

**ORDINANCE No. 2023-27**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING ARTICLE VIII “CAMPING PROHIBITED” OF CHAPTER 26 “MISCELLANEOUS OFFENSES”, OF THE CITY OF DORAL’S CODE OF ORDINANCES, PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Mayor and the City Council of the City of Doral (“City”) have a substantial interest in protecting against unsanitary conditions and safety issues in the areas where the public generally traverse and congregate, and to promote the public health and peaceful enjoyment of public property; and

**WHEREAS**, prohibiting camping in areas without adequate resources is a reasonable means to achieving those goals; and

**WHEREAS**, the unauthorized use of public property for camping where the property in question is neither intended nor designed as a campsite, campground, or site for temporary human habitation tends to impair, obstruct, and otherwise detract from the use of the property for its intended and designed purpose; and

**WHEREAS**, public property is also an inappropriate setting for camping activities for reasons that include, but are not limited to, the lack of adequate means for disposing of waste and access to utilities; and

**WHEREAS**, camping in areas not equipped for such activities leads to the physical deterioration of such areas; and

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**WHEREAS**, the Mayor and City Council has determined that the following amendments promote and protect the general health, safety, and welfare of the residents of and visitors to the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Incorporation of Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2. Amendment to Chapter 26.** Creating Article VIII of Chapter 26, of the City of Doral's Code of Ordinances is hereby amended as follows:

### **ARTICLE VIII. CAMPING PROHIBITED**

#### **Sec. 26-XXX. Definitions.**

(a) Definitions. The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

(1) *Camping* means to reside or dwell permanently or temporarily in a place with shelter and conduct activities of daily living, such as eating, sleeping or storage of personal possessions in such place.

(2) *Shelter* includes, without limitation, any tent, hut, lean-to, shack, tarpaulin, sleeping bag, bedroll, or any form of cover or protection from the elements, other than clothing, for the purposes of sleeping.

(3) *Officer* means a sworn law enforcement officer.

(4) *Public property* means any street, alley, sidewalk, pedestrian pathway, bicycle lane, or any other area encompassed within the public right-of-way, any park, or other recreation facility, or any other grounds, buildings, or other facilities owned or leased by the City.

#### **Sec. 26-XXX. Prohibition; Handling of personal property; Evidence of camping.**

(1) It shall be unlawful for any person to engage in camping on public property at any time within the City, except in a location where camping is expressly

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authorized by the City or an agency having control, management and supervision of the public property.

- (2) No officer shall arrest, issue a citation or otherwise enforce this section against any person unless:
- a. The officer verbally requests or orders the person to refrain from the alleged violation of this section, and the person fails to comply after receiving the request or order; and
  - b. The officer attempts to ascertain whether the person is in need of medical or human services assistance, including, but not limited to, mental health treatment, drug or alcohol rehabilitation, or homeless assistance. If the officer determines that the person is in need of the assistance, the officer shall afford the person an opportunity to be transported to either a hospital or a public shelter; and
  - c. The officer shall advise the person that his or her property which is not taken to the hospital or public shelter with the person, except for that which is of no apparent utility or which is in an unsanitary condition, shall be inventoried and stored by the City police department, for a maximum of thirty (30) days, until reclaimed.
  - d. If the person who is in need of medical or human service assistance refuses to be transported to a hospital or public shelter, or the officer determines that the person is not in need of medical or human services assistance, the officer may take enforcement action for a violation of this Article.
- (3) **Handling of personal property.** Any personal property that was inventoried and stored by the City police department for a person transported to a hospital or public shelter under the provisions of this Article which has not been reclaimed within thirty (30) days from the date the personal property was inventoried and stored shall be deemed abandoned and disposed of in accordance with Chapter 705, Florida Statutes.
- (4) **Evidence of camping.** Being in a shelter or being above, atop, or covered by materials on public property may be evidence of camping, but not alone sufficient to constitute a violation of this Article. One (1) or more of the following activities shall also exist to determine whether the conduct is for the purpose of daily living:
- a. Numerous items of personal possessions are present;
  - b. The person is engaged in cooking activities;
  - c. The person has built or is maintaining a fire;
  - d. The person has engaged in digging or earth breaking activities; or
  - e. The laying down of bedding, such as a mat, blanket, sleeping bag or similar material for the purpose of sleeping.

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**Sec. 38-XXX. Enforcement.**

Any person violating the provisions of this Article commits a violation of the City's municipal code and commits a misdemeanor of the second degree, punishable by up to sixty (60) days incarceration and up to a \$500 fine.

**Section 3. Repealer.** All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

**Section 4. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 5. Incorporation into the Code.** It is the intention of the Mayor and the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Doral; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

**Section 6. Effective Date.** This Ordinance will become effective ten (10) days after adoption at second reading.

The foregoing Ordinance was offered by Vice Mayor Pineyro who moved its adoption. The motion was seconded by Councilmember Puig-Corve upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Not Present at Time of Vote
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 13 day of September, 2023.

PASSED AND ADOPTED on SECOND READING this 18 day of October, 2023.



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CHRISTI FRAGA, MAYOR

ATTEST:



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CONNIE DIAZ, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



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VALERIE VICENTE, ESQ. for  
NABORS, GIBLIN & NICKERSON, P.A.  
CITY ATTORNEY

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