

ORDINANCE NO. 2025-13

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 46, PARKS AND RECREATION, ARTICLE V, CAMPING AND STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY, BY AMENDING SECTION 46-201, DEFINITIONS, AND SECTION 46-202, CAMPING PROHIBITED; EXCEPTIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the State Legislature enacted Section 125.0231, Florida Statutes, in Ch. 2024-11, Laws of Florida (2024), to address public camping and sleeping; and

WHEREAS, the City desires to amend its Code of Ordinances to comply with the new law; and

WHEREAS, the Venice City Council finds and determines that the provisions of this Ordinance are in the best interest and furtherance of the health, safety, and welfare of the City, its citizens and taxpayers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 46, Parks and Recreation, Article V, Camping and Storage of Personal Property on Public Property, Section 46-201, Definitions, of the City's Code of Ordinances, is hereby amended as follows:

Sec. 46-201. - Definitions.

The following definitions shall apply to the interpretation and enforcement of this article:

Abandoned property shall have the same meaning as defined in F.S. ch. 705.

Available shelter means a private or public shelter for an individual without a home, with a bed for sleeping and restrooms provided at no cost to the individual without a home, within the territorial boundaries of Sarasota County, that treats individuals without a homes with dignity and respect, accepts those who may be impaired by the use of drugs and/or alcohol, imposes no religious requirements, does not impose involuntary substance abuse or mental health treatment, allows the storage of a reasonable amount of personal property, and is available 24 hours a day, seven days a week, except for routine maintenance and cleaning.

Beach means any sandy or rocky area located waterward or seaward of the vegetation line or a bluff. Where a functioning shore-parallel seawall or rock revetment exists, the beach shall constitute the sandy or rocky area located seaward or waterward thereof.

~~*Camping* means lodging out of doors, which must include demonstration of at least one of the~~

following elements:

- ~~(1) The laying down of bedding, such as a blanket, sleeping bag, bed roll, newspapers, cardboard, or similar material, for sleeping purposes; or~~
- ~~(2) The erection, use, or occupation of any tent, hut, lean to, shack, temporary shelter, hammock, or the like, for sleeping purposes~~

Code enforcement officer means any employee or agent of the city designated to enforce the codes and ordinances enacted by the city.

Individual without a home means a person that lacks a fixed, regular, and adequate residence or has a primary residency that is: (a) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; (b) an institution that provides a temporary residence for individuals intended to be institutionalized; or (c) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term does not include any person imprisoned or otherwise detained pursuant to general law.

Law enforcement officer means a city police officer or any other sworn law enforcement officer certified pursuant to F.S. ch. 943.

Lost property shall have the same meaning as provided in F.S. ch. 705.

Park means public beach parks, public natural areas, public recreation areas, other city-owned public lands maintained for the protection and preservation of their natural features or historic significance, including the facilities and amenities located within.

~~*Permit* means written authorization issued by the city to use city right-of-way or property in accordance with chapter 62, article V of the city Code.~~

Public beach park means any public parkland owned, leased, or operated by the city that is contiguous to a beach or separated by a roadway from a beach that is located along the Gulf of Mexico, any bay, or Venice Inlet, including parking areas associated with the public beach park.

Public camping or sleeping means:

- (1) Lodging or residing overnight in a temporary outdoor habitation used as a dwelling or living space and evidenced by the erection of a tent or other temporary shelter, the presence of bedding or pillows, or the storage of personal belongings; or
- (2) Lodging or residing overnight in an outdoor space without a tent or other temporary shelter.
- (3) The term does not include lodging or residing overnight in a motor vehicle that is registered, insured, and located in a place where it may lawfully be.
- (4) The term does not include camping for recreational purposes on property designated for such purposes.

Public natural area means any property owned, leased, or operated by the city for public use and preservation of its natural resources.

Public property means property owned, leased, operated or managed by the city, including but not limited to structures, conveyances, city park, trails, playgrounds, public rights-of-way, docks, pavilions, parking lots, vacant lots, fenced land, posted land, easements, and other property generally used by the public.

Public recreation area means any property owned, leased, or operated by the city and used for a public park including, but not limited to, parking areas and public accesses associated with the public recreation and public natural areas.

