

Sec. 42-10. - Trespass and unlawful lodging.

(a) *Definitions.*

(1) "Lodge" means to rest while awake or sleep on property described in subsection (b) of this section when one is:

- a. Inside, on, or near a tent or sleeping bag, or asleep atop or covered by materials (i.e., bedroll, cardboard, newspapers) or inside some form of temporary shelter; and/or
- b. Near a campfire he or she has built; and/or
- c. When awakened relates that he or she is otherwise homeless.

(2) "Person without authority" means one who has not received authorization, license, or invitation by any owner or lessee, or his or her agent.

(b) *Prohibitions.*

- (1) It shall be unlawful for any person without authority to trespass upon, enter, or remain in any church building or other public building, swimming pool, or enclosure surrounding any swimming pool, public building or athletic field in the city, except during the hours and at such times when such premises or building may be lawfully open for use by the public.
- (2) It shall be unlawful for any person at any time to lodge in the open on private property, in vacant lots, in or under any bridge or structure, in any railroad car, without owning the same or without permission of the owner or person entitled to possession of same.
- (3) It shall be unlawful for any person at any time to lodge in the open on public property, to include, but not limited to, government buildings, parks, sidewalks, public benches or government owned right-of-way.

(c) *Evidence.* Merely sleeping in a place listed in subsection (b) of this section shall not be enough for a citation or arrest under this section. There must be one or more indicia of lodging, including but not limited to those listed in subsection (a)(1).

(Code 1961, § 15-88; Code 1985, § 13-13; Ord. No. 1743, § 1, 5-7-85; Ord. No. 1930, § 1, 6-16-87; Ord. No. 2065, § 1, 2-21-89; Ord. No. 2443, § 1, 3-15-94; Ord. No. 2517, § 1, 12-3-02; Ord. No. 2013-5, § 1, 11-20-12; Ord. No. 2016-5, § 1, 11-17-15)

State Law reference— Trespass, F.S. ch. 810.

