



# MEMORANDUM

Office of the City Attorney

990695

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Box 46

FIRST READING

TO: Mayor and Commissioner

DATE: November 27, 2000

FROM: Marion J. Radson, City Attorney

**SUBJECT: PEDDLERS, SOLICITORS & CANVASSERS 0-00-39**  
An ordinance of the City of Gainesville, Florida, amending Chapter 19 Article II relating to commercial peddlers, solicitors and canvassers by setting forth a purpose and intent; defining residential areas, establishing restrictions, requirements and penalties; amending Article III relating to noncommercial solicitation by amending the restrictions and requirements and permit requirements; amending Article V relating to temporary fundraising by nonprofit agencies by providing a definition, amending the purpose and intent, restrictions, requirements and permit parameters; providing penalty; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION: The City Commission adopt the proposed ordinance.

At its meeting on September 13, 1999, the City Commission heard recommendations from the Public Safety Committee to suspend police background check requirements of Article II and III of Chapter 19, Commercial Peddlers, Solicitors and Canvassers until a revision to the full ordinance can be made through staff recommendations to the City Attorney's Office.

At its meeting on November 22, 1999, the City Commission approved the recommendation by the Public Safety Committee meeting of October 28, 1999.

Prepared by:

  
Ronald D. Combs  
Sr. Assistant City Attorney

Approved and  
Submitted by:

  
Marion J. Radson  
City Attorney

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ORDINANCE \_\_\_\_\_  
0-00-39

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4  
5 **An ordinance of the City of Gainesville, Florida, amending Chapter 19**  
6 **Article II relating to commercial peddlers, solicitors and canvassers by**  
7 **setting forth a purpose and intent; defining residential areas, establishing**  
8 **restrictions, requirements and penalties; amending Article III relating to**  
9 **noncommercial solicitation by amending the restrictions and requirements**  
10 **and permit requirements; amending Article V relating to temporary**  
11 **fundraising by nonprofit agencies by providing a definition, amending the**  
12 **purpose and intent, restrictions, requirements and permit parameters;**  
13 **providing penalty; providing a severability clause; providing a repealing**  
14 **clause; and providing an immediate effective date.**  
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16

17 **WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of  
18 general circulation notifying the public of this proposed ordinance and of a Public Hearing in the  
19 City Commission Auditorium in City Hall, City of Gainesville; and

20 **WHEREAS**, a Public Hearing was held pursuant to the published notice described at which  
21 hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

22 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY**  
23 **OF GAINESVILLE, FLORIDA:**

24 **Section 1. Section 19-16 of the Code of Ordinances is amended, and new sections 19-15**  
25 **and 19-17 through 19-20 are created and added to the Code, to read as follows:**

## 26 **ARTICLE II. COMMERCIAL PEDDLERS, SOLICITORS AND CANVASSERS**

### 27 **DIVISION 1. GENERALLY**

28 **Sec. 19-15. Purpose and intent.**

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1 It is the purpose and intent of this article to preserve public safety, human life and convenience;  
2 to secure the comfort, health, welfare and prosperity of all city inhabitants; to ensure that the use  
3 of streets and sidewalks in the city does not become dangerous and that the free flow of traffic  
4 thereon is not impeded; to preserve privacy and quiet to those in the home; to protect city  
5 inhabitants against crime and undue annoyance; and to protect those on the streets and at home  
6 against abusive behavior by solicitors.

## 7 **Sec. 19-16. Definitions.**

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

10 *Canvasser* shall mean any person traveling either by foot, vehicle or other conveyance, from  
11 place to place, in order to solicit opinions for a survey or solicit political support.

12 *Peddler* shall mean any person who during the course of selling travels by foot, vehicle or any  
13 other type of conveyance from place to place, carrying or transporting goods, wares or  
14 merchandise, offering and exposing the same for sale or making sales and delivering articles  
15 purchased. Any person ~~who travels from place to place to set up a temporary sales stand to sell or~~  
16 ~~offer for sale from his/her person or from any vehicle, sales stand or other conveyance; and any~~  
17 ~~person~~ who solicits orders and as a separate transaction, makes deliveries to purchasers as a part  
18 of a scheme or design to evade the provisions of this article, shall be deemed a peddler, and such  
19 activity shall be prohibited within the city. ~~The word "peddler" shall include the words "hawker"~~  
20 ~~and "huckster."~~

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1 Residential Areas, mean all single-family and multi-family neighborhoods that are zoned with  
2 the residential zoning district categories of RSF-1, RSF-2, RSF-3, RSF-4, RMF-5, RMF-6, RMF-  
3 7, RMF-8, RC, MH, RMV, RH-1 and RH-2, as shown on the zoning map atlas of the City.

