



Legislation Details (With Text)

File #: 24-17 **Version:** 3 **Name:**

Type: Ordinance **Status:** Passed

File created: 5/23/2017 **In control:** City Council

On agenda: 9/14/2017 **Final action:** 9/14/2017

Enactment date: 9/21/2017 **Enactment #:** 24-17

Title: PROPOSED ORDINANCE NO. 24-17 - REPEALING SECTION 8-1-28 - REGULATION OF CONDUCT IN THE DOWNTOWN VISITORS' DISTRICT

Sponsors: Sherri Myers

Indexes:

Code sections:

Attachments: 1. Proposed Ordinance 24-17 -- Repealing Section 8-1-28 -- Regulation of Conduct in the Downtown Visitors' District, 2. Contract for Legal Services dated May 22 2017 - Bondurant Mixson & Elmore LLP, 3. PROOF OF PUBLICATION FOR 2ND READING ON 7/13/17, 4. PROOF OF PUBLICATION FOR 2ND READING ON 9/14/17

Date	Ver.	Action By	Action	Result
9/14/2017	3	City Council	Adopted	Pass
9/11/2017	3	Agenda Conference	Placed on Regular Agenda	Pass
7/13/2017	2	City Council	Approved	
7/13/2017	2	City Council	Postponed	Pass
7/10/2017	2	Agenda Conference	Placed on Regular Agenda	Pass
6/8/2017	1	City Council	Passed on first reading	Pass
6/5/2017	1	Agenda Conference	Placed on Regular Agenda	Pass

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Sherri F. Myers

SUBJECT:

PROPOSED ORDINANCE NO. 24-17 - REPEALING SECTION 8-1-28 - REGULATION OF CONDUCT IN THE DOWNTOWN VISITORS' DISTRICT

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 24-17, repealing Section 8-1-28 of the City Code on second reading.

AN ORDINANCE REPEALING SECTION 8-1-28 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, REGULATION OF CONDUCT IN THE DOWNTOWN VISITORS' DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

On May 11, 2017 City Council created Section 8-1-28 - Regulation of Conduct in the Downtown Visitors' District, of the City Code. There exists a question as to the constitutionality of this section. A lawsuit has been filed against the City of Pensacola challenging the constitutionality of the ordinance. The defense of the ordinance will probably cost the taxpayers hundreds of thousands of dollars in outside legal fees. The risk of not prevailing in court is extremely high. Unnecessary and useless fees should be used to fund programs to end homelessness and poverty.

PRIOR ACTION:

May 11, 2017 - City Council adopted Ordinance No. 09-17 creating Section 8-1-28 of the City Code.

June 8, 2017-City Council approved Proposed Ordinance No. 24-17 on first reading.

July 13, 2017-City Council postponed for not more than 60 days Proposed Ordinance No. 24-17 on second reading.

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance 24-17 - Repealing Section 8-1-28 - Regulation of Conduct in the Downtown Visitors' District

PRESENTATION: No