

Ordinance No. 2025-4815

An ordinance of the City of Sanford, Florida relating to unlawful conduct at City meetings or facilities or on City property or a City facility and trespass warnings and related matters pertaining to City facilities and property; enacting new provisions of the *Code of Ordinances of the City of Sanford (City Code)*; providing that it is prohibited and unlawful to engage in certain disruptive acts at or on City meeting or facilities or property; providing for and establishing a system relating to trespass warnings pertaining to public property; providing for enforcement; providing for penalties; providing for implementing administrative actions; providing for a savings provision; providing for conflicts; providing for severability; providing for codification and the correction of scrivener's errors and providing for an effective date.

Whereas, the additions to the *City Code* set forth in this Ordinance create clearer policies that impact and guide more effective management of public meeting, facilities property and control over inappropriate actions and activities which are harmful to the public health, safety and welfare; and

Whereas, local governments have an interest in assuring that meetings are conducted in an orderly way and are not disrupted by threatening, irrelevant or overlong comments while not violating the rights of citizens who wish to comment during a public meeting or hearing; and

Whereas, local governments also have an interest in assuring that their employees and citizens and others from the public doing business with the City are allowed to conduct such business in a safe and secure manner; and

Whereas, controlling Florida law allows local governments to control the safety and security of public facilities and properties and authorizes law enforcement personnel to issue trespass warrants upon persons who are warned that if they return to the City's public property or facility that they will be subject to arrest for trespassing; and

Whereas, the City Commission finds that it is regrettable that from time to time it is necessary to and in the public interest to prohibit the presence of persons on City public property or facilities when they have violated State law or provisions of the City's codes, ordinances, rules or regulations such that it is adverse to the employees of the City or the general public for such persons to be present on City public property or facilities; and

Whereas, the City Commission desires to put into place a uniform and precise system to address unruly, violent or threatening persons, or persons who otherwise may be a threat to the well being of City employees or the general public on City public property or facilities or interfere with the functioning of such persons or employees while engage in City business or a City function and to provide such persons with administrative due process when faced with being barred from present on City public property or facilities; and

Whereas, the City Commission of the City of Sanford has a long and award-winning history of ensuring that its citizens and the general public are afforded more than ample opportunity to provide input during the course of the City's decisionmaking processes and procedures and the City has gone to great ends to ensure that the public is well heard during the course of the City's government decisionmaking of all types and nature; and

Whereas, the City Commission of the City of Sanford has the power and authority to create and establish the policies and programs set forth herein under the controlling provisions of State law such as, by way of example only, the provisions of

Article VIII, Section 2 of the *Constitution of the State of Florida* and the provisions of Chapter 166, *Florida Statutes*, and the controlling case law of the State of Florida; and

Whereas, the City of Sanford has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Now, Therefore, Be It Enacted By The People Of The City Of Sanford, Florida:

Section 1. Legislative findings and intent.

The City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the recitals to this Ordinance and the City staff report and City Commission agenda memorandum relating to this Ordinance.

Section 2. New Provisions of *City Code*; Unlawful Conduct at City Meetings or Facilities or Property; Procedures Relating to Trespass Warnings Pertaining to Public Property. New provisions of the *Code of Ordinances of the City of Sanford (City Code)* are created to read as follows:

Unlawful Conduct at City Meetings or Facilities or Property.

It is prohibited and unlawful for a person to engage in disorderly, disruptive, disturbing, delaying or boisterous conduct at a meeting of the City Commission or a City board meeting, or while present at a City facility or on City property, such prohibited and unlawful conduct to include, but not be limited to stomping of feet, whistling, making noise, use of profane language or obscene gestures, yelling or similar demonstrations, using threatening words or behavior or asserting that a weapon is present or will be used or any other conduct which substantially interrupts, delays the proceedings of the City Commission or City board, the work of a City employee or contractor, or the use of a City facility or City property by the public or generally results in a disturbance of the peace or good order at a City meeting or facility or on City property.

Trespass Warnings.

