

ORDINANCE NO. C-14-22

AN ORDINANCE AMENDING CHAPTER 16, MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE IV, OFFENSES INVOLVING PUBLIC PEACE AND ORDER, SECTION 16-75, PUBLIC INDECENCY, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA; PROVIDING FOR A PROHIBITION ON DISPOSAL OF URINE AND FECES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale has a substantial interest in public health and a specific and clear prohibition against urination and defecation in public areas is a reasonable means of achieving that goal; and

WHEREAS, the City Commission of the City of Fort Lauderdale has determined that the following amendments promote and protect the general health, safety, and welfare of the residents of the City of Fort Lauderdale;

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

SECTION 1. That Section 16-75, Public Indecency, Article IV, Offenses Involving Public Peace and Order, of Chapter 16, Miscellaneous Provisions and Offenses, of the Code of Ordinances of the City of Fort Lauderdale is hereby amended to read as follows:

Sec. 16-75. Public Indecency; Prohibition on Public Urination and Defecation

(a) Offense. It shall be unlawful for any person to commit public indecency. A person commits public indecency when he performs any of the following acts in a public place;

- (1) An act of sexual intercourse; or
- (2) A lewd fondling or caress of the body of any person of either sex; or

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

(3) Exposes or exhibits his sexual organs; or

(4) Being a female of the age of nine (9) years and upwards, exposes or exhibits her breasts;
or

(5) Urinates or defecates in other than a toilet or washroom; or

(6) Wears the clothing of the opposite sex with the intent thereby to facilitate the commission of a crime or offense;or

(7) Throws, dumps, discards, places, deposits, or otherwise disposes of urine or feces, unless such disposal is made into a receptacle that has been specifically provided for that purpose and the receptacle stores or disposes of the wastes in a sanitary manner, and the receptacle is enclosed from the view of the general public.

(b) *Definitions.* "Public place," for purposes of this section, means any place where conduct may reasonable be expected to be viewed by others.

(c) *Penalties.* Any person convicted of violating this section shall be deemed guilty of the offense of public indecency or public urination or defecation and upon conviction shall be punished as provided in section 1-6 of this Code.

SECTION 2. That if any clause, section, or other part of this Ordinance is 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 this ordinance shall be in full force and effect thirty days from the date of final passage.

PASSED FIRST READING this the 15th day of April, 2014.
PASSED SECOND READING this the __ day of ____, 2014.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

L:\COMM 2014\Ordinances\April 15\public urination and defecation ban.docx

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