

36 general public, by adding Section 54-66 to the Town Code prohibiting public urination
37 and/or defecation in public places; and

38 **WHEREAS**, the Town is a small municipality in northeast Miami-Dade County,
39 Florida, bounded by other municipalities and natural boundaries with a two-block
40 business district and limited physical resourced; and

41 **WHEREAS**, public bathroom facilities exist within the Town and are open for use
42 by the general public 24 hours a day, seven (7) days a week, and are currently being
43 utilized by the general public; and

44 **WHEREAS**, the Town Commission finds that amending Chapter 54 of the Town's
45 Code in order to prohibit public urination and/or defecation in public places in the Town
46 as set forth herein is a legitimate public purpose in the best interest of the public health,
47 safety and welfare of the Town, its residents, visitors, business/retail owners and patrons
48 and the general public.

49 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
50 **TOWN OF SURFSIDE, FLORIDA:**¹

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52 **Section 1. Recitals Adopted.** That the above-stated recitals are hereby
53 adopted and confirmed.

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55 **Section 2. Town Code Amended.** The Code of Ordinances of the Town of
56 Surfside, Florida is hereby amended by adding Section 54-66 of Chapter 54, "Offenses
57 Miscellaneous Provisions", as follows:

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59 Chapter 54 – Offenses and Miscellaneous Provisions

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63 Article III. – Offenses Involving Public Peace and Order

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66
67 Division 1. – Generally

68 * * *

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70
71 **Sec. 54-66. – Public Urination and Defecation Prohibited.**

¹ Coding: 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.

72
73 (a) It shall be unlawful for any person to urinate and/or defecate on or in any public
74 property within the Town that has not been designed for or designated for use as
75 a toilet or bathroom facility.

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77 (b) Subsection (a) of this section shall not apply to children under five (5) years old, or
78 to persons with impairments or disabilities who lack the physical or mental ability
79 to control their bodily functions; except that such person's parent, guardian, or
80 custodian shall be responsible for the immediate clean up and sanitary disposal of
81 any waste expelled by the child or person with impairments or disabilities. For
82 purposes of subsection (b) of this section, a person with impairment or disability
83 does not include intoxicated individuals or individuals who are impaired due to the
84 taking of illegal substances or substances not legally prescribed to them.

85
86 (c) A violation of this section may be enforced as provided in section 1-8 of this Code
87 or as otherwise provided by law. Any law enforcement officer or code enforcement
88 officer of the Town is authorized to enforce this section. As provided in Section
89 162.22, Florida Statutes, a person violating the provisions of this municipal
90 ordinance, upon conviction, may be sentenced to a pay a fine, not to exceed \$500,
91 and may be sentenced to a term of imprisonment not to exceed 60 days.

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95 **Section 3. Severability.** If any section, sentence, clause or phrase of this
96 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
97 then said holding shall in no way affect the validity of the remaining portions of this
98 Ordinance.

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100 **Section 4. Codification.** It is the intention of the Town Commission, and it is
101 hereby ordained that the provisions of this Ordinance shall become and made a part of the
102 Town of Surfside Code of Ordinances, that the sections of this Ordinance may be
103 renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be
104 changed to "Section" or other appropriate word.

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106 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of
107 ordinances or resolutions in conflict herewith are hereby repealed.

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109 **Section 6. Effective Date.** This ordinance shall become effective upon
110 adoption on second reading.

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112 **PASSED** on first reading this 14th day of March, 2023.

113 **PASSED** and **ADOPTED** on second reading this 18th day of April, 2023.

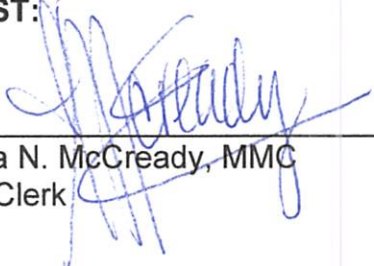
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117 **First Reading:**
118 Motion by: Mayor Danzinger
119 Second by: Commissioner Meischeid


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121 **Second and Final Reading:**
122 Motion by: Vice Mayor Rose
123 Second by: Commissioner Landsman

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125 **FINAL VOTE ON ADOPTION**
126 Commissioner Fred Landsman Yes
127 Commissioner Marianne Meischeid Yes
128 Commissioner Nelly Velasquez Yes
129 Vice Mayor Jeffrey Rose Yes
130 Mayor Shlomo Danzinger Yes

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133 
134 _____
135 Shlomo Danzinger, Mayor

136 **ATTEST:**
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138 _____
139 Sandra N. McCready, MMC
140 Town Clerk

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142
143 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**
144 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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146 
147 _____
148 Weiss Serota Helfman Cole & Bierman, P.L.
149 Town Attorney