

ORDINANCE NO. C-14-35

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 16-83, OUTDOOR STORAGE ON PUBLIC PROPERTY, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO REVISE DEFINITIONS AND PROHIBITIONS; CLARIFY THE PROCESS FOR ENFORCEMENT; AND PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 16-83, Outdoor Storage on Public Property, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 16-83. Outdoor Storage on Public Property.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

- (1) Occupant means the owner of, or any person in actual or apparent control of ~~the~~ any item of personal property stored upon ~~which an item is located~~ public property.
- (2) Officer means sworn law enforcement officer or Code inspector as defined in Code section 11-2.
- (3) Public property means any street, alley, sidewalk, pedestrian pathway, swale, bicycle lane, sidewalk, median, or any other area encompassed within the public right-of-way in the City of Fort Lauderdale, Florida, any park, or other outdoor recreation facility in the City of Fort Lauderdale, Florida, or any other grounds, buildings, or other facilities, including any structures, fixtures, equipment, furnishings and any other appurtenances located thereon, owned or leased by the City of Fort Lauderdale.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

- (4) Reasonable charges means actual costs and that the City shall take into consideration the owner's ability to pay the charges.
- (5) Store means any action to place, leave, park, locate, or set an item upon the public property ~~for a period of time in excess of twenty-four (24) hours and less than~~ at a distance in excess of twenty (20) feet from the occupant.
- (b) Prohibition. It shall be unlawful for any person ~~in the City of Fort Lauderdale~~ to store any item of personal property on any public property ~~an occupant's personal possessions or property~~.
- (c) Process for removal of unlawfully stored property.
- (1) The City may remove or cause the removal of personal property stored on public property in violation of this section ~~If if an occupant fails to remove any personal possession or property which is such unlawfully stored personal property from any on public property within twenty-four (24) hours after having been~~ after being served with written notice, as described in subsection (d) of this section, ~~which requires such removal, the City may cause the removal of such unlawfully stored items.~~
- (2) In the event an officer determines ~~the unlawfully stored items~~ personal property stored ~~located on public property~~ are ~~is~~ a threat to the health, safety, or welfare of the public, an officer may immediately remove such ~~unlawfully stored items~~ personal property. A threat to the health, safety, or welfare of the public shall include, but not be limited to, a fire hazard, an explosive hazard, noxious odors, or an infestation of vermin, including rodents, lice, roaches ~~and or fleas~~. ~~If items~~ personal property are ~~is~~ removed pursuant to this subsection and without prior notice, a written notice shall be posted at the location where the ~~items~~ personal property were ~~was~~ removed which identifies the determined threat to the health, safety, or welfare of the public and the location to which the ~~items~~ personal property have ~~has been removed~~ taken.

- (3) Personal notice shall not be required for the removal of ~~If an item, as described in subsection (b) of this section, is unlawfully personal property stored on public property in violation of this section upon which public property is posted with a sign stating indicating that unattended items may be removed immediately,~~ then no additional notice shall be required and the Such items may be removed immediately. Such written notice may only be placed posted on public property under the following conditions:
- a. In the interest of security and safety, temporary signs warning of immediate removal of items from public property may be posted on public property at least thirty-six (36) hours in advance of special events as described in Chapter 15, Article V of this Code, including, but not limited to, parades and festivals which are likely to draw large crowds to the City.
 - b. In the interest of security and safety, permanent signs warning of the immediate removal of items from public property may be posted around public buildings which are likely targets for the placement of explosive devices or other security risks related to terrorists or dissidents.
 - c. In the event the City determines the need for an area-wide cleanup, the City shall post written notice of the clean-up in the area to be cleaned at least thirty-six (36) hours in advance of the cleaning. Any items left when the clean-up commences may be immediately removed and stored according to the procedures set forth in this section.
- (4) The City may dispose of the items thirty (30) days after removal from the public property or after seven (7) days if the items are deemed to be a threat to the health, safety, or welfare of the public pursuant to this subsection. If the owner of the items wishes to retrieve the items, adequate proof of ownership and payment to the City of reasonable charges for storage and removal of the items are required. If the owner demonstrates he or she does not have the ability to pay the reasonable charges, such charges will not be required to retrieve the items.

- (d) Notice.
- (1) The written notice required by ~~this~~ subsection (c)(1) shall be deemed to have been served if:
 - a. A copy is personally delivered to the occupant or identified owner of the item; or
 - b. A copy is left at the party's usual place of abode with some person of the family above fifteen (15) years of age and informing such person of the contents thereof; or
 - c. A copy is mailed by either registered or certified United States mail with return receipt requested; or
 - d. If the name of such party or the place of residence or post office address cannot be ascertained after diligent search and inquiry or in the event a notice sent by either registered or certified mail shall be returned undelivered, a copy of such notice is shall be posted in a conspicuous place on the property upon which the items described in this section are or were located; or
 - e. A copy is attached to the unlawfully stored items.
- (2) The notice required by ~~this~~ subsection (c)(1) shall contain the following:
 - a. A complete description of the item to be removed (such description may refer to an attached photograph);
 - b. The location of the property;
 - c. The section of the Code in violation;
 - d. The location to which the item will be removed;

- e. The date and time by which the item must be removed from the private or public property; and
- f. The date by which the item must be claimed from the location where they are being stored.

~~(f)~~
(e) Abandoned and lost property is regulated and may be removed pursuant to F.S. §705.101, et seq.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 19th day of August, 2014.

PASSED SECOND READING this the _____ day of _____, 2014.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH