



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#14-0591**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** May 6, 2014

**TITLE:** Second Reading of Ordinance Creating Section 16-83 of the Code  
Prohibiting Outdoor Storage on Public Property

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**Recommendation**

It is recommended that the City Commission adopt the attached ordinance creating Section 16-83 of the Code prohibiting outdoor storage on public property.

**Background**

At the City Commission Workshop on January 29, 2014 concerning the homeless population in the City of Fort Lauderdale, the Commission discussed three (3) proposals from the City Manager for ordinances concerning (1) the public feeding of the homeless population; (2) public behavior; and, (3) solicitation on the sidewalks and public roadways. This memorandum transmits draft ordinances and associated materials in advance of the Workshop in order to give the Commission additional time to consider.

As the City Commission is aware, the City of Fort Lauderdale, along with our partners at Broward County, The Fort Lauderdale Housing Authority and the United Way of Broward County are embarking on a "Housing First" model. The concept here is to respond by rapidly housing the homeless population and providing treatment of underlying conditions concurrently, rather than prior to the provision of housing. This type of program has been successful throughout the country. Currently the City has placed eight (8) of the most vulnerable individuals into housing through this program.

It is important to consider that while the ultimate goal is to provide a long-term permanent housing solution for the City's homeless population, it is also important to protect the quality of life of our neighbors throughout the City.

Studies have shown that activities associated with the homeless population often provide our neighbors with a diminished sense of safety and threaten the viability of businesses.<sup>1</sup> These activities include panhandling, public intoxication, solicitation in the roadways, sleeping on sidewalks and other public spaces (including spaces that can be viewed from streets and sidewalks), urinating and defecating in public.

In January 2010 the US Department of Justice published a Problem-Oriented Guide focusing on homeless encampments. In that guide they suggest twenty-six (26) different principles and strategies that can be deployed in addressing homelessness and homeless encampments. Those principles and strategies are attached to this memorandum. It is interesting to note that the City of Fort Lauderdale is mentioned specifically in regard to two (2) of these strategies. First, on strategy #21, "Creating a specialized unit", the Fort Lauderdale Police Department is recognized for the successful effort of the Homeless Outreach Team. Second, on strategy #25, "Creating safe zones", it was recognized that the court-ordered placement of four tents was not effective.

Again, recognizing that we are moving towards a Housing First model, it is important to recognize that there will be a significant homeless population present until housing is provided. With that in mind, the City Manager is proposing the adoption of three (3) ordinances which creates public behavior standards in the City.

The second of these ordinances creates Section 16-83 of the Code prohibiting outdoor storage on public property. Under this ordinance a sworn law enforcement officer or a code inspector will provide a written notice to an individual to remove any personal possession or property which is unlawfully stored on public property. After the 24-hour period is up, the City may remove the unlawfully stored items.

The City will be obligated to store the removed items for a 30-day period (or seven (7)-day period if the items are deemed to be a threat to the health, safety, or welfare of the public).

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<sup>1</sup>**Threats to business viability...** Many chronically homeless behaviors, such as sleeping on the streets, panhandling, public excretion or urination, and public intoxication, are threatening or undesirable. In some urban settings, police rate transients and their behaviors as a bigger problem than drugs, car burglaries, public fighting, cruising, or noise. Entertainment districts are particularly vulnerable to transient behavior because of the availability of people with disposable income, park benches, unattended public restrooms, and lax enforcement of laws governing street behavior. The presence of transients creates an environment of lawlessness. During the day, transients sitting in front of businesses can scare away customers.

**Illegitimate use of public space.** Regular citizens may not use public parks and other facilities because they fear the spaces are controlled by transients. Often the homeless are victimized at night, prompting them to sleep only during daylight hours in parks and other public places. Thus, the park may be laden with individuals sleeping on benches or in picnic shelters during the park's busiest hours. This condition only exacerbates the conflict with legitimate park users. Further, due to the homeless taking over and sometimes vandalizing park barbecues, sinks, and faucets designed for regular park visitors to use, officials may remove these amenities thereby penalizing everyone.

[Chamard, Sharon. Problem-Oriented Guides for Police Problem-Specific Guide Series No. 56: Homeless Encampments. Center for Problem-Oriented Policing, Office of Community Oriented Policing Services, United States Department of Justice. January 2010. pages 9-10.]

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.

In the event the City determines that the unlawfully stored items located on public property are a threat to the health, safety, or welfare of the public, the City may immediately remove those items. A threat to the health, safety, or welfare of the public shall include, but is not limited to, a fire hazard, an explosive hazard, noxious odors, or an infestation of vermin, including rodents, lice, roaches and fleas. If items are removed without prior notice, a written notice shall be posted at the location where the items were removed which identifies the determined threat and the location to which the items have been removed.

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 including, but not limited to, parades and festivals which are likely to draw large crowds to the City. Additionally, 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. Should the City determine 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.

**Resource Impact:**

There is no fiscal impact to the City.

**Strategic Connections:**

This item is a *Commission Annual Action Plan* priority, included within the Policy Agenda, advancing the Comprehensive Homeless Strategy.

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included within the Public Places Cylinder of Excellence, specifically advancing:

- **Goal 3:** Be a community that finds opportunities and leverages partnerships to create unique, inviting and connected gathering places that highlight our beaches, waterways, urban areas, and parks.
- **Objective 5:** Work with partners to reduce homelessness by promoting independence and self-worth through advocacy, housing, and comprehensive services.

- **Initiative 2:** Implement a comprehensive short and long-term strategy with community partners to address Homelessness

This item also furthers the *Fast Forward Fort Lauderdale 2035 Vision Plan: We are Community*.

Attachments:

EX 1 - "Responses to the Problem of Homeless Encampments".

Chamard, Sharon. Problem-Oriented Guides for Police Problem-Specific Guide Series No. 56: Homeless Encampments. Center for Problem-Oriented Policing, Office of Community Oriented Policing Services, United States Department of Justice. January 2010. Pages 21-37.

EX 2 - Proposed Ordinance

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