

AN ORDINANCE CREATING A CHAPTER 20-82 OF THE ST.PETERSBURG CITY CODE TO PROHIBIT SLEEPING, LYING, OR RECLINING BETWEEN THE NORTHERN RIGHT OF WAY OF 5TH AVENUE NORTH TO THE SOUTHERN RIGHT OF WAY 5TH AVENUE SOUTH AND BETWEEN THE WESTERN RIGHT OF WAY OF 16TH STREET EAST TO TAMPA BAY DURING DAYLIGHT HOURS; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST.PETERSBURG DOES ORDAIN:

SECTION 1: Section 20- 82 of the St. Petersburg City Code is hereby created as follows:

Sec. 20-82_ . Sleeping, Lying or Reclining on the rights-of-way during daylight hours

(a) Purpose/Findings.

(1) Public streets, sidewalks and walkways within the northern right of way of 5th Avenue North to the southern right of way of 5th Avenue South and from the western right of way of 16th Street east to Tampa Bay are created and maintained for the primary purposes of enabling pedestrians and lawfully permitted vehicles to safely and efficiently move about from place to place, facilitating deliveries of goods and services, and providing all potential customers and visitors with convenient access to goods and services;

(2) The public streets, sidewalks and walkways within the northern right of way of 5th Avenue North to the southern right of way of 5th Avenue South and from the western right of way of 16th Street east to Tampa Bay are prone to congestion, and should be kept available to serve these primary purposes;

(3) Except in places provided therefore or where reasonably necessary, sleeping, lying, or reclining on public streets, sidewalks and walkways within the northern right of way of 5th Avenue North to the southern right of way of 5th Avenue South and from the western right of way of 16th Street east to Tampa Bay interferes with the primary purposes of the public street, sidewalk or walkway, threatens public safety and damages public welfare.

(b) Prohibitions. It shall be unlawful and a violation of the City Code for any person to sleep, lie, or recline in or on any part of the right-of-way, which shall include any public sidewalk within the northern right of way of 5th Avenue North to the southern right of way of 5th Avenue South and from the western right of way of 16th Street east to Tampa

Bay during daylight hours. As used herein “daylight hours” shall mean from sunrise to sunset.

(c) Notice.

(1) If a person is found to be sleeping, lying, or reclining in a right-of-way during daylight hours where such activity is prohibited by subsection (b) of this section, a law enforcement officer shall request the person to move to an area where sleeping, lying, or reclining is not prohibited. The person shall not be charged with a violation of this section if the person voluntarily moves from and does not return to sleep, lie or recline on any part of any right-of-way in within the northern right of way of 5th Avenue North to the southern right of way of 5th Avenue South and from the western right of way of 16th Street east to Tampa Bay during daylight hours.

(2) No person shall be cited under subsection (b) of this section unless the person engages in conduct prohibited by said section after having been notified by a law enforcement officer that the conduct violates subsection (b) of this section.

(d) The prohibition in subsection (b) shall not apply under the following circumstances:

- 1) To any person lying down on a public sidewalk due to a medical emergency;
- 2) To any person utilizing an object, placed on the sidewalk by the City or other public agency, in the manner in which it was intended, such as sitting on a bus stop or downtown city benches waiting for transportation;
- 3) Any conduct which is in conformity with the conditions of any permit pursuant to City Code.

(e) Any violation of any provision of this Section of the city Code shall be punishable as provided in Section 1-7 of this Code.

SECTION 2. That the unconstitutionality or invalidity of any word, sentence, or portion of this ordinance shall not affect the validity of the remaining portions.

SECTION 3: That the words in ~~struck through~~ type are deletions from the existing St. Petersburg City Code and words that are underlined are additions.

SECTION 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED AS TO FORM AND CONTENT:

CITY ATTORNEY (Designee)

ADMINISTRATION

By: _____
Assistant City Attorney