4 ~~Canvasser or s~~Solicitor shall mean any person traveling either by foot, vehicle or other  
5 conveyance, from place to place, taking or attempting to take orders for the sale of goods, wares  
6 and merchandise or personal property of any nature whatsoever, for future delivery, or for  
7 services to be furnished or performed in the future, whether or not the person has, carries or  
8 exposes for sale a sample of the subject of the sale, or whether he/she is collecting advance  
9 payments on the sales or not; and any person who, for himself/herself, or for another person,  
10 hires, leases, uses or occupies any building, structure, car, room, shop or any other place within  
11 the city, for the sole purpose of exhibiting samples and taking orders for future delivery.

12 *Temporary* shall mean a time of short duration or not permanent.

## 13 Sec. 19-17. Restrictions and requirements.

14 (a) Solicitors, peddlers and canvassers will terminate their activities in residential areas by 7:00  
15 p.m. each day and will not resume their activities in residential areas before 9:00 a.m. the next  
16 day.

17 (b) Solicitors, peddlers and canvassers are restricted from soliciting, peddling or canvassing in  
18 areas where such activities would materially obstruct, impede or interfere with the free flow of  
19 pedestrian or vehicular traffic.

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1 (c) Solicitors, peddlers and canvassers are restricted from soliciting, peddling and canvassing on  
2 residential premises in residential areas where a notice stating "No Solicitors" or "No  
3 Solicitation" is posted in plain view.

4 (d) No more than two (2) solicitors, peddlers or canvassers shall contact any one (1) member of  
5 the public at any one time.

6 (e) Solicitors, peddlers and canvassers will not persist in their activities after the request has been  
7 declined, and they will immediately and peaceably depart from the premises when requested to  
8 do so by the occupant.

9 (f) Solicitors, peddlers and canvassers shall not harass persons by demanding, threatening or  
10 intimidating conduct.

## 11 **Sec. 19-18. Sales of food items.**

12 The sale of food items shall be permitted under article IV of this chapter.

## 13 **Sec. 19-19. Occupational license requirement.**

14 Peddlers must meet the occupational license requirements provided in article III of chapter 25.

## 15 **Sec. 19-20. Penalty.**

16 Any person convicted of violating any of the provisions of this article shall be punished as  
17 provided in section 1-9.

18 **Section 2. Sections 19-31 through 19-36 of the Code of Ordinances are repealed in their**  
19 **entirety.**

## 20 **DIVISION 2. PERMIT**

## 21 **Sec. 19-31. Required.**

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1 ~~It shall be unlawful for a peddler, solicitor or canvasser, as defined in this article to engage in~~  
2 ~~business within the corporate limits of the city without first obtaining a permit as required in this~~  
3 ~~division.~~

4 **Sec. 19-32. Application.**

5 ~~Applicants for permits under this division shall file in duplicate with the city manager or~~  
6 ~~designee a sworn application in writing on a form to be furnished by the city, which shall give the~~  
7 ~~following information:~~

8 ~~(1)Name and description of the applicant;~~

9 ~~(2)Address (permanent and local);~~

10 ~~(3)A brief description of the nature of the business and the goods, wares, merchandise or~~  
11 ~~services, if any are to be sold;~~

12 ~~(4)If employed, the name and address of the employer, together with credentials establishing the~~  
13 ~~exact relationship;~~

14 ~~(5)The length of time for which the permit is desired, the area or areas within the city from which~~  
15 ~~the business is to be operated (if from a vehicle, a description of the same, together with license~~  
16 ~~number or other means of identification);~~

17 ~~(6)A photograph of the applicant taken within sixty (60) days immediately prior to the date of the~~  
18 ~~filing of the application. The picture shall be two (2) inches by two (2) inches, showing the head~~  
19 ~~and shoulders of the applicant in a clear and distinguishing manner;~~

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1 ~~(7)A statement as to whether or not the applicant has been convicted of any felony, misdemeanor~~  
2 ~~or the violation of any county/municipal ordinance. If so convicted, a statement as to the nature~~  
3 ~~of the offense and the punishment or penalty assessed therefor.~~

4 ~~(8)Credentials from the person or firm or corporation for which the applicant proposes to do~~  
5 ~~business, authorizing the applicant to act as such representative.~~

