

1 Introduced by Councilmember Pittman:
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4 **ORDINANCE 2020-759**

5 AN ORDINANCE RELATING TO PUBLIC ORDER AND
6 SAFETY; AMENDING CHAPTER 614, *ORDINANCE CODE*;
7 CREATING A NEW SECTION 614.102 (LARGE
8 GATHERINGS PROHIBITED) TO PROHIBIT LARGE
9 GATHERINGS AS IT RELATES TO PUBLIC HEALTH AND
10 SAFETY; CREATING A NEW SUBSECTION DEFINING
11 "LARGE GATHERINGS" AS 50 OR MORE INDIVIDUALS
12 ON OR NEAR PUBLIC RIGHTS-OF-WAY OR BUILDINGS;
13 CREATING A NEW SUBSECTION (OWNER'S CONSENT
14 REQUIRED; NOTICE OF PROHIBITED LARGE
15 GATHERINGS; SUNSET PROVISION ON DECEMBER 31,
16 2021) THAT PROVIDES THAT THE OWNER, LESSEE,
17 MANAGING AGENT OR PERSON IN CHARGE OF A
18 BUILDING OR PROPERTY MAY AUTHORIZE A LAW
19 ENFORCEMENT OFFICER TO REASONABLY REQUEST A
20 PERSON TO LEAVE THE BUILDING OR PROPERTY AND
21 MAY BE SUBJECT TO A \$500.00 CIVIL PENALTY FOR
22 FAILING TO DO SO; CREATING A NEW SUBSECTION
23 (EXCEPTIONS) TO EXEMPT INDIVIDUALS WHO RECEIVE
24 APPROVAL FOR SPECIAL EVENT PERMITS AND
25 INDIVIDUALS EXERCISING FIRST AMENDMENT RIGHTS;
26 CREATING A NEW SUBSECTION (PENALTY) TO PROVIDE
27 FOR WARNINGS FOR A FIRST VIOLATION AND A CIVIL
28 FINE OF \$25.00 AFTER RECEIPT OF A PRIOR
29 WRITTEN WARNING; PROVIDING AN EFFECTIVE DATE.

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31 **WHEREAS**, in March 2020, the World Health Organization declared

1 a pandemic due to the outbreak of COVID-19; and

2 **WHEREAS**, to reduce the spread of COVID-19, the Federal Centers
3 for Disease Control and Prevention ("CDC") recommends practicing
4 social distancing and minimizing personal contact with large
5 gatherings; and

6 **WHEREAS**, the Jacksonville City Council seeks to minimize
7 opportunities for person-to-person spread of the COVID-19 virus by
8 coordinating enforcement efforts with owners of properties where
9 large gatherings occur in order to advance public health and safety
10 of the community; now therefore

11 **BE IT ORDAINED** by the Council of the City of Jacksonville:

12 **Section 1. Chapter 614 (Public Order and Safety Code),**
13 **Ordinance Code, amended.** Chapter 614 (Jacksonville Public Order
14 and Safety Code), *Ordinance Code*, is hereby amended to create a new
15 Section 614.102 (Large Gatherings Prohibited) to read as follows:

16 **CHAPTER 614 PUBLIC ORDER AND SAFETY CODE**

17 * * *

18 **Sec. 614.102. - Large Gatherings Prohibited.**

19 (a) **Large Gatherings** are defined as 50 or more individuals
20 standing or sitting closer than six (6) feet from each other,
21 outside of a completely-enclosed structure, in or near any public
22 right-of-way, property or building in the City for business or
23 social purposes, and which prevents the safe ingress, egress or
24 through-passage of individuals in a public right-of-way, on a
25 property or near a building, where the public has a right of
26 access, in violation of this Section.

27 (b) **Owner's Consent required; Notice of Prohibited Large**
28 **Gatherings; Sunset provision on December 31, 2021.** (i). The owner,
29 lessee, managing agent or person in charge of a building or
30 property shall prohibit unpermitted Large Gatherings and may
31 authorize a law enforcement officer to reasonably request

1 individuals to move or leave the public right-of-way, building or
2 property if any person within a Large Gathering is sitting or
3 standing in the public right-of-way, near a building or on the
4 property without consent. (ii). Whenever law enforcement has
5 responded to 2 or more Large Gatherings at a property, building or
6 public right-of-way, and the Owner fails to prohibit the Large
7 Gathering, a law enforcement officer shall issue a First Warning to
8 the Owner notifying the Owner that he/she is in violation of this
9 Section, and that any subsequent violation shall be subject to a
10 \$500.00 civil penalty. Unless otherwise extended or terminated by
11 the Council, this legislation shall sunset on December 31, 2021.

12 (c) **Exceptions.** The provisions of this Section shall not
13 apply to outdoor gatherings authorized for (i) Special Events
14 pursuant to Chapter 191, Ordinance Code, (ii) individuals
15 exercising First Amendment rights of the United States and the
16 Florida Constitution, such as freedom of religion, freedom of
17 speech and the right of assembly; and (iii) any bona fide athletic
18 event, government-sanctioned activity or any other event where
19 COVID-19 precautions are implemented and enforced.

20 (d) For the purpose of this Section, the word "building"
21 shall be deemed to include, but not be limited to, retail or
22 service establishments such as restaurants, convenience stores,
23 laundromats, service stations and other similar establishments open
24 to the public.

25 (e) **Penalty.** Any person, other than the Owner specified in
26 subsection (b) of this Section, who violates the provisions of this
27 Section shall receive a written warning for a First Violation. Any
28 person who violates the provisions of this Section after receiving
29 a prior written warning, is guilty of a civil violation, and shall
30 be assessed a civil fine of \$25.00 for each violation.

31 * * *

1 **Section 2. Effective Date.** This ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.

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5 Form Approved:

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7 /s/Cherry Shaw Pollock

8 Office of General Counsel

9 Legislation Prepared By: Cherry Shaw Pollock

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