(a). The City Manager, or designees, are authorized to issue a trespass warning to any individual who violates any City code, ordinance, rule or regulation, or a provision of State law, which violation was committed while on or within City property or a City facility and the action threatens or interferes with the well-being or safety of City employees or the general public. The trespass warning may be limited to the specific property where the violation occurred or relate to all City property and all City facilities if the City Manager, or designee, determines, based upon the facts presented, that such action is warranted under the circumstances. Absent a clear and present danger to the public or City employees, as found by the City Manager, or designee, a trespass warning issued under the provisions of this Ordinance shall not preclude a person from engaging in protected First Amendment expression, prohibit a person from engaging in essential activities relating to the governmental services provided to all citizens and property owners of the City or prohibit a person from engaging in activity relating to the protection or safety of the person by City first responders, law enforcement personnel or fire safety personnel.

(b). Trespass warnings shall be issued as follows:

- (1). For the first violation, the individual may be issued a trespass warning for a period not to exceed 1 year.
- (2). For a second or subsequent violation, the individual may be issued a trespass warning for a period not to exceed 2 years.

(c). A copy of the trespass warning shall be provided by mail or hand delivery to the individual being given the warning. The written trespass warning shall advise of the right to appeal and the location at which to file the appeal.

(d). Any person found on or within City property or a City facility in violation of a trespass warning may be arrested for trespassing consistent with the provisions of this Ordinance and controlling State law.

(e). The City Manager may authorize an individual who has received a trespass warning to enter the property or premises to exercise his or her First Amendment rights if there is no other reasonable alternative location to exercise such rights or to conduct necessary municipal business. Such authorization must be in writing, specify the duration of the authorization and any conditions thereof, and shall not be unreasonably denied.

(f). This Ordinance shall not be construed to limit the authority of law enforcement officers of the City's Police Department to cite or arrest individuals for violating any City code or ordinance or for any violation of Florida law.

(g). A person to whom a trespass warning is issued under this Ordinance shall have the right to appeal as follows:

(1). An appeal of a trespass warning must be filed, in writing, within 10 days of the issuance of the warning with the City Clerk and shall include the appellant's name, address, and phone number, if any. No fee shall be charged for filing the appeal.

(2). Appeals shall be heard by the City's code enforcement special magistrate.

(3). Within 5 days following the filing of the appeal, the special magistrate shall schedule a hearing. Notice of the hearing shall be provided to the appellant in the following ways:

(i). By posting the notice at the City Hall.

(ii). By regular United States mail if an address has been provided; provided, however, that, in the event of non-delivery, then the notice posted at the City Hall shall be sufficient.

(4). The special magistrate shall hold the hearing as soon as possible. In no event shall the hearing be held sooner than 7 days following the filing of the appeal and no later than 30 days from the filing of the appeal.

(5). Copies of documents in the City's control which are intended to be used at the hearing, and which directly relate to the issuance of the trespass warning to the appellant, shall be made available upon request to the appellant at no cost.

(6). The appellant and the City shall have the right to attend with an attorney, the right to testify, to call witnesses, to cross-examine witnesses and to present evidence. The appellant shall have the right to bring a court reporter at his or her own expense.

(7). The special magistrate shall consider the testimony, reports or other documentary evidence and any other evidence presented at the hearing. Formal rules of evidence shall not apply, but fundamental principles of administrative due process shall govern the proceedings.

(8). The City shall bear the burden of proof by clear and convincing evidence that the trespass warning was properly issued pursuant to the provisions of this Ordinance.

(9). If the appellant fails to attend a scheduled hearing, the special magistrate shall review the evidence presented and determine if the trespass warning was properly issued pursuant to the provisions of this Ordinance.

(10). Within 5 days of the hearing, the special magistrate shall issue a written decision on the appeal which shall be mailed to the appellant at the address provided. If no address is provided, a copy of the decision shall be posted at the City Hall.

(11). The decision of the special magistrate shall be final action of the City and the appellant shall be deemed to have exhausted all administrative remedies. Such decision may be subject to judicial review in the manner provided by law by the appellant. The City may not appeal any decision of the special magistrate.

(12). The trespass warning shall remain in effect during the appeal and review process, including any judicial review.

Penalty.

A violation of this Ordinance by failing to adhere to a lawful order entered hereunder shall be punishable in accordance with Section 1-7 of the *City Code*; provided, however, that the City may exercise any and all rights and remedies available to the City under controlling law to enforce the provisions of this Ordinance and the City Attorney, in

conjunction with the City Manager, or designee, may file any action deemed necessary to enforce the provisions of this Ordinance.