~~*Public restroom* means a restroom which is dedicated to public use where any person may avail him or herself of a toilet or urinal and sink without requiring the permission of any other person or business.~~

Public rights-of-way means land in which the state, the Florida Department of Transportation, a county, or other public entity owns or has an easement associated with any road, including the road surface and sidewalk.

Road means the road surface, medians, travel lanes, turn lanes and all ways open to travel by operators of motorized vehicles within the city. The definition excludes private roads and roads that are not open to motor vehicle travel, and sidewalks open for pedestrian travel.

Road surface means the flat paved or concrete area of the road intended for vehicular use, including any bicycle or breakdown lanes, gutters, and any curb to the top of the curb abutting the paved or concrete area.

Sidewalk means that portion of the rights-of-way between the road surface and the adjacent property lines intended for use by pedestrians. A sidewalk may be paved or unpaved.

Store or storage means any action to place, leave, park, or set an item upon public property, public right-of-way, or private property for a period of time in excess of 24 hours.

SECTION 3. Chapter 46, Parks and Recreation, Article V, Camping and Storage of Personal Property on Public Property, Section 46-202, Camping prohibited; exceptions, of the City's Code of Ordinances, is hereby amended as follows:

Sec. 46-202. Public cCamping or sleeping prohibited; exceptions.

(a) *Prohibition of public camping or sleeping.* It shall be unlawful and a violation of the Code for any person to ~~knowingly camp~~ regularly engage in public camping or sleeping on public property, including, but not limited to, any public building or its grounds and any public rights-of-way under the jurisdiction of the city, except as otherwise provided in this Code.

~~(b) *Additional elements of the offense.* Prior to a charge of unlawful camping, a law enforcement officer must also:~~

- ~~(1) Observe one or more of the following:~~
 - ~~a. Numerous items of personal belongings in and around the bedding, tent, hut, lean-to, shack, temporary shelter, hammock or the like;~~
 - ~~b. Evidence of existing or past cooking activities;~~
 - ~~c. Evidence of an existing or past fires;~~
 - ~~d. Evidence of digging or earth-breaking activities;~~
 - ~~e. Evidence of public urination or defecation outside of a toilet or urinal connected to a septic system, central sewer system, or other sanitary disposal system; or~~
 - ~~f. The person is asleep.~~
- ~~(2) Afford the person the opportunity to remove any bedding, tent, hut, lean-to, shack, temporary shelter, hammock, or the like, without a return to camping;~~
- ~~(3) Find that available shelter exists;~~
- ~~(4) Provide the person details of the available shelter in writing, including the following:~~
 - ~~a. The available shelter may be used at no cost;~~
 - ~~b. Use of the available shelter does not require sobriety;~~
 - ~~c. Use of the available shelter does not include any religious imposition;~~
 - ~~d. Use of the available shelter does not require mental or substance abuse treatment;~~
 - ~~e. The available shelter provides a place to store a reasonable amount of personal property; and~~
 - ~~f. The available shelter may be used 24 hours a day, seven days a week, except during times of routine maintenance and cleaning.~~
- ~~(5) Afford the person the opportunity for free transport to available shelter; and~~
- ~~(6) Hear or observe the person's refusal of the offer for free transport to available shelter.~~

~~(b)(c)~~ *Exceptions.* The prohibition in subsection (a) of this section shall not apply under any of the following circumstances:

- (1) The Governor has issued a state of emergency in Sarasota County or another county immediately adjacent to Sarasota County and has suspended the provisions of F.S. § 125.0231.

(2) A state of emergency has been declared in Sarasota County under F.S. ch. 870.

~~(1) To any person using any city park during posted hours of operation and in accordance
any posted rules.~~

~~(2) To any camping authorized by the city.~~

~~(3) Any conduct which is in conformity with the conditions of any permit pursuant to this
Code.~~

~~(4) To any person camping with the permission of the city manager.~~

~~(5) To any person who has an active trespass warning issued within the past year associated
with the available shelter.~~

SECTION 4. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 6. This ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 8TH DAY OF APRIL 2025.

First Reading: March 11, 2025

Second Reading: April 8, 2025

Adoption: April 8, 2025

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 8th day of April 2025, a quorum being present.

WITNESS my hand and the official seal of said City this 8th day of April 2025.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney