

RESOLUTION NO. 2025-33

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA, ADOPTING A FINE SCHEDULE APPLICABLE TO VIOLATIONS OF ORDINANCE 1705 RELATING TO THE REGULATION OF STREET PERFORMERS WITHIN THE CITY; MAKING FINDINGS; ADOPTING A FINE SCHEDULE FOR THE UNAUTHORIZED STREET PERFORMANCES; REQUIRING POSTING OF FINE AMOUNTS ON CITY WEBSITE AND IMPLEMENTATION OF NEW FINES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Cocoa Beach has authorized the adoption of fines by Resolution in Ordinance 1705; and

WHEREAS, the City Commission of the City of Cocoa Beach, Florida, finds it in the public interest to regulate street performers due to the significant interests in preserving pedestrian and vehicular safety, preventing congestion and obstruction of sidewalks, maintaining access to businesses, and preserving aesthetics and quality of life; and

WHEREAS, the Eleventh Circuit Court of Appeals in Horton v. City of St. Augustine, 272 F.3d 1318 (11th Cir. 2001), upheld reasonable, content-neutral time, place, and manner restrictions on street performance in historic districts; and

WHEREAS, upon consideration, the City Commission has determined that the reasonable and content-neutral restrictions in Ordinance 1705 are narrowly tailored to address these governmental interests while leaving open ample alternative channels for expression;

WHEREAS, the City Commission hereby finds and declares that this fine schedule is in the best interest of the public health, safety, and welfare, and that the fines are justified considering the importance of this subject matter and the potential of damages to the city as a whole, individuals, and businesses that is likely to result if violations of Ordinance 1705 occur.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Cocoa Beach, Florida, as follows:

SECTION 1: INCORPORATION OF RECITALS - The above recitals are true and correct and by reference are hereby incorporated and made an integral part hereof as though fully set forth herein.

SECTION 2: FINES. The fines in Exhibit 1 – Fines for Violation of Ordinance 1705 are hereby adopted, as reflected in the Exhibit.

SECTION 3: CONFLICTS. The fines established in this Resolution supersede any fines that would otherwise be assessed for violation of Ordinance 1705.

SECTION 4: POSTING OF THE SCHEDULE OF FEES AND CHARGES. The fines reflected on Exhibit 1 shall be posted on the City website.

SECTION 5: DIRECTING THE IMPLEMENTATION OF THE ESTABLISHED FINES. The City Manager, or designee, is authorized and directed to implement this Resolution.

SECTION 6: EFFECTIVE DATE: This Resolution shall become effective upon adoption.

Ayes: _____
Nays: _____
Absent or Abstaining: _____

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Keith Capizzi,
Mayor-Commissioner

ATTEST:



Karin Grooms, City Clerk

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**EXHIBIT 1
STREET PERFORMER FINES**

Each violation of Ordinance 1705 shall be punished through fines imposed by Citation as follows:

For the first individual violation, the fine shall be TWENTY-FIVE DOLLARS (\$25.00).

For the second and each individual violation thereafter, the fine shall be FIFTY DOLLARS (\$50.00).

If multiple violations occur relating to a single incident, multiple Citations can be issued up to a maximum of ONE HUNDRED DOLLARS (\$100.00)

