

**RESOLUTION NO. 2022-05**

A RESOLUTION OF THE CITY OF WEST MELBOURNE, FLORIDA, ADOPTING A POLICY FOR THE PROTECTION OF INDIVIDUALS ENGAGING IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS, REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 42 United States Code § 5304(a)(1)(1), enacted as Section 104 of the Housing and Community Development Act of 1974, requires subrecipients of federal funds to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and

WHEREAS, 42 United States Code § 5304(a)(1)(2), enacted as Section 104 of the Housing and Community Development Act of 1974, requires subrecipients of federal funds to adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST MELBOURNE, FLORIDA AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated in this Resolution by reference.

SECTION 2. It is the policy of the City to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstration within its jurisdiction with due and proper consideration given to the extent and limits of the City's power and authority to do so.

SECTION 3. All other resolutions and policies or sections of resolutions and policies of

the City in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.


SECTION 4. If any section, paragraph, sentence, or clause hereof or any provision of this Resolution is declared to be invalid or unconstitutional, the remaining provisions of this Resolution shall be unaffected thereby and shall remain in full force and effect.

SECTION 5. This Resolution shall take effect immediately upon its passage.

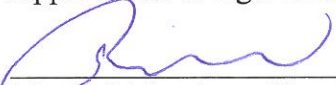
PASSED, APPROVED AND ADOPTED by the City Council of the City of West Melbourne, Florida on this 15<sup>th</sup> day of February, 2022.

ATTEST:

  
Cynthia Hanscom, City Clerk

  
Hal J. Rose, Mayor



Approved as to legal form and sufficiency:  
  
Morris Richardson, City Attorney