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Ordinance _____
0-07-05

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An ordinance of the City of Gainesville amending Chapter 17, Article I, Section 17-8(c) relating to enforcement of urinating in public violations by either civil citation or by municipal ordinance prosecution; adding Section 17-8(d) designating the act of urinating or defecating in public as a serious threat to public health, safety, or welfare and declaring the action irreversible; amending Chapter 2, Article V, Division 6, Section 2-339 by adding the above-referenced violation to the list of those violations that can be enforced by civil citation; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA;

Section 1. Chapter 17, Article I, Section 17-8 of the Code of Ordinances of the City of Gainesville, is amended to read as follows:

Sec. 17-8. Urinating or defecating.

(a) *Prohibitions and exceptions.* It shall be unlawful for any person to urinate or defecate in, or in view of, a public place other than one set aside and designated for that particular purpose.

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1 (b) *Public place defined.* Any place where the conduct may reasonably be expected
2 to be viewed or could be viewed by others is a public place.

3 (c) *Penalty for violation.* ~~Any person who violates the provisions of this section shall~~
4 ~~be punished as provided in section 1-9 of this Code.~~

5 (1) Urinating.

6 The provisions of this section, for urinating in public, may be enforced by
7 civil citation as provided in Chapter 2, Division 6 of this Code, or as otherwise
8 provided in section 1-9 of this Code. Any person not in compliance with this
9 section shall be subject to the penalties designated in section 1-9 or section 2-
10 339. Each violation shall be considered a separate offense, which can be
11 prosecuted separately.

12 (2) Defecating.

13 The provisions of this section, for defecating in public, shall be enforced as
14 provided in section 1-9 of this Code.

15 (d) Findings and intent.

16 (1) It is the intent of this section to protect and preserve the health, safety, and
17 welfare of the citizens of Gainesville by prohibiting urination and defecation
18 in undesignated, public places as specified herein.

19 (2) Urinating or defecating in an undesignated, public place, as prohibited by this
20 section, presents a serious threat to the public health, safety, or welfare,
21 contributing to such ill effects as vandalism, disease transmission, litter,
22 trespassing, the destruction of public and private property, and other serious

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1 conditions. Further, the act of urinating or defecating in public as prohibited
2 by this section is irreparable or irreversible.

3 (3) A code enforcement officer shall not be required to provide a reasonable time
4 period to correct a violation of this section prior to issuing a citation to a
5 person that the code enforcement officer has reasonable cause to believe has
6 violated this section.

7 **Section 2.** Chapter 2, Article V, Division 6, Section 2-339 of the Code of
8 Ordinances of the City of Gainesville is amended to read as follows:

9 **Sec. 2-339. Applicable codes and ordinances.**

10 The following ordinances are enforceable by the procedures described in this
11 division:

Section	Description	Class	Penalty
2-67(b)	Declaration of water emergency imposing water use restrictions	I	\$50.00
Chapter 5 except as provided below	Animal control	I	\$50.00
5-2(c)	Animal molesting or biting pedestrian or bicyclist	IV	\$200.00
6-3	104.1.1 of adopted Standard Building Code, as amended Building, electrical, plumbing, gas, and/or mechanical work within a required permit	II	\$75.00
6-183(1)	False advertising	III	\$125.00
6-185	Acting as a contractor without a valid contractor certificate	IV	\$200.00
6-186(b)(2)	No journeyman or certified craftsman on the job site	II	\$75.00
Article IX of Chapter 6	Downtown minimum property standards	I	\$50.00
Chapter 10	All adopted fire prevention & protection codes, except NFPA 101 Chapters 5, 6, 7 and SFPC Chapters 6, 8, 31	II	\$75.00

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	and 42		
10-38(a)	Failure to register--fire alarm contracting or monitoring company	III	\$125.00
10-38(d)	Failure to maintain records for one year	III	\$125.00
10-39	Fire alarm verification calls required	III	\$125.00
10-40(a)	Failure to register--fire alarm system contractor	III	\$125.00
10-40(b)	Fire alarm system contractor status required	III	\$125.00
10-40(c)	Identification cards required	I	\$50.00
10-40(d)	Failure to meet UL or NVPA 72 standards	III	\$125.00
10-40(e)	Activating or servicing unpermitted alarm system	III	\$125.00
Chapter 10	NFPA 101 Chapters 5, 6, 7 SFPC Chapters 6, 8, 31 and 42	IV	\$200.00
11.5-1	Availability of potable water	I	\$50.00
Article III of Chapter 13	Commercial building code	II	\$75.00
13-171	Insects, storage, trash and yard maintenance	I	\$125.00
13-181	Hazardous conditions on residential property	I	\$125.00
Article II of Chapter 14.5	Merchandising of tobacco products	II	\$75.00
Article III of Chapter 14.5	Towing from certain private property	II	\$125.00
14.5-1	Not having landlord permit	II	\$125.00
Chapter 15	Noise violations	I	\$125.00
16-19	Dangerous buildings/hazardous lands	I	\$125.00
17-2	Fliers on utility poles or other fixtures	I	\$50.00
<u>17-8</u>	<u>Urinating in public</u>	<u>II</u>	<u>\$125.00</u>
17-34	Knowingly rent or let a residence to a sexual offender or sexual predator to use as a temporary or permanent residence contrary to the Sexual Predator Ordinance	II	\$125.00
19-2	Violation of regulations for peddling in Downtown Plaza	I	\$50.00
19-34	Violation of permit requirements for commercial peddlers, solicitors, or canvassers	I	\$50.00

