

Introduced by Councilmember Pittman:

ORDINANCE 2020-580-W

AN ORDINANCE RELATING TO PUBLIC ORDER AND SAFETY; AMENDING CHAPTER 614, *ORDINANCE CODE*; SPECIFICALLY AMENDING SECTION 614.106 (LOITERING, SOLICITING, BEGGING, ETC., IN PUBLIC OFFICES OR BUILDINGS OPEN TO THE PUBLIC) TO PROHIBIT UNLAWFUL GATHERINGS, LINGERING, LOITERING, SITTING OR STANDING IN OR NEAR ANY PUBLIC RIGHT-OF-WAY OR BUILDING; DELETING "ROOM(S)" ADDING THAT THE OWNER, LESSEE, MANAGING AGENT OR PERSON IN CHARGE OF A BUILDING OR PROPERTY MAY AUTHORIZE A POLICE OFFICER TO REASONABLY REQUEST A PERSON TO DISPERSE, MOVE OR LEAVE THE PUBLIC RIGHT-OF-WAY OR BUILDING; ADDING A NEW SUBSECTION THAT MAKES IT UNLAWFUL FOR A PERSON TO REFUSE OR FAIL TO COMPLY WITH A REQUEST TO DISPERSE, MOVE OR LEAVE THE PUBLIC RIGHT-OF-WAY OR BUILDING; AMENDING THE PENALTY TO A CLASS "D" OFFENSE; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 614 (Jacksonville Public Order and Safety Code), Ordinance Code, amended. Chapter 614 (Jacksonville Public Order and Safety Code), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 614 JACKSONVILLE PUBLIC ORDER AND SAFETY CODE

* * *

Sec. 614.106. - Loitering, soliciting, begging, etc., in public ~~offices~~ rights-of-way, or buildings open to the public.

The Council finds that any person who loiters~~er~~~~prows~~ in or near a public right-of-way or building place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of individuals within large gatherings, or persons or property in the vicinity thereof constitutes a threat to the public safety or breach of peace. The Council further finds that a person commits the offense of loitering when that person knowingly loiters in or near any public right-of-way, building or place with one or more persons knowing that a narcotic or dangerous drug, as defined ~~detailed~~ in F.S. ch. 893 is being unlawfully used or possessed.

(a) It shall be unlawful for a person to linger, loiter, sit or stand in or near any public right-of-way, ~~room in any hotel, office property or building~~ in the City or to use any public right-of-way, property or building ~~room~~ for business or social purposes in violation of the expressed wish of the owner, lessee, managing agent or person in charge of a building or property~~in which the public room, as defined herein, is situated~~. For the purpose of enforcement of this Section, it is presumed that if the owner, lessee, managing agent or other person in charge of a building prominently displays a copy of this Section as provided in subsection (e) of this Section, or SECTION 614.106, MUNICIPAL CODE, that he or she considers the activities declared unlawful in this Section to be in violation of his or her expressed wish. The owner, lessee, managing agent or person in charge of the building or property may authorize a police officer to reasonably request a person to disperse, move or leave the building or property if any

1 person is lingering, loitering, sitting or standing in or near the
2 building or on the property without consent.

3 (b) It shall be unlawful for a person to refuse or fail to
4 comply with a police officer's reasonable request to disperse, move
5 or leave a building or property for lingering, loitering, sitting,
6 or standing in or near any building or property.

7 ~~(b)~~ (c) It shall be unlawful for a person to solicit
8 customers or patronage for himself or on behalf of any other person
9 or distribute advertising or advertising matter upon the premises
10 in any hotel, office or building in the City or to solicit, seek or
11 beg for donations or charity for himself or on behalf of any person
12 upon the premises of or in a hotel, office or building without
13 first having secured the written consent so to do from the owner,
14 lessee, managing agent or person in charge of the operation of the
15 hotel, office or building.

16 ~~(c)~~ (d) For the purpose of this Section, ~~the words public~~
17 ~~rooms shall be deemed to include a basement, building entrance or~~
18 ~~doorway, lobby, hallway, stairway, mezzanine, elevator, foyer,~~
19 ~~independent parking lots or others adjacent to or used in~~
20 ~~connection with the premises, public rest- or sitting rooms or any~~
21 ~~other place used in common by the public, tenants, occupants or~~
22 ~~guests and situated in a hotel, office or building in the City.~~
23 Furthermore, for the purpose of this Section, the word "building"
24 shall be deemed to include, but not limited to, retail or service
25 establishments such as restaurants, convenience stores,
26 laundromats, service stations and other similar establishments open
27 to the public.

28 ~~(d)~~ (e) The provisions of this Section shall not apply to
29 anyone while in the employ of the Federal, State or Local
30 Government ~~United States, state or City during the time the person~~
31 ~~is in a public room in a hotel, office or building in the City;~~

1 provided, that the person is engaged in the performance of his
2 designated and official duties.

3 ~~(e)~~(f) Each owner, lessee, managing agent or person in
4 charge of the operation of a ~~hotel, office or~~ building desiring to
5 avail himself of the provisions of this Section shall keep a
6 printed or typewritten copy of this Section in some place in the
7 lobby or entrance to the building or prominently displayed at a
8 location on the property where it may be easily read by persons
9 going in or out of the building or being present on the property,
10 and the owner, lessee, managing agent or person in charge of the
11 operation of a building or property may also make such rules and
12 regulations, not inconsistent with the provisions of this Section,
13 as he or she may so desire.

14 ~~(f)~~(g) Violation of this Section shall constitute a class D
15 € offense as authorized in section 632.101(a)(4), Ordinance Code.

16 * * *

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

20
21 Form Approved:

22
23 /s/Cherry Shaw Pollock

24 Office of General Counsel

25 Legislation Prepared By: Cherry Shaw Pollock

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