

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 118 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED "BEGGARS, PANHANDLERS, SOLICITORS,, PEDDLERS, AND CANVASSERS;" AMENDING SECTION 118.01, ENTITLED "PURPOSE, INTENT, AND FINDINGS;" AMENDING SECTION 118.02, ENTITLED "DEFINITIONS;" AMENDING SECTION 118.03, ENTITLED "BEGGARS, PANHANDLERS, PEDDLERS, SOLICITORS, CANVASSERS; RESTRICTIONS AND REQUIREMENTS;" PROVIDING FOR REPEALING CLAUSE; PROVIDING FOR MODIFICATION AT PUBLIC HEARING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County Commission seeks to lawfully regulate interactions between individuals to further the health, safety, and welfare of the public; and

WHEREAS, the County Commission routinely updates its ordinances to ensure compliance with State and Federal law; and

WHEREAS, the County Commission further finds that this Ordinance is narrowly tailored to impose specific place and manner restrictions to protect the public health, safety and welfare by regulating certain interactions within the County; and

WHEREAS, at least 10 days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact heard.

1 **NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY**
2 **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:**

3 SECTION 1. The Board of County Commissioners finds and declares that all statements
4 in the preamble of the ordinance are true and correct.

5 SECTION 2. Chapter 118 of the County Code of Ordinances, entitled “Beggars,
6 Panhandlers, Solicitors, Peddlers and Canvassers” is hereby amended to read as follows:

7 **Chapter 118. BEGGARS, PANHANDLERS, SOLICITORS, PEDDLERS AND**
8 **CANVASSERS**

9 **Section 118.01. Purpose, intent, and findings.**

10 (a)——It is the purpose and intent of this article to preserve public safety, human life and
11 convenience; to secure the comfort, health, welfare and prosperity of all county inhabitants; to
12 ~~ensure that the use of streets in the county do not become dangerous and that the free flow of~~
13 ~~traffic thereon is not impeded;~~ to preserve privacy and quiet to those in the home; to protect
14 county inhabitants against crime and undue annoyance.

15 (b)——It is also the purpose and intent of this article to address the significant public health,
16 welfare and safety concerns and crowd control problems caused by solicitation activities on
17 public streets which are in use by vehicular traffic. The county commission finds that such public
18 health, welfare and safety concerns arise because solicitation involves the process of a person
19 asking for a donation or offering for sale goods, merchandise or wares to an occupant or operator
20 of a vehicle which is in traffic, that vehicle occupant or operator must consider the offer, and, if
21 the vehicle occupant or operator decides to purchase the goods, merchandise or wares, or donate
22 money, that person must reach for a wallet, search for money, or write a check, all while the
23 solicitor and vehicle are located on a public street in use by vehicular traffic. Based on the
24 foregoing, the county commission finds that the activity of soliciting from occupants or operators
25 of vehicles located on streets in use by vehicular traffic distracts drivers from their primary duty
26 to watch traffic and potential hazards in the road, observe all traffic signals or warnings and
27 move through the county's streets and intersections in a lawful and safe manner and creates a
28 potential safety hazard and poses a substantial risk to the public, and impedes the free flow of
29 traffic on the streets within the county resulting in the delay and obstruction of the public's free
30 flow of travel on the county's streets. The county commission further finds that the safety of
31 persons on public streets and operators or occupants of vehicles is at significant risk when
32 persons engage in their activities on public streets which are in use by vehicular traffic because
33 the nature of these activities often those persons standing on traffic medians, bicycle paths and
34 public streets in use by vehicular traffic, property only meant for the use and control of vehicular
35 traffic and not for solicitation.

(c) ~~It is not the purpose and intent of this article to prohibit solicitation activities in public areas when such activities will not interfere with vehicular traffic and cause traffic safety and traffic flow concerns. For example, persons may conduct their activities on public sidewalks so long as they are not conducting transactions with operators or occupants of vehicles in traffic and are otherwise in compliance with this Code.~~

Sec. 118.02. Definitions.

