

ORDINANCE NO. 1463

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, CREATING SECTION 16-5 OF THE CITY'S CODE OF ORDINANCES RELATED TO LOITERING OR OTHER PROHIBITED ACTIVITIES AT PUBLIC TRANSIT SHELTERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, multiple public transit shelters throughout the City provide shelter to those waiting to load or unloading from public transit.

WHEREAS, the City recognizes the importance of protecting the health, safety, and welfare of public transit users and desires to prevent public transit shelters from being used for purposes other than legitimate use of the public transit system.

WHEREAS, the City finds that preventing loitering, prowling and camping in or around public transit shelters is necessary to promote the health, safety, and welfare of the citizens and visitors of the City of Panama City Beach.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Section 16-5 of the Code of Ordinances of the City of Panama City Beach related to prohibited activities at public transit shelters, is created to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 16-5. Prohibited activities at public transit shelters and benches.

(a) For the purposes of this section "Public Transit Shelter" shall mean all areas structures or facilities intended or used by the public as a shelter or other accommodation to the public

waiting to load, unload, or otherwise access any means of public transit including but not limited to trolleys and buses.

(b) Prohibited activities: No person shall obstruct entry into or use of a Public Transit Shelter. No person shall loiter or prowl within fifty (50) feet of a Public Transit Shelter at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(c) Among the circumstances which may be considered in determining whether such alarm or immediate concern is warranted include:

(1) flight of one or more individuals upon appearance of a law enforcement officer;

(2) refusal of an individual to identify himself or herself;

(3) apparent attempts of an individual to conceal himself or herself or any object;

(4) Camping. For purposes of this section "Camping" shall mean the use of a public transit shelter or bench as a temporary or permanent place of dwelling, or lodging, or as a living accommodation at any time. Indicia of camping may include, but are not limited to, storage of personal belongings, using tents or other temporary structures for sleeping, storage of personal belongings, carrying on cooking activities or making any fire, or any of these activities in combination with one another or in combinations with either sleeping or making preparations to sleep, including the laying down of bedding for the purposes of sleeping.

(c) Unless flight by the person or other circumstance makes it impracticable, a law enforcement officer shall, prior to any citation for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct.

(d) No person shall be in violation of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears that the explanation given by the person is true and, if believed by the officer at the time, would have dispelled the alarm or immediate concern.

(e) If a person violates any provision of this section, or an order issued pursuant thereto, the enforcement agency may issue a citation or summons, institute an action in a court of competent jurisdiction for injunctive relief, or issue a trespass. Any person violating any provision of this article may be punished as follows:

1. First Offense: By a fine of one hundred dollars (\$100.00).

2. Second Offense: By a fine of two hundred and fifty dollars (\$250.00)

3. Third offense or two or more violations occurring within any six months period:

Misdemeanor of the second degree punishable by a fine of no more than \$500.00 or a sentence of not more than sixty (60) days in jail, or both. Repeat violations shall subject the violator to a trespass warning under section 16-11 of this Code.

4. Notwithstanding the foregoing, if warranted by actions of violator, a violator may be immediately ejected from a Public Transit Shelter. No violator shall be ejected from a Public Transit Shelter on private property without the property owner's consent.

State Law reference— Loitering or prowling; penalty, §856.021(Fla. Stat).

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this _____ day of _____, 2018.

MAYOR

Published in the _____ on the _____ day of _____, 2018.
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/Volumes/Data/WPData/PCB/ACTIVE/1.1651 Loitering Public Transit
Facilities/Draft Loitering Ordinance 6.14.18.docx