

City of Punta Gorda

EMERGENCY ORDINANCE NO. 1867-17

AN EMERGENCY ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA AMENDING CHAPTER 15, ORDINANCES AND MISCELLANEOUS PROVISIONS; ADDING A NEW SECTION 15-48, "CONTROL OF ACCESS TO CITY-OWNED, CONTROLLED, AND LEASED PROPERTY"; PROVIDING FOR RECOGNITION THAT CERTAIN AREAS OF CITY-OWNED, CONTROLLED, AND LEASED PROPERTY MAY REQUIRE REGULATION OF PUBLIC ACCESS TO PROVIDE FOR THE SECURITY AND PRIVACY OF PUBLIC VISITORS, TO PROVIDE FOR THE SECURITY AND PRIVACY OF CITY EMPLOYEES AND OFFICIALS, AND TO MINIMIZE POTENTIAL DISRUPTIONS TO THE WORK OF CITY GOVERNMENT; PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO MANAGE PUBLIC ACCESS TO CITY-OWNED, CONTROLLED, AND LEASED PROPERTY; PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO DESIGNATE WHICH AREAS OF CITY-OWNED, CONTROLLED, AND LEASED PROPERTY ARE TO BE CONSIDERED "DESIGNATED PUBLIC FORUM", "LIMITED DESIGNATED PUBLIC FORUM", AND "NONPUBLIC FORUM"; AUTHORIZING THE CITY MANAGER TO SEPARATE DESIGNATED PUBLIC FORUMS FROM NONPUBLIC FORUMS; AUTHORIZING THE CITY MANAGER TO DEVELOP AND IMPLEMENT PROCEDURES TO REGULATE AND CONTROL PUBLIC ACCESS TO CITY-OWNED, CONTROLLED, AND LEASED PROPERTY; PROHIBITING THE UNCONSENTED TO RECORDING OF VIDEO AND AUDIO WITHIN CITY-OWNED, CONTROLLED, AND LEASED PROPERTY, EXCEPT DURING PUBLIC MEETINGS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Punta Gorda, Florida may lawfully designate the degree of public access within City-owned, control, and leased property according to the purpose and use of areas within such property; and

WHEREAS, the City Council of the City of Punta Gorda, Florida seeks to maintain a safe and orderly environment on City-owned, controlled, and leased property which is conducive to the designated use of the areas within such City property and to the efficient rendering of public services; and

WHEREAS, the City Council of the City of Punta Gorda, Florida seeks to discourage and prevent behavior on City-owned, controlled, and leased property which interferes with the designated use of the areas within such City property and to the efficient rendering of public services; and

WHEREAS, the City Council of the City of Punta Gorda, Florida recognizes that the public has certain constitutionally protected rights within designated public forums and limited designated forums, such rights may be subject to reasonable regulation within nonpublic forums; and

WHEREAS, it is necessary to adopt this ordinance by emergency adoption procedures authorized by Section 166.041(3)(b), Florida Statutes to address what the City Council perceives to be exigent circumstances; and

WHEREAS, to be valid, this ordinance must be adopted by at least a two-thirds vote of the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, THAT:

I. Chapter 15, "Ordinances and Miscellaneous Provisions", Punta Gorda Code, is hereby amended by the addition of a new Section 15-48, Punta Gorda Code, to read as follows:

Sec. 15-48. Control of Access to City-owned, controlled, and leased property.

(a) Consistent with decisions of the U.S. Supreme Court, public access to areas

within enclosed facilities owned, controlled, and leased by the City of Punta Gorda may be restricted depending upon whether such areas are classified as "designated public forum", "limited designated public forum", or "nonpublic forum". How areas within enclosed facilities owned, controlled, and leased by the City of Punta Gorda are classified is based upon their intended use. For example, there are certain areas which are intended primarily for the use of City employees in the conduct of their business; there are certain areas which, while primarily intended for the use of City employees in the conduct of their business, may from time to time be utilized for the convening of public meetings; there are certain limited areas which may be open to the public while engaging in legitimate business with City officers or employees; and there may be certain areas which are primarily intended for the convening of public meetings.

(b) The City Manager is hereby authorized to manage public access to enclosed City-owned, controlled, and leased property. In the performance of such responsibilities, the City Manager shall have the authority to identify which areas are to be considered designated public forum, limited designated public forum, or nonpublic forum.

(c) Upon the classification of areas within enclosed City-owned, controlled, and leased property, the City Manager is hereby authorized, subject to the availability of appropriated funds, to employ whatever means he deems necessary and appropriate to separate designated public forums from nonpublic forums, including, but not limited to the use of physical barriers and signage. The City Manager shall also have the authority to develop and implement procedures to regulate and control public access within City-owned, controlled, and leased property to provide for the security and privacy of public visitors; to provide for the security and privacy of City employees and officers; and to

minimize potential disruptions to the work of City government.

(d) The City Council Chambers and conference rooms in the City Hall and City Hall Annex are hereby declared to be nonpublic forums unless or until a public meeting is convened in such areas pursuant to public notice.

(e) Except within the City Council Chambers, conference rooms, and other locations in which a public meeting is being conducted pursuant to a public notice, it shall be unlawful and a violation of this Ordinance, to record video and/or sound within City-owned, controlled, and leased property, without the consent of all persons whose voice or image is being recorded. This prohibition shall not apply to any law enforcement activities.

(f) The City Manager and his designees are hereby authorized on behalf of the City of Punta Gorda, Florida to warn persons who have entered into or remain in areas where they are not authorized to be, and to request such persons to depart. The City Manager, and his designees, are hereby authorized to call upon law enforcement to treat as trespassers any persons who refuse to depart after such a request has been made. Law enforcement, at its option, may enforce any person's refusal to depart by means of Chapter 15, Section 15-36, Punta Gorda Code, or Section 810.08, Florida Statutes.

II. It is the declared intent of the City Council that if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

III. Any ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

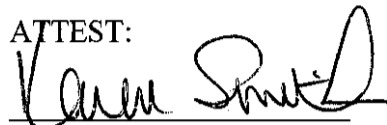
IV. This ordinance has been adopted by at least a two-thirds vote of the City Council.

V. This ordinance shall take effect immediately upon adoption.

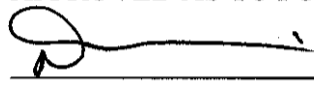
ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida this
5th day of April, 2017.


RACHEL KEESLING, Mayor

ATTEST:


KAREN SMITH, City Clerk

APPROVED AS TO FORM:


DAVID M. LEVIN, City Attorney