDINANCE NO. 2024-7

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, RELATING TO THE PROHIBITION OF CERTAIN CONDUCT IN PUBLIC PLACES; AMENDING CHAPTER 26, “MISCELLANEOUS OFFENSES”, OF THE TOWN CODE TO PROHIBIT UNAUTHORIZED CAMPING ON PUBLIC PROPERTY AND RIGHTS-OF-WAY, PUBLIC NUDITY AND INDECENT EXPOSURE, AND PUBLIC URINATION AND DEFECATION; PROVIDING FOR ENFORCEMENT PROCEDURES AND PENALTIES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, public property and rights-of-way are intended for the use and enjoyment of all members of the public, and it is essential to maintain these areas in a safe and sanitary condition; and

WHEREAS, sleeping or camping in public spaces that are neither intended nor designed for temporary human habitation creates unsafe conditions for both those engaging in such activities and for other members of the community, including accumulation of hazardous and bio-hazardous waste, exposure to the elements, and obstructed access for pedestrians and emergency vehicles; and

WHEREAS, public nudity and indecent exposure can be offensive and disruptive to the enjoyment of public spaces by individuals in the community, and maintaining a standard of public decency is necessary to promote a respectful and orderly society; and

WHEREAS, public urination and defecation create unsanitary conditions that pose health and safety risks to the community; and

WHEREAS, the Town Council recognizes the needs of individuals experiencing homelessness and is committed to exploring alternative solutions, such as shelters and social service programs, with community partners; and

WHEREAS, this Ordinance is not intended to criminalize individuals who are unhoused but rather to ensure the health, safety, and welfare of the entire community by maintaining public spaces that are safe and sanitary for everyone; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Eatonville, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AS FOLLOWS:

[Words in ~~strike-through~~ type are deletions; words in underline type are additions; asterisks (* * * *) indicate an omission from the existing text which is intended to remain unchanged.]

SECTION 1. Recitals. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

SECTION 2. Amendment. Chapter 26, “Miscellaneous Offenses”, of the Town Code is hereby amended as follows:

ARTICLE I. - IN GENERAL

* * * *

Sec. 26-3. – Unlawful camping on public property.

(a) Prohibition.

- (1) It shall be unlawful for any person to erect, construct, maintain, or use any tent, lean-to, or other temporary shelter customarily used for camping purposes on any public property or right-of-way within the territorial limits of the Town except in an area approved by the Town for such purpose.
- (2) It shall be unlawful for any person to park, leave, or store a motor vehicle, recreational vehicle, tractor trailer, or other similar conveyance or recreational vehicle on any public property or right-of-way within the territorial limits of the Town during nighttime hours for use as sleeping accommodations or for camping, except in an area approved by the Town for such purpose.
- (3) It shall be unlawful for any person to sleep out-of-doors on any public property or right-of-way except as otherwise authorized by the Town by law or permit.

(b) Assistance; enforcement. No person may be cited or arrested for a violation of this section before a reasonable attempt has been made to ascertain whether the person is in need of shelter or housing assistance services. If such assistance is needed, the enforcing Town official or officer shall direct the person to a lawful alternative place to camp and afford the person an opportunity to relocate. Any person who fails or refuses to relocate shall be guilty of a violation of this section unless the enforcing official or officer determines that lawful alternatives, such as designated campsites and/or shelters, are at maximum capacity and are thus unavailable for relocation.

(c) Penalty. Any person violating the provisions of this section commits a violation of the Town’s municipal Code and commits a misdemeanor of the second degree, punishable by up to sixty (60) days incarceration and up to a \$500 fine.

Sec. 26-4. – Nudity and indecent exposure prohibited in public.

(a) Definitions.

- (1) Nude means to display or expose the male or female genitals, pubic area, or the female breast with no covering or less than a fully opaque covering. A female breast is considered exposed if any part of the areola and nipple is not covered by an opaque covering. For purposes of this definition, body paint, body dye, a tattoo, latex, or any similar substances shall not be considered an "opaque covering."
- (2) Public place means any location open to the common and general use, participation, or enjoyment of the public where the public is present or likely to be present, or any location where the public is invited and is free to go upon special or implied invitation, or any location where a person may reasonably be expected to be observed by the public. A public place includes, but is not limited to, a street, sidewalk, park, business, or commercial establishment.

(b) Exposure prohibited. It shall be unlawful for any person to appear nude under any one or more of the following conditions:

- (1) While in or at any public place.
- (2) While serving any food or beverage in or at any place where the public is admitted or, in the case of a private club, where the members are admitted.

(c) Procuring or assisting violation. It shall be unlawful for any person to procure, employ, counsel, or aid or assist any person in violating any of the provisions of this section.

(d) Penalty. Any person violating the provisions of this section commits a violation of the Town's municipal Code and commits a misdemeanor of the second degree, punishable by up to sixty (60) days incarceration and up to a \$500 fine.

(e) Exceptions. This section shall not apply to the following:

- (1) Nudity during breastfeeding of a child.
- (2) Nudity in portions of public places specifically set aside for privacy, such as restrooms, locker rooms, motel rooms, and hotel rooms.

Sec. 26-5. – Urinating or defecating in public.

(a) Prohibition. It shall be unlawful for any person to urinate or defecate in a public place other than one designated for that particular purpose.

(b) Penalty. Any person violating the provisions of this section commits a violation of the Town's municipal Code and commits a misdemeanor of the second degree, punishable by up to sixty (60) days incarceration and up to a \$500 fine.

SECTION 3. Codification. It is the intent of the Town Council that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 4. Conflicts. All Town ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, repealed.

SECTION 5. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unenforceable, unlawful, or unconstitutional by a court of competent jurisdiction, then all remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 6. Effective Date. This Ordinance shall become effective upon its adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved upon its first reading on _____, 2024.

Upon motion duly made and carried, the foregoing Ordinance was approved upon its second reading on _____, 2024.

TOWN OF EATONVILLE

Attest:

Angie Gardner, Mayor

Veronica King, Town Clerk

Approved as to form:

Clifford B. Shepard, Town Attorney