

1
2 CITY OF MARGATE, FLORIDA
3 ORDINANCE NO. _____
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6 AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA,
7 AMENDING CHAPTER 33 - POLICE AND LAW
8 ENFORCEMENT; OFFENSES AND MISCELLANEOUS
9 PROVISIONS, ARTICLE 1 - OFFENSES,
10 MISCELLANEOUS PROVISIONS, ADDING NEW SECTION
11 33-34 PUBLIC CAMPING OR SLEEPING PROHIBITED;
12 PROVIDING FOR SEVERABILITY; PROVIDING FOR
13 CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.
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16 BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
17 MARGATE, FLORIDA:

18 **SECTION 1:** The Code of Ordinances of the City of
19 Margate, Florida, Chapter 33 Police and Law Enforcement;
20 Offenses and Miscellaneous Provisions, Article 1 - Offenses,
21 Miscellaneous Provisions, Section 33-34 Public Camping or
22 Sleeping Prohibited, is hereby added to read as follows:

23 Sec. 33-34. Public Camping or Sleeping prohibited

24 (a) It shall be unlawful in the City of Margate to regularly
25 engage in public camping or sleeping on public or private
26 property, including rights-of-way, except as may be
27 specifically authorized by the appropriate governmental
28 authority and/or property owner.

1 (b) Definitions:

2 (1) Temporary Shelter means the unauthorized use of fabric,
3 metal, cardboard, or other materials as a tent or other
4 temporary structure for living accommodation purposes or
5 human habitation.

6 (2) Public Camping or sleeping means:

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8 a. Lodging or residing overnight in a temporary
9 outdoor habitation used as a dwelling or living space
10 and evidenced by the erection of a tent or other
11 temporary shelter, the presence of bedding or pillows,
12 or the storage of personal belongings; or

13 b. Lodging or residing overnight in an outdoor space
14 without a tent or other temporary shelter.

15 c. The term does not include:

16 1. Lodging or residing overnight in a motor
17 vehicle that is registered, insured, and located
18 in a place where it may lawfully be.

19 2. Camping for recreational purposes on property
20 designated for such purposes,

21 (3) Officer means a sworn law enforcement officer of the
22 City of Margate Police Department.

1 (4) Proper Identification means a driver's license, a
2 government or employment identification card with a
3 photograph, or other form of photo-bearing identification
4 which would satisfy a reasonable law enforcement officer
5 as to the identity of the person.

6 (5) Public property for this section means property owned
7 by the City and any district or entity created by the
8 City.

9 (c) Being in a Temporary Shelter or being asleep atop or covered
10 by materials in a public place may be evidence of Public
11 Camping or sleeping, but is not alone sufficient to
12 constitute a violation of this section. One (1) or more of
13 the following shall also exist to determine whether the
14 camping was for living accommodation purposes:

15 (1) Numerous items of personal belongings are present;

16 (2) The person is engaged in cooking activities;

17 (3) The person has built or is maintaining a fire;

18 (4) The person has engaged in digging or earth breaking
19 activities;

20 (5) The person is asleep and he or she has no other

1 permanent place to live.

2 (d) Except as provided for in subsection (g), whenever an
3 Officer has probable cause to believe that a violation of
4 this section has occurred, he or she shall advise the person
5 of the violation and be given a warning. The Officer shall
6 afford the person an opportunity to leave or be transported
7 to a public shelter if available. Under such circumstances,
8 the Officer shall advise the person that all of his or her
9 personal property, which is not taken to the public shelter,
10 except that which is perishable or in an unsanitary
11 condition, shall be inventoried and stored by the City police
12 department until reclaimed, or for a maximum of sixty (60)
13 days.

14 (e) If the person elects to be transported to a public shelter,
15 the officer shall make available such transportation as may
16 be available for such purpose and the person making such
17 election shall not be charged with a violation of this
18 section. If the person refuses to be transported to a public
19 shelter, then such person may be charged with a violation of
20 this section.

1 (f) If the person refuses to be taken to a shelter, the
2 violation shall constitute a public nuisance, and may subject
3 the violator to arrest and shall, upon conviction, be
4 punishable either by a fine up to \$500.00, imprisonment in
5 the county jail up to 60 days, or both as provided for in
6 Section 1-8 - Penalties.

7 (g) In the alternative, the violation under this section may be
8 enforced pursuant to, and in accordance with any relevant
9 County Anti-Public Camping Ordinances as may be amended from
10 time to time, and as authorized to be enforced by the City
11 under such ordinance(s).

12 ~~(h)~~ Subsection (d) shall not apply to any person who cannot be
13 properly identified, or is intoxicated, or who within the
14 past year was previously charged with a violation of this
15 section three (3) times or who elected to be transported to a
16 public shelter three (3) times.

17 (i) Notwithstanding anything to the contrary, the City
18 encourages criminal or civil citation to be a last resort and
19 desires that, if possible, compliance with this section be
20 achieved through services, assistance, and other noncoercive
21 measures.

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(j) The City encourages juveniles alleged to be in violation of this section to be referred to the Juvenile Services Civil Citation Program, authorized by Section 985.12, Florida Statutes.

(k) Any personal property that was inventoried and stored by the City police department for a person transported to a shelter or arrested under the provisions of this section, which has not been reclaimed within sixty (60) days of the date of inventory, shall be deemed abandoned and disposed of according to F.S. ch. 705.

(l) Complaints. A resident of the County, a business located in Broward County, or the Florida Attorney General, may provide written notice of a violation of this Section to the Board of City Commissioners.

(a) The City Manager shall designate an e-mail address to be displayed on the City's website to serve as the primary means of receiving such written notice.

(b) To enable the City to take reasonable action

CODING: Words in ~~struck through~~ text are deletions from existing text, words in underscoring text are additions to existing text, and **shaded** text are changes between First and Second Readings.

1 within the limits of its authority to cure an alleged
2 violation, the written notice must specify:

3 1. The location of the violation;

4 2. The date(s) of the alleged violation;

5 3. A description or photograph of the alleged
6 violator; and

7 4. Any other information that will assist the City to
8 address or otherwise to cure the alleged
9 violation.

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12 **SECTION 2:** All ordinances or parts of ordinances in
13 conflict herewith are and the same is hereby repealed to the
14 extent of such conflict.

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16 **SECTION 3:** If any section, sentence, clause, or phrase
17 of this ordinance is held to be invalid or unconstitutional by
18 a court of competent jurisdiction, then said holding shall in
19 no way affect the validity of the remaining portions of this
20 ordinance.

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22 **SECTION 4:** It is the intention of the City Commission

1 that the provisions of this ordinance shall become and be made
2 a part of the City of Margate Code, and that the sections of
3 this ordinance may be renumbered or re-lettered and the word
4 "ordinance" may be changed to "section", "article" or such
5 other appropriate word or phrase in order to accomplish such
6 intentions.

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8 **SECTION 5:** This ordinance shall become effective
9 immediately upon adoption at its second reading.

10 PASSED ON FIRST READING THIS ___ day of _____, 2024.

11 PASSED ON SECOND READING THIS ___ day of _____, 2024.

12 ATTEST:

13 _____
14 JENNIFER M. JOHNSON
15 CITY CLERK

MAYOR TOMMY RUZZANO

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23 RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

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25 Caggiano _____
26 Simone _____
27 Arserio _____
28 Schwartz _____
29 Ruzzano _____

Caggiano _____
Simone _____
Arserio _____
Schwartz _____
Ruzzano _____