

ORDINANCE NO. 2024-2304

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 14-12 OF CHAPTER 14 OF THE CODE OF ORDINANCES, PERTAINING TO CAMPING; PROVIDING FOR PROHIBITION OF PUBLIC CAMPING OR SLEEPING IN ACCORDANCE WITH SECTION 125.0231 FLORIDA STATUTES; PROVIDING FOR DEFINITIONS OF TERMS; PROVIDING FOR CAMPING FOR RECREATIONAL PURPOSES ON DESIGNATED PROPERTIES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, section 125.0231 Florida Statutes was adopted and approved by the governor, effective October 1, 2024;

WHEREAS, the aforesaid statute mandates that cities prohibit public camping or sleeping as defined therein;

WHEREAS, this ordinance is intended to comply with the aforesaid statute;

WHEREAS, the City Council has found this ordinance to be in the public interest; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

SECTION 1. Amendment. Section 14-12 of Chapter 14 of the Code of Ordinances, pertaining to camping and providing as set forth hereafter, is hereby amended as follows (strikeout text is deleted and underlined text is added):

Sec. 14-12. Camping prohibited.

- (a) It shall be unlawful and a violation of this Code of Ordinances to allow, engage in, or authorize camping on any public or private property in the city, except as otherwise allowed in this section.
- (b) For the purposes of this section, the following terms shall have the meanings hereafter ascribed:

- (1) "Camping" shall mean and include:
 - A. the placement, pitching, parking, use, occupancy, custody or control of camping facilities or camping equipment on any property; or
 - B. public camping or sleeping, as defined in Section 125.0231 Florida Statutes, as amended from time to time;
- (2) "Camping facilities" shall mean any temporary structure or vehicle used or designed for temporary human habitation, including without limitation any pitched tent, recreational vehicle, trailer, vessel or other shelter;
- (3) "Camping equipment" shall mean any item used for the temporary outdoor habitation of any person, including without limitation any bed, bedroll, air mattress, cot, sleeping bag, blanket, cooking facilities, tarpaulin, or refrigeration equipment; and
- (4) "Public property" shall mean any property owned or occupied by a governmental entity, including without limitation any public park, building, right-of-way, street, alley, sidewalk, driveway, parking area or landscape area.
- (c) The owner, tenant, occupant, operator or manager of any private property where camping is taking place and any persons engaged in camping shall be in violation of this section.
- (d) The following shall be exempted from the provisions of this section and are hereby permitted:
 - (1) The parking of any unoccupied recreational vehicle or trailer on any private developed property for storage, so long as the same is not connected to a source of electricity or an operating generator;
 - (2) Camping within a licensed, properly permitted and operating campground, whose primary business is providing property for camping;
 - (3) The sale, rental or display of camping facilities or camping equipment by any business duly licensed, permitted and operating in the sale or rental of such facilities or equipment;
 - (4) Camping for periods of less than forty-eight (48) hours in any ninety (90) day period in the rear yard of any single family residential dwelling with the permission of the owner thereof, so long as the same is conducted within camping facilities other than vehicles, trailers or vessels of any kind; and
 - (5) Camping for recreational purposes on property designated for such purposes ~~specifically authorized~~ by the city, or in conjunction with any special event approved by the city council.

SECTION 2. Enforcement. The provisions of this Ordinance shall be enforced as otherwise provided in the Code of Ordinances.

SECTION 3. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

SECTION 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 5. Effective Date. This ordinance shall take effect upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 17th day of September, 2024 and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 1st day of October, 2024.

ATTEST:

By: _____
Judy Meyers, MMC, City Clerk

By: _____
Alfred C. Davis, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE SOLE
USE AND RELIANCE OF THE CITY OF NEW PORT RICHEY,
FLORIDA:

Timothy P. Driscoll, City Attorney CA Approved 8-22-24