Section 3. Implementing Administrative Actions.

(a). Without limiting in any way the other provisions of this Ordinance, the City Manager, or designee(s), is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to bring into effect the provisions of this Ordinance.

(b). Without limiting in any way the provisions of the foregoing subsection, the City Manager, or designee, shall adopt rules relating to the use of City-owned real property and facilities to include, but not be limited to, rights of way within the City Limits of the City of Sanford..

Section 4. Savings.

The prior actions of the City of Sanford relating to the regulation of City and publicly owned properties and facilities owned by or located within the City and any and all similar or related matters are hereby ratified and affirmed.

Section 5. Severability.

If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Ordinance.

Section 6. Conflicts.

(a). All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

(b). The provisions of Section 62-72 of the City Code, as amended by Ordinance No. 2024-4785, shall not be affected by the provisions of this Ordinance.

Section 7. Codification; Scrivener's Errors.

(a). The provisions of Section 2 of this Ordinance shall be codified as determined to be appropriate by the Code codifier and all other sections shall not be codified.

(b). The sections of this Ordinance may be renumbered or re-lettered and the words of this Ordinance may be changed to section, article or some other appropriate word or phrase to accomplish codification in the absolute discretion of the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the authorization of the City Manager, or designee, without the need for a public hearing.

Section 8. Effective Date.

This ordinance shall become effective immediately upon its passage and adoption.

Passed and adopted this 27th day of January, 2025.

Attest:

**City Commission of the City of
Sanford, Florida**

Traci Houchin, MMC, FCRM
City Clerk

Art Woodruff
Mayor

For use and reliance of the Sanford
City Commission only.
Approved as to form and legality.

William L. Colbert
City Attorney



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.

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The City is of the view that the following exception(s) to the Business Impact Estimate requirement, that are checked off in a box below, apply to the above-referenced proposed ordinance. Although, the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or

- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Local governments have an interest in assuring that meetings are conducted in an orderly way and are not disrupted by threatening, irrelevant or overlong comments while not violating the rights of citizens who wish to comment during a public meeting or hearing. Local governments also have an interest in assuring that their employees and citizens and others from the public doing business with the City are allowed to conduct such business in a safe and secure manner.

Controlling Florida law allows local governments to control the safety and security of public facilities and properties and authorizes law enforcement personnel to issue trespass warrants upon persons who are warned that if they return to the City's public property or facility that they will be subject to arrest for trespassing. It is regrettable that from time to time it is necessary to and in the public interest to prohibit the presence of persons on City public property or facilities when they have violated State law or provisions of the City's codes, ordinances, rules or regulations such that it is adverse to the employees of the City or the general public for such persons to be present on City public property or facilities. The enactment of this Ordinance would put into place a uniform and precise system to address unruly, violent or threatening persons, or persons who otherwise may be a threat to the wellbeing of City employees or the general public on City public property or facilities or interfere with the functioning of such persons or employees while engage in City business or a City function and to provide such persons with administrative due process when faced with being barred from present on City public property or facilities.

The City Commission has a long and award-winning history of ensuring that its citizens and the general public are afforded more than ample opportunity to provide input during the course of the City's decision making processes and procedures and the City has gone to great ends to ensure that the public is well heard during the course of the City's government decision making of all types and nature. The provisions of this Ordinance further that commitment by ensuring that meetings are held in a safe and secure manner and that City business and the activities of the public are conducted in a safe and secure manner at City facilities and on City property.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

None. There would be no staff or other costs associated with the enactment of this Ordinance. However, having procedures in place relating to unlawful behavior at City meetings and facilities and while on City property could provide for enhanced risk management by the City. Further, having lawful processes in place which provide for administrative due process in accordance with the requirements of controlling law with regard to the issuance of trespass warnings could result in the enhanced defense of needed actions taken by the City from time to time.

3. Estimate of direct compliance costs that businesses may reasonably incur:

None.

4. Any new charge or fee imposed by the proposed ordinance:

None.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

None.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None, unless a business owner were to engage in proscribed behavior.

7. Additional information
Reference to the City staff report/agenda memorandum and the public hearings on the proposed Ordinance may be of assistance.