6 **Sec. 19-33. Investigation of applicant.**

7 Upon receipt of an application for a permit required by this division, the city manager or designee  
8 shall have ten (10) days within which to cause an investigation of the applicant's business and  
9 moral character to be made as he/she deems necessary for the protection of the public good. If, as  
10 a result of the investigation, the applicant's character or business responsibility is found to be  
11 unsatisfactory, the application shall be disapproved and no permit shall be issued, and the  
12 applicant shall be notified in writing of the denial, including statement of the grounds for the  
13 determination with reasonable particularity. If, as a result of the investigation, the character and  
14 business responsibility of the applicant are found to be satisfactory, the city manager or designee  
15 shall execute a permit in the name of the applicant for the carrying on of the business applied for,  
16 and shall deliver such permit to the applicant upon payment of any license fee due by the  
17 applicant to the city.

18 **Sec. 19-34. Permit to be carried upon person of permittee; transfer.**

19 Each permit issued under the provisions of this division shall be kept on the person of the  
20 individual to whom the same is issued, and shall show on its face the date of its expiration, which

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1 in no event shall extend beyond the thirtieth day of September following the date of its issuance.

2 No permit issued shall be transferable.

3 **Sec. 19-35. Revocation.**

4 Permits issued under the provisions of this division may be revoked by the city manager or

5 designee for just cause or by order of a court upon conviction of the holder for violation of any of

6 the terms of this chapter. If the city manager or designee makes a good faith determination that

7 there is cause for revocation of a permit issued under this division, the permittee shall be so

8 notified in writing. The revocation shall be effective 24 hours after the issuance of the notice.

9 The notice shall state with reasonable particularity the grounds for such determination.

10 **Sec. 19-36. Appeals.**

11 (a) If the applicant or permittee wishes to contest denial or revocation of a permit, he/she must

12 within ten (10) days after the issuance of the notice, deliver to the city manager a written request

13 for a hearing.

14 (b) If a written request for a hearing to contest the validity of such action is delivered to the city

15 manager within the time limitations imposed by this division, the matter shall be considered by

16 the city manager within 30 days after the filing of such request. The applicant or permittee or

17 their representative shall be notified of the time and place of such hearing. No appeal fees or

18 other notices shall be required.

19 **Section 3. Sections 19-52 through 19-55 of the Code of Ordinances are amended and**

20 **renumbered as follows:**



1                   **ARTICLE III. ~~NONCOMMERCIAL SOLICITATION~~**

2                   **FUNDRAISING BY NONPROFIT ORGANIZATION**

3                   **DIVISION 1. GENERALLY**

4   **Sec. 19-51. Purpose and intent.**

5   It is the purpose and intent of this article to preserve public safety, human life and convenience;  
6   to secure the comfort, health, welfare and prosperity of all city inhabitants; to ensure that the use  
7   of streets and sidewalks in the city does not become dangerous and that the free flow of traffic  
8   thereon is not impeded; to preserve to those in the home privacy and quiet; to protect city  
9   inhabitants against crime and undue annoyance; and to protect those on the streets and at home  
10  against abusive behavior by solicitors.

11 **Sec. 19-52. Unauthorized solicitation declared unlawful.**

12 It shall be unlawful for any person to beg or solicit alms, or financial assistance of any kind or  
13 nature, ~~on any street, sidewalk, right of way or other public place within the city, or on~~  
14 developed private property without written permission of the owner, which permission must be  
15 carried upon his/her person ~~with the identification card issued by the city manager~~. Vacant land  
16 cannot be so used with or without the consent of the owner. For the purposes of this article,  
17 properties occupied by religious or charitable organizations which are tax exempt shall not be  
18 considered as public places and shall be considered as private property subject to all of the  
19 applicable restrictions of the particular zoning district in which the nonprofit organization is  
20 situated. The provisions of this division shall not apply to qualified political  
21 candidates/organizations running on local ballots.

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1 **Sec. 19-53. Religious and charitable solicitation permitted.**

2 Religious and charitable organizations ~~after having obtained a permit in accordance with this~~  
3 ~~article,~~ may solicit contributions for religious and charitable purposes, ~~in accordance with this~~  
4 article. The sale or transfer of goods and services shall ~~not~~ be permitted under the provisions of  
5 this article, except as provided in article V of this chapter.

