

ORDINANCE 2009-19

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 15, MISCELLANEOUS OFFENSES, ADDING SECTION 15-8, FRAUD AND RETAIL THEFT PREVENTION TRAINING REQUIRED; SECTION 15-14, PANHANDLING; SECTION 15-15 TRESPASS WARNINGS; ESTABLISHING PENALTIES; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1. Chapter 15, Miscellaneous Offenses, Lake Wales Code of Ordinances, is hereby amended to include Sections 15-8, 15-14 and 15-15 to read as follows:

Sec. 15-8. Fraud and retail theft prevention training required; penalties.

As used in this section, the term retail sales establishment means a business that is engaged primarily in the retail sale of consumer goods or services. Convenience stores and retail service stations are included in the definition of a retail sales establishment.

The owner or operator of a retail sales establishment shall provide proper fraud and retail theft prevention training to their agents, attendants, employees or sales associates annually.

Fraud and retail theft prevention curriculum shall be submitted in writing to the police department. The police department shall review and approve or disapprove the curriculum within 30 days after receipt. Approval shall be given to a curriculum which trains and familiarizes agents, attendants, employees or sales associates with:

- (a) Procedures for conducting non-cash transactions;
- (b) Procedures for identifying retail theft;
- (c) Procedures for identifying forged checks, drafts or money orders;
- (d) Procedures for reporting crime to the Lake Wales Police Department.

Any curriculum approved by the Police Department shall be subject to reapproval 2 years from the anniversary of initial approval and biennially thereafter.

Written documentation that agents, attendants, employees or sales associates of the retail sales establishment have attended and successfully completed the training shall be provided to the Police Department annually.

A code or law enforcement officer is authorized to issue a citation to an owner or operator of a retail sales establishment when, based upon personal investigation, the officer has reasonable cause to believe that the owner or operator has committed a civil infraction in violation of this section. The person shall pay within 30 days from the date a citation was issued a civil penalty of \$250 to the police department in full satisfaction of the violation. If the person chooses to contest the citation, he or she must contact the clerk of the county court within the 30 days and request a court hearing.

Sec. 15-14. Panhandling.

As used in this section, the following terms shall have the meanings ascribed as follows:

- (e) *Aggressive panhandling*: To approach, block, harass, threaten or touch a person in such a manner which creates a well-founded fear that violence is imminent.

- (f) *Harass*: To bully, coerce, compel, intimidate or scare a person to accede to demands.
- (g) *Panhandling*: To obtain by solicitation a donation of money or anything of value for oneself or another person.
- (h) *Prohibited zone*: The area bounded by the right-of-ways of Crystal Avenue, Central Avenue, Scenic Highway and Wetmore Street.

It shall be unlawful for any person to engage in an act of aggressive panhandling.

It shall be unlawful for any person to engage in an act of panhandling at any of the following locations:

- (1) Within a prohibited zone;
- (2) At a public library or any public building;
- (3) Within 50 feet of an automatic teller machine;
- (4) On private property unless authorized by the owner.

Sec. 15-15. Trespass warnings.

An employee or official having control over a City-owned building, complex, facility or park is authorized to issue a trespass warning to any person who violates a state law, city ordinance, lawful command, regulation or rule while on or within a City-owned building, complex, facility or park. The trespass warning will be limited to the City-owned building, complex, facility or park where the violation occurred and shall not include the public right-of-way.

When an employee or official having control over a City-owned building, complex, facility or park is not present, a law enforcement officer is authorized to issue a trespass warning to any person who violates a state law, city ordinance, lawful command, regulation or rule while on or within a City-owned building, complex, facility or park. The trespass warning will be limited to the City-owned building, complex, facility or park where the violation occurred and shall not include the public right-of-way.

Trespass warnings shall be issued as follows:

- (1) For the first violation, the person may be issued a trespass warning for a period not to exceed 1 year.
- (2) For a second or subsequent violation, the person may be issued a trespass warning for a period not to exceed 2 years.

A copy of the trespass warning shall be provided to the employee or official having control over the City-owned building, complex, facility or park.

Any person found on or within a City-owned building, complex, facility or park in violation of a trespass warning may be arrested for trespass after warning, except as otherwise provided in this section.

The city manager or designee may authorize a person who has received a trespass warning to enter the City-owned building, complex, facility or park to exercise their First Amendment rights or to conduct necessary City business. Such authorization shall be in writing specifying the duration of the authorization and any conditions thereof. Such authorization shall not be unreasonably denied.

This section shall not be construed to limit the authority of any employee, official or law enforcement officer to issue a trespass warning to any person who violates a state law, city ordinance, lawful

command, regulation or rule while on or within a City-owned building, complex, facility or park, including a right-of-way, when closed to pedestrian and vehicle use.

Section 2. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.


Section 3. This ordinance shall take effect immediately upon its adoption by the City Commission of the City of Lake Wales, Florida.

CERTIFIED AS TO PASSAGE this 21st day of July 2009.



Mayor/Commissioner

ATTEST:



City Clerk