



Legislation Text

File #: 9665-23, **Version:** 1

SUBJECT/RECOMMENDATION:

Amend the Clearwater Code of Ordinances, Section 28.10, establishing a vehicle safety zone for Bread and Roses Woman's Health Center at 1560 South Highland Avenue and pass Ordinance 9665-23 on first reading.

SUMMARY:

The police department has been consistently called upon to respond to Bread and Roses Woman's Health Center at 1560 South Highland Avenue to mediate continuing and recently escalating confrontation between individuals seeking medical services, including abortions, volunteer escorts for individuals seeking those medical services, and protestors. The confrontations have resulted in the department having to respond or dedicate its finite resources to the health center to maintain order, address confrontations, and maintain public safety.

The police department has observed protestors repeatedly crossing the driveway of the health center and impeding ingress and egress of vehicle traffic and getting within close proximity of driving cars with the intent to frighten and intimidate the vehicle occupants. Since the driveway to the health center is located on the public right-of-way, trespassing individuals engaged in such behavior is not a remedy available by law.

The police department seeks to amend Clearwater Code of Ordinances, Section 28.10, to establish a five-foot vehicle safety zone that will protect the public in a way that allows for citizens to exercise free speech and for citizens to safely ingress and egress the health center. The vehicle safety zone proposed is a five-foot buffer that will extend north and south of the concrete driveway. The vehicle safety zone would be in place Monday through Saturday, from 7:00 A.M. to 6:00 P.M.

The Court upheld the creation of a content-neutral buffer zone in *Bruni V. City of Pittsburgh*, 941 F. 3d 73 (3rd Cir. 2019) and the City may create a buffer zone when the City demonstrates a substantial or important governmental interest in a narrowly tailored way or in a way that does not substantially burden more speech than necessary. The proposed buffer zone preserves the protestors' ability to make their views known, seen, and heard by persons entering and exiting the clinic.