6 **Sec. 19-54. Individual solicitors.**

7 ~~Any person who solicits for a religious or charitable organization, which has obtained a permit~~  
8 ~~under this article must carry an identification card issued by the city manager, or his/her~~  
9 ~~designee, at all times when that individual is engaged in soliciting.~~

10 **Sec. 19-~~55~~54. Restrictions and requirements.**

11 (a) When engaged in soliciting, ~~the individual solicitors~~ are required to identify themselves, and  
12 state whom they represent, ~~and, upon request, produce their identification card.~~

13 (b) ~~The individual s~~Solicitors will terminate their activities in residential areas by 97:00 p.m.  
14 each day, and will not resume their activities in residential areas before 9:00 a.m. the next day.

15 (c) ~~The individual s~~Solicitors are restricted from soliciting in areas where solicitation would  
16 materially obstruct, impede or interfere with the free flow of pedestrian or vehicular traffic ~~and~~  
17 ~~on residential premises where a notice stating "No Solicitors" or "No Solicitation" is posted in~~  
18 ~~plain view.~~

19 (d) Solicitors are restricted from soliciting on residential premises in residential areas where a  
20 notice stating "No Solicitors" or "No Solicitation" is posted in plain view

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1 ~~(de)~~ No more than ~~one~~ (1)two (2) individual solicitors shall contact and solicit any one (1)  
2 member of the public at any one time.

3 ~~(ef)~~ ~~The individual s~~Solicitors will not persist in soliciting after the solicitation has been  
4 declined, and they will immediately and peaceably depart from the premises when requested to  
5 do so by the occupant.

6 ~~(fg)~~ ~~The individual s~~Solicitors shall not harass persons by demanding, threatening or intimidating  
7 conduct.

8 ~~(gh)~~ ~~The individual s~~Solicitors may solicit donations or contributions for religious or charitable  
9 paraphernalia from the general public to be used in the furtherance of their religion or charity  
10 provided that if a minimum donation is required ~~the individual solicitor must so inform the~~  
11 person solicited must be so informed.

12 (i) This article allows nonprofit institutions such as religious organizations, scouting, schools and  
13 fraternal societies to sell or transfer goods such as cookies, flowers, etc., or services such as  
14 carwashes, carnivals, etc., which may include the use of a building and/or its premises for such  
15 sales or delivery or services, but not a vacant parcel of land. Such fundraising activities must be  
16 clearly incidental to the primary function of such institutions, and all proceeds must be returned  
17 to the nonprofit organization. If any proceeds are shared by a non-tax exempt organization, an  
18 occupational license may be required.

19 (j) No solicitor shall raise funds, or seek financial assistance of any kind or nature, on any street  
20 or right-of-way within the city without satisfying the requirements of article V of this chapter.

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1 Section 4. Sections 19-71 through 19-73 of the Code of Ordinances are repealed in their  
2 entirety; and Section 19-74 is renumbered as Section 19-55, to read:

## 3 DIVISION 2. PERMIT

### 4 Sec. 19-71. Application; term.

5 ~~(a) All religious and charitable organizations desiring to solicit under the provisions of this article~~  
6 ~~must first apply for a permit from the city manager or his/her designee. The application for a~~  
7 ~~permit must be filled out entirely indicating in particular the following information:~~

8 ~~(1) Certification to city manager, or his/her designee, that the applicant is tax exempt as a~~  
9 ~~religious or charitable organization, proof of which can be produced upon demand by the city~~  
10 ~~manager, or his/her designee.~~

11 ~~(2) A general statement of the reason why the organization desires a permit.~~

12 ~~(3) The names of individuals who intend to solicit for the organization. The permit may be~~  
13 ~~amended to show additional individuals by a written statement from the permittee to the city~~  
14 ~~manager showing the names of the new solicitors.~~

15 ~~(4) The name and address of a local, regional or national officer to whom complaints are to be~~  
16 ~~directed.~~

17 ~~(5) A statement that the permittee agrees to indemnify, defend, save and hold harmless the city~~  
18 ~~from all claims, demands, liabilities and suits of any nature arising out of, because of or due to~~  
19 ~~any actions taken by the permittee's solicitors in violation of the restrictions placed upon them by~~  
20 ~~this article or other federal, state or local laws.~~

1 ~~(b)When the above information has been provided a permit shall be issued, which permit shall be~~  
2 ~~effective for the period of one (1) year from the date of issuance.~~

3 ~~Sec. 19-72. Grounds for revocation.~~

4 ~~The city manager or his/her designated representative may revoke a permit issued under this~~  
5 ~~division for just cause or any of the following reasons:~~

- 6 ~~(1)Fraud or misrepresentation in an application on the part of the permittee;~~  
7 ~~(2)Failure to annually renew the permit issued to the religious or charitable organization;~~  
8 ~~(3)Loss of income tax exemption;~~  
9 ~~(4)Receipt of substantiated complaints of violations of the restrictions contained in this article.~~

