

MEMORANDUM

Agenda Item No. 4(A)

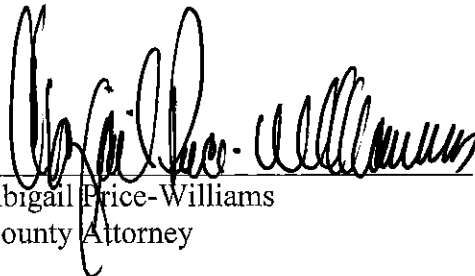
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to overnight camping on County property: amending section 21-286 of the Code; providing an exception to the requirement that law enforcement give violators the opportunity to go to a homeless shelter related to sexual predators, sexual offenders and certain other persons

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Esteban L. Bovo, Jr.


Abigail Price-Williams
County Attorney

APW/cp

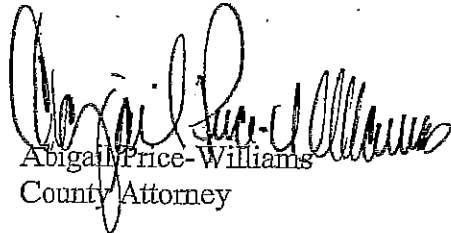


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 4(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(A)
11-7-17

ORDINANCE NO. _____

ORDINANCE RELATING TO OVERNIGHT CAMPING ON COUNTY PROPERTY: AMENDING SECTION 21-286 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING AN EXCEPTION TO THE REQUIREMENT THAT LAW ENFORCEMENT GIVE VIOLATORS THE OPPORTUNITY TO GO TO A HOMELESS SHELTER RELATED TO SEXUAL PREDATORS, SEXUAL OFFENDERS AND CERTAIN OTHER PERSONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board finds that it is in the interest of the County to maintain County property in an attractive and intact condition, readily available for the enjoyment of all of its visitors; and

WHEREAS, the County has an obligation to maintain its property clean, safe and publicly accessible in accordance with the requirements of law; and

WHEREAS, County property is an inappropriate setting for overnight camping activities for reasons that include, but are not limited to, the lack of adequate means for disposing of waste and access to utilities; and

WHEREAS, overnight camping in areas not equipped for such activities leads to the physical deterioration of such areas; and

WHEREAS, prohibiting overnight camping on County property helps to keep County property in an attractive and intact condition by reducing wear and tear on these areas; and

WHEREAS, prohibiting overnight camping on County property also helps to keep these areas accessible to visitors; and

WHEREAS, the County has previously enacted a prohibition on overnight camping which requires law enforcement to first offer any homeless person, as defined in 24 Code of Federal Regulations Section 583.5, who is violating the prohibition on overnight camping an opportunity to go to a homeless shelter if there is space available at such a shelter; and

WHEREAS, the requirement to offer homeless persons violating the prohibition an opportunity to go to a homeless shelter has proven unworkable, unduly burdensome on law enforcement, and has rendered the prohibition meaningless when the homeless person is a sexual predator, sexual offender, or is otherwise ineligible to stay at homeless shelters,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 21-286 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Sec. 21-286. - Prohibition on overnight camping.

- (1) Except as otherwise provided for in this Code, there shall be no overnight camping on County facility/property. Overnight camping is defined as the use of outdoor space for living accommodation purposes involving the erection of structures such as the setting up of any tents, shacks, or shelters for sleeping activities, from the hours of sunset to sunrise. The provisions of this chapter shall apply to the incorporated and unincorporated areas of Miami-Dade County.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (2) Any person violating this section shall, upon being warned by a County official or a law enforcement officer, cease the prohibited activity. If the person continues the prohibited activity after such warning, the official or law enforcement officer may direct the individual to leave the premises. Any individual who does not leave as directed is subject to arrest for trespassing pursuant to Section 810.09 Florida Statutes.
- (3) Any homeless person, as defined in 24 CFR Section 583.5, violating this section shall first be offered an opportunity to go to a homeless shelter by a County official or law enforcement officer, if there is space available at such a shelter. >>The requirement to offer an opportunity to go to a homeless shelter shall not apply to any sexual predator or sexual offender, as defined in section 21-280 of the Code, or to any person that is otherwise ineligible to stay at a homeless shelter.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

AW

Prepared by:

SW

Shannon D. Summerset-Williams

Prime Sponsor: Chairman Esteban L. Bovo, Jr.