

28 attorneys' fees and costs, but must first provide the governing board of the Town with written
29 notice and 5 business days to cure the alleged violation; and

30 **WHEREAS**, Section 125.0231(4), Florida Statutes, does not provide details or a
31 mechanism for the giving of such notice, and, therefore, in order to implement Section 125.0231,
32 Florida Statutes, the Town Commission desires to amend the Town Code to create Section 14-34
33 to be entitled, "Public Camping or Sleeping; Notice of Complaints;" and

34 **WHEREAS**, the Town Commission finds that it is in the best interest of the Town to adopt
35 this Ordinance.

36 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
37 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

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39 **Section 1. Recitals.** The foregoing "Whereas" clauses are ratified and confirmed
40 as being true, correct and reflective of the legislative intent underlying this Ordinance and are
41 hereby made a specific part of this Ordinance.

42 **Section 2. Amendment.** Chapter 14, "Offenses," of the Town Code is hereby
43 amended to create Section 14-34 "Public Camping or Sleeping; Notice of Complaints" as follows¹:

44 **Chapter 14 – OFFENSES**
45 **Article I – IN GENERAL**

46 * * * * *

47 **Section 14-34. Public Camping or Sleeping; Notice of Complaints.** A resident of Broward
48 County, a business located in Broward County, or the Florida Attorney General, seeking to provide
49 written notice of a violation of Section 125.0231(2), Florida Statutes, to the Town Commission,
50 as the governing board of the Town, shall comply with the following requirements:

¹ Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

51 (a) Method of written notification. The Town Manager shall designate an e-mail address or other
52 electronic submission method, to be displayed on the Town’s website, to serve as the means of
53 receiving such written notice.

54 (b) Specifications of written notification. To enable the Town to take reasonable action within
55 the limits of its authority to cure an alleged violation, the written notice must specify:

56 (1) The location of the violation;

57 (2) The date(s) and time of the alleged violation;

58 (3) A description or photograph of the alleged violator; and

59 (4) Any other information that will assist the Town to address or otherwise to cure the
60 alleged violation.

61 **Secs. 14-~~3534~~—14-70. - Reserved.**

62 **Section 3. Codification.** This Ordinance shall be codified in accordance with the
63 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
64 become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that
65 the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be
66 changed to “section,” “article” or such other appropriate word or phrase in order to accomplish
67 such intentions.

68 **Section 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance
69 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
70 shall in no way affect the validity of the remaining portions of this Ordinance.

71 **Section 5. Conflicting Ordinances.** All prior ordinances or resolutions, or parts
72 thereof, in conflict herewith are hereby repealed to the extent of said conflict.

73 **Section 6. Effective Date.** This Ordinance shall be in full force and effect immediately
74 upon its passage on second reading.

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Passed on first reading, this 10th day of December, 2024.

Passed and adopted on the second reading, this 14th day of January 2025.

MAYOR EDMUND MALKOON

	First Reading	Second Reading
Mayor Malkoon	_____ YES	_____
Vice-Mayor Strauss	_____ YES	_____
Commissioner Pouloupoulos	_____ YES	_____
Commissioner DeNapoli	_____ YES	_____
Commissioner Graziano	_____ YES	_____

ATTEST:

Katrina Adler, Town Clerk

(CORPORATE SEAL)

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



Business Impact Estimate

This form should be included in the “set for public hearing” agenda item for ordinances, and must be posted on the Town’s website by the time notice of the proposed ordinance is published.

Ordinance title: ORDINANCE 2024-11

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 14 “OFFENSES,” OF THE TOWN’S CODE OF ORDINANCES BY CREATING SECTION 14-34 “PUBLIC CAMPING OR SLEEPING; NOTICE OF COMPLAINTS;” PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.

- The ordinance is required for compliance with federal or state law or regulation;
- The ordinance relates to the issuance or refinancing of debt;
- The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The 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 Town;
- The ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, 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, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

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

N/A

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Lauderdale-By-The-Sea:

N/A

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

N/A

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

N/A

5. Estimate of the Town of Lauderdale-By-The-Sea's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

N/A

6. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

N/A

7. Additional information (if any):

N/A