



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

---

**File #:** 24-17

City Council

9/14/2017

---

### **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