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19-52	Unauthorized solicitation of alms or financial assistance	I	\$50.00
19-53	Unauthorized sale or transfer of goods and services; religious and charitable organizations soliciting for contributions without a permit	I	\$50.00
19-55	Violation of restrictions and requirements for permitted soliciting	I	\$50.00
19-96	Operation of mobile food cart in prohibited area	I	\$50.00
19-97	Violation of regulations on permitted mobile food cart	I	\$50.00
Chapter 5 except as provided below	Animal control	I	\$50.00
19-112	Unauthorized soliciting of funds	I	\$50.00
19-127	Violation of prohibition on throwing or distributing handbills upon property displaying a "No Handbills" sign	I	\$125.00
21-53(b)(6)	Non-permitted, revoked or suspended alarm system	IV	\$200.00
21-58(a)	Failure to register alarm monitoring company	II	\$125.00
21-58(c)	Failure to maintain records	II	\$125.00
21-59	Failure to make alarm verified call	II	\$125.00
21-60(a)	Failure to register--Alarm system contractors	II	\$125.00
21-60(b)	Maintenance, repair, alter or service of system for compensation by noncontractor	II	\$125.00
21-60(c)	Failure to issue ID	I	\$50.00
21-60(d)	Use of equipment or methods below minimum standards	II	\$125.00
21-60(e)	Activation/servicing non-permitted alarm	II	\$125.00
21-60(f)	Causing false alarm during servicing	II	\$125.00
21-60(g)	Failure to provide blank alarm permit application	I	\$50.00
21-61(a)	Operating automatic dialing device	II	\$125.00
21-61(b) 21-61(c)	Failure to remove non-permitted features	I	\$50.00
21-62	Operating alarm system without auxiliary power	II	\$125.00
Chapter 22	Secondhand Goods	III	\$125.00

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	Secondhand Dealers		
26-137	Abandoned vehicles	I	\$125.00
27-73	Solid waste violations except (4), (8) and (9)	I	\$125.00
27-76(b)(1)b	Improper use of cart	I	\$50.00
27-79(a) and (f)	Commercial franchise violations	IV	\$200.00
Chapter 28	Taxicab regulation	I	\$50.00
30-45	Prohibited use in zoning district	I	\$125.00
30-51(c)	Permitted uses in single family districts	II	\$125.00
30-56(b) and (c)	Residential parking	I	\$125.00
30-59(c)	Permitted uses in office districts	I	\$50.00
30-61(c)	Permitted uses in general business district	I	\$50.00
30-62(c)	Permitted uses in automotive oriented business district	I	\$50.00
30-63(c)	Permitted uses in tourist-oriented business district	I	\$50.00
30-64(e)	Permitted uses in mixed use low intensity district	I	\$50.00
30-65(c)	Permitted uses in mixed use medium intensity district	I	\$50.00
30-66(c)	Permitted uses in central city district	I	\$50.00
30-67(g)	Illegal outdoor storage and sales	I	\$50.00
30-68(c)	Permitted uses in warehousing and wholesaling district	I	\$50.00
30-69(c)	Permitted uses in limited industrial district	I	\$50.00
30-70(c)	Permitted uses in general industrial district	I	\$50.00
30-86	Use, parking, storage and keeping of recreational vehicles	I	\$50.00
30-315 et seq.	Violation of sign regulations	I	\$50.00
30-357	New business, expansion or change of use without zoning compliance permit	I	\$50.00

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- 2 Second violation of the same Class I or Class II offense shall be double the amount
- 3 shown on the penalty schedule.
- 4 Third and subsequent violations of the same Class I or II offense shall require a
- 5 mandatory court appearance.

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1 Second and subsequent violations of the same Class III or Class IV offense shall require a
2 mandatory court appearance.

3 **Section 3.** It is the intention of the City Commission that Sections 1 and 2 of this
4 ordinance shall become and be made a part of the Gainesville Code of Ordinances of the
5 City of Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be
6 renumbered or relettered in order to accomplish such intentions.

7 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be
8 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in
9 no way affect the validity of the remaining portions of this ordinance.

10 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the
11 extent of such conflict hereby repealed.

12 **Section 6.** This ordinance shall become effective immediately on adoption.

13 **PASSED AND ADOPTED** this ____ day of _____, 2007.

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PEGEEN HANRAHAN
MAYOR

19 ATTEST

APPROVED AS TO FORM AND LEGALITY

20 _____
21 KURT M. LANNON
22 CLERK OF THE COMMISSION
23

MARION J. RADSON
CITY ATTORNEY

24 This Ordinance passed on first reading this ____ day of _____, 2007.

25 This Ordinance passed on second reading this ____ day of _____, 2007.