For the purposes of this chapter, the following words shall have the meanings ascribed to them as follows:

Beggar, panhandler or solicitor means any person traveling either by foot, vehicle or other conveyance, from place to place, requesting in person a donation of money or some other article of value, either by words, bodily gestures, signs or any other means, from another person.

~~*Bicycle path* shall mean any road, path, or way that is open to the public for bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located within a right-of-way.~~

Canvasser shall mean any person traveling either by foot, vehicle or other conveyance, from place to place, in order to solicit opinions for a survey or solicit support for a political campaign or any other cause, belief or issue.

Peddler shall mean any person who during the course of selling travels by foot, vehicle or any other type of conveyance from place to place, offering goods, wares or merchandise for sale or making sales and delivering articles purchased.

Person shall mean and include individuals, associations, firms, corporations, partnerships, bodies politic and corporate, and all other groups or combinations thereof.

~~*Public street* shall mean the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular and bicycle traffic.~~

Residential areas shall mean all single-family and multi-family neighborhoods that are zoned with the residential zoning district categories referenced in the land development code and all residential planned developments.

~~*Traffic median* shall mean the dividing area, either paved or landscaped, between opposing lanes of vehicular traffic.~~

~~*Vehicles* shall mean any mobile item which normally uses wheels, whether motorized or not.~~

Sec. 118.03. Beggars, panhandlers, peddlers, solicitors, canvassers; restrictions and requirements.

(a) All persons will terminate solicitation activities in residential areas each day by 7:00 p.m. or sundown, whichever is earlier, and will not resume their activities in residential areas before 9:00 a.m. the next day.

(b) All persons begging, panhandling, peddling, soliciting, or canvassing are prohibited from engaging in their activities on residential premises in residential areas where a notice stating "No Solicitors" or "No Solicitation" is posted in plain view.

~~(c) No person shall stand on a traffic median, bicycle path or public street to beg, peddle, panhandle, solicit, or canvass from an operator or occupant of any vehicle which is being operated on a public street.~~

~~(d) Operators or occupants of vehicles that are in traffic on a public street are prohibited from offering money or other articles of value or buying goods, wares or merchandise from any person when doing so results in the actual exchange of money or some other article of value for goods, wares or merchandise between the person and the operator or occupant of a vehicle while that vehicle is on the portion of a public street currently in use by vehicular traffic.~~

~~(e) Operators or occupants of vehicles that are in traffic on a public street are prohibited from offering money or other articles of value to any person when doing so results in the actual exchange of money or some other article of value for goods, wares or merchandise between that person and the operator or occupant of a vehicle while that vehicle is on the portion of a public street currently in use by vehicular traffic.~~

~~(f) The prohibitions set forth in subsections (c), (d), and (e), above, shall not apply to any person during the period from 7:00 a.m. on the Friday before Labor Day through 12:00 p.m. (midnight) on Labor Day each year.~~

SECTION 3. Repealing Clause. All ordinances or portions thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 4. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

SECTION 5. Severability. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

1 application, and to this end the provisions of this ordinance are declared severable.

2 SECTION 6. Inclusion in the Code. It is the intent of the Board of County
3 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this
4 ordinance shall become and be made a part of the Code of Ordinances of Alachua County,
5 Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such
6 intent and that the word “ordinance” may be changed to “section”, “article”, or other appropriate
7 designation.

8 SECTION 7. Effective Date. A certified copy of this ordinance shall be filed with the
9 Department of State by the Clerk of the Board within ten (10) days after enactment by the
10 Board and shall take effect upon filing with the Department of State.

11
12
13 **DULY ADOPTED** in regular session, this ____ day of September, 2022.

14
15 **BOARD OF COUNTY COMMISSIONERS OF**
16 **ALACHUA COUNTY, FLORIDA**

17
18 ATTEST:

19 BY: _____

20 Marihelen Wheeler, Chair
21 Board of County Commissioners

22 _____
23 J.K. “Jess” Irby, Esq.
24 Clerk

APPROVED AS TO FORM

25 _____
26 County Attorney

27 (SEAL)
28

CODE: Words ~~stricken~~ are deletions; words underlined are additions.