

## **ORDINANCE NO. 482**

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA AMENDING CHAPTER 58 OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. JOE; PROVIDING FOR REGULATION OF CERTAIN ACTIVITIES ON PARKS AND OTHER PUBLIC PROPERTY; PROHIBITING CERTAIN GLASS CONTAINERS; PROHIBITING THE OBSTRUCTION OF SIDEWALKS AND STREETS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE:

Chapter 58 of the Code of Ordinances of the City of Port St. Joe is hereby amended to include the following:

### **Sec 58-5. Parks and Other Public Property**

Except for governmental activities and/or other permitted activities authorized by the City within its governmental authority it shall be unlawful for a person to do any of the following on the park grounds or other public property.

- (a) Lie or otherwise be in a horizontal position on a park bench or grounds where prohibited by signs;
- (b) Sleep on park grounds at any time during the hours from sunset to sunrise of the following day;
- (c) Construct any hut, shanty, or other shelter;
- (d) Cook foodstuffs except where facilities for such preparations are provided by the City;
- (e) Set or stoke a fire except where appropriate facilities are provided by the City;
- (f) Discharge or deposit human wastes, except in toilet facilities provided or approved by the City;
- (g) Dig holes or otherwise disturb the natural surface of the ground;
- (h) Pick flowers or damage or remove plants, trees, shrubs, or any part of the park grounds;
- (i) Erect signs or affix signs to any tree, post or park facility or grounds, except signs posted by the City;
- (j) Kill, injure, harm, capture, chase, poison, or remove any wildlife, animal, bird, or touch, break, remove, or relocate any bird egg located above, upon or under park grounds;

- (k) Write on, draw on, or otherwise deface, damage, remove or destroy any park facility or any part of the park grounds;
- (l) Purchase, sell, offer for sale, possess or consume any alcoholic beverages as defined by the laws of Florida, unless authorized by Chapter 6 of this Code of Ordinances;
- (m) Sleep or otherwise be or remain in any bushes, shrubs, or other foliage;
- (n) Use public restrooms to shave and/or shower; provided, however, that showering is permitted where shower facilities are specifically provided for public use;
- (o) Sit in or on any trash receptacles, planters, or newspaper dispensers provided for public use;
- (p) Bathe or otherwise be or remain in a water fountain and/or reservoir;

### **Sec. 58-6. Glass Containers Prohibited**

Section 1. An open glass container is defined as:

- (a) Any drinking vessel made of glass, excluding drinking glasses in their original package that contain no liquid or
- (b) A container made of glass upon which the seal has been broken and which by virtue of its labeling or contents would normally contain a consumable beverage.

Section 2. Should a violation occur in the presence of a law enforcement officer, the officer shall advise the offender of the provisions of this ordinance and direct the offender to:

- (a) Immediately depart from the public property or
- (b) To immediately dispose of the glass container and its contents. Should the offender refuse to comply with the requests of the officer, the offender will be arrested and charged pursuant to Section 843.02, Florida Statutes, resisting officer without violence to his or her person.

Section 3. The provisions of this ordinance shall not apply to persons engaged in picking up or transporting empty bottles for recycling or disposal or to persons taking part in litter control programs.

### **Sec. 58-7. Obstruction of Streets and Sidewalks.**

Section 1. It shall be unlawful for any person or group of persons to obstruct or cause to be obstructed any public space parallel to any public sidewalk including linear streets, rights of way, alleys or entrance that prevents the free and proper use thereof.

Section 2. No person shall sit or lie down on a public sidewalk or upon a blanket, chair, stool or any other object placed upon public sidewalk. This prohibition shall not apply to a person sitting or lying on a public sidewalk because of a medical emergency, because of a person's disability requiring the use of wheelchairs, walkers or similar appliances, attendance at an authorized event by the City occupying the adjacent streets, or sitting on a bench or chair supplied or authorized by the City.

Section 3. If the gathering is in response to an entertaining event, the police will have the right to order the people involved in the event to cease the performance or be subject to a violation of this section.

Section 4. Obstructing of streets or sidewalk passages caused by governmental repairs or a parade shall not cause a violation hereof.

**Sec. 58-7. Penalties for Violation**

Except as otherwise provided by the Municipal Code of the City, a person convicted of a violation of any of the above offenses shall be punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days or by both such fine and imprisonment in the discretion of the Court. Unless stated otherwise, each day that a violation continues shall constitute a separate offense.

REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

EFFECTIVE DATE: This ordinance shall become effective upon adoption as provided by law.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this 7<sup>th</sup> day of August, 2012.

CITY OF PORT ST. JOE

By:   
Mel C. Magidson, Jr., Mayor-Commissioner

ATTEST:

Charlotte M. Pierce

Charlotte M. Pierce, City Clerk

The following commissioners voted yea: *Magidson, Buzzett, Kennedy, McCrow, Patterson*  
The following commissioners voted nay: *0*

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