

ORDINANCE NO. 006-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 70 OFFENSES OF THE TOWN CODE OF ORDINANCES BY ADDING A NEW SECTION 70-6, PROHIBITED USE OF PUBLIC FOUNTAINS, HOSE BIBS, SINKS, AND SHOWERS AND A NEW SECTION 70-7, PROHIBITION ON PUBLIC URINATION AND DEFECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THAT CHAPTER 70, "OFFENSES", IS HEREBY AMENDED ADDING SECTIONS 70-6 "PROHIBITED USE OF PUBLIC FOUNTAINS, HOSE BIBS, SINKS AND SHOWERS" AND BY ADDING A NEW SECTION 70-7 "PROHIBITION ON PUBLIC URINATION AND DEFECTION AS SET FORTH BELOW:

Section 1- The following sections 70-6 and 70-7 are hereby added to Chapter 70, Offenses:

Sec. 70-6. Prohibited use of public fountains, hose bibs, sinks, and showers.

No person shall use water from Town owned water fountains, hose bibs, drinking fountains and sinks in restrooms for the purposes of bathing or cleaning persons, animals, or objects. The wash basins provided in public restrooms are intended for hand washing and shall be used consistent with that intent. Bathing is allowed only in shower facilities within the recreation center, or outdoor showers at public beaches as set aside for such purposes, strictly for use by recreation center participants, or beachgoers. Soap, shampoo, or other cleansers may be used at indoor shower facilities only. In no event shall soap, shampoo, or other cleansers be used at outdoor showers, which are for rinsing only.

Sec. 70-7. Prohibition on public urination and defecation.

- (a) It shall be unlawful for any person in the Town to urinate or defecate in or on any public place unless such urination or defecation:
 - (1) Is made into receptacle that has been provided for that purpose;
 - (2) That receptacle stores or disposes of the wastes in a sanitary manner; and
 - (3) That receptacle is enclosed from the view of the general public.
- (b) It shall be unlawful for any person to dump, throw, discard, place, deposit, spill, leak or otherwise dispose of urine or feces in or on any public place in the Town unless such disposal:
 - (1) Is made into a receptacle that has been provided for that purpose;
 - (2) That receptacle stores or disposes of the wastes in a sanitary manner; and
 - (3) That receptacle is enclosed from the view of the general public.
- (c) This section shall not apply to children under six (6) years old, or to persons with impairments who lack the physical or mental ability to control their bodily functions; except that such a person's parent, guardian, or custodian shall be responsible for the immediate cleanup and

sanitary disposal of any waste expelled by the child or person with impairment. Failure of the parent, guardian, or custodian of the child or person with impairment to immediately cleanup and dispose of any waste in a sanitary manner shall constitute a violation of this section.

- (d) For purposes of this section, a person with impairment does not include intoxicated individuals or individuals who are impaired due to the taking of illegal substances or substances not legally prescribed to them.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of March, 2023, and for second and final reading on this 3rd day of April, 2023.

Danielle H. Moore, Mayor

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Lewis S.W. Crampton, Town Council Member

Bobbie Lindsay, Town Council Member

Margaret A. Zeidman, Town Council Member

ATTEST:

Kelly Churney, Acting Town Clerk