



## Legislation Text

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## AGENDA ITEM REPORT

### TITLE:

AN ORDINANCE AMENDING CHAPTER 16, "OUTDOOR SALES AND ACTIVITIES," ARTICLE I, "IN GENERAL," SECTION 16-1, "PURPOSE AND INTENT," TO PROVIDE FOR AN UPDATED PURPOSE AND INTENT; AMENDING SECTION 16-2, DEFINITIONS," TO PROVIDE FOR UPDATED TERMINOLOGY; AMENDING ARTICLE IV, "SOLICITOR REGULATIONS," SECTION 16-5, "SOLICITOR REGULATIONS," TO PROVIDE FOR UPDATED REGULATIONS; ENACTING A NEW SECTION 16-6, "PROHIBITED ACTS" IN ORDER TO PROVIDE FOR SAME; ENACTING A NEW SECTION 16-7, "RIGHT-OF-WAY CANVASSERS AND SOLICITORS" IN ORDER TO PROVIDE FOR REGULATIONS REGARDING CANVASSING AND SOLICITING IN THE TEN MOST DANGEROUS INTERSECTIONS IN THE CITY; AND ENACTING A NEW SECTION 16-8, ENFORCEMENT AND PENALTIES. (SECOND READING)(PUBLIC HEARING)

### BACKGROUND:

**This item was approved on First Reading at the December 14, 2017, City Commission Meeting and postponed at the January 11, 2018, Commission Meeting. The City Commission directed staff to review the distance requirements for solicitors at dangerous intersections with the traffic study consultant and to provide specific information regarding notification and education of the public before second reading of the Ordinance.**

The City recognizes that there is a constitutional right to solicit, in a peaceful and non-threatening manner, in areas that do not create hazards. However, the City may adopt and enforce regulations of behavior that implicate First Amendment activity when the regulations affecting the time, place, and manner of expression are content-neutral, and are narrowly tailored to serve the significant governmental interest of protecting life, health, and safety.

### DISCUSSION:

The City Commission has a significant interest in protecting residents from fraud by requiring solicitors to obtain identification badges and solicitor permits prior to engaging in activities that solicit funds within the City. Canvassers who are enlisting support for or against a particular religion, philosophy, ideology, political party, issue, or candidate, or distributing handbills and flyers, are exempt from the requirement of obtaining identification badges and permits. The City Commission also has a significant interest in protecting the safety of all persons within the City and recently conducted a traffic safety study that determined that there are ten (10) dangerous intersections within the City in which there have been at least fifty (50) crashes at each one for each of the last five (5) years; and therefore, the City Commission desires to limit the amount of pedestrians at those intersections by prohibiting solicitors and canvassers at those intersections.

The traffic study consultant, Atkins, evaluated the required safety distances for various intersections and updated the Traffic Safety Study Report, attached as Exhibit "A" since the December 14, 2017 City Commission Meeting.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.

**FISCAL IMPACT:** N/A