10 ~~Sec. 19-73. Appeals.~~

11 ~~(a)Failure to issue permit revocation. If the city manager or his/her designated representative~~  
12 ~~fails to issue a permit upon application, or if the city manager or his/her designated representative~~  
13 ~~make a good faith determination that there is cause for revocation of a permit issued under this~~  
14 ~~division, then the applicant or permittee, as the case may be, shall be so notified in writing. In the~~  
15 ~~case of revocation, such shall be effective twenty four (24) hours after the issuance of the notice.~~

16 ~~The notice shall state with reasonable particularity the ground(s) for such determination.~~

17 ~~(b)Request for hearing. If the applicant or permittee wishes to contest the action, he/she must,~~  
18 ~~within ten (10) days after the issuance of the notice, deliver to the clerk of the commission a~~  
19 ~~written request for a hearing.~~

20 ~~(c)Hearing. If a written request for a hearing to contest the validity of the action is delivered to~~  
21 ~~the clerk of the commission within the time limitations imposed by this section, the matter shall~~

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1 ~~be considered at the nearest regular or special meeting of the city commission occurring not less~~  
2 ~~than ten (10) days after the filing of the request. The applicant or permittee or their~~  
3 ~~representative, as well as the city manager or his/her designated representative, shall be notified~~  
4 ~~of the time and place of the hearing. No appeal fees or other notices shall be required.~~

5 **Sec. 19-74.55 Penalty.**

6 Any person convicted of violating any of the provisions of this article shall be punished as  
7 provided in section 1-9.

8 **Section 5. A new section 19-110 is created and added to Chapter 19 of the Code of**  
9 **Ordinances, and sections 19-111 through 19-113 are amended, to read as follows:**

10 **ARTICLE V. ~~TEMPORARY FUNDRAISING~~STREET SOLICITATION BY**  
11 **NONPROFIT AGENCYIES**  
12 **DIVISION 1. GENERALLY**

13 **Sec. 19-110. Definition.**

14 For the purposes of this article, the following words shall have the meaning ascribed to them as  
15 follows:

16 Nonprofit Organization shall mean an organization qualified under § 501(c)(3) of the Internal  
17 Revenue Code and registered pursuant to F.S. chapter 496, or persons or organizations acting on  
18 behalf of and with the authority of such an organization.

19 **Sec. 19-111. Purpose and intent.**

20 ~~The purpose and intent of this article is to permit the sale or transfer of goods such as cookies,~~  
21 ~~flowers, etc., or services such as carwashes, carnivals, etc., which may include the use of a~~

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1 ~~building and/or premises for such sales or delivery or services, but not a vacant parcel of land, by~~  
2 ~~nonprofit institutions such as religious organizations, scouting, schools and fraternal societies.~~

3 ~~Such fundraising activities must be clearly incidental to the primary function of such institutions~~  
4 ~~and where such fundraising activity is conducted with or as a special event, it shall be for a~~  
5 ~~specified period of time.~~

6 It is the purpose and intent of this article to preserve public safety, human life and convenience;  
7 to secure the comfort, health, welfare and prosperity of all city inhabitants; to ensure that the use  
8 of streets and sidewalks in the city does not become dangerous and that the free flow of traffic  
9 thereon is not impeded; to protect city inhabitants against crime and undue annoyance; and to  
10 protect those on the streets against abusive behavior by solicitors.

## 11 **Sec. 19-112.Restrictions.**

12 It shall be unlawful for any person to raise funds, or seek financial assistance of any kind or  
13 nature, on any street, sidewalk or, right-of-way ~~or other public place~~ within the city without first  
14 acquiring a permit. ~~It shall be unlawful for any person to raise funds on private property without~~  
15 ~~the written permission of the owner, which written permission shall be carried upon such person~~  
16 ~~while engaged in the fundraising activity. Vacant land cannot be used with or without consent of~~  
17 ~~the owner. For the purpose of this article, property occupied by a nonprofit organization shall not~~  
18 ~~be considered as public places and shall be considered as private property subject to all of the~~  
19 ~~applicable restrictions of the particular zoning district in which the nonprofit organization is~~  
20 ~~situated.~~

## 21 **Sec. 19-113.Exceptions, Requirements.**

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1 (a) A permit for solicitation on city, county, or state rights-of-way within the boundaries of the  
2 city may be obtained from the city manager or designee under the following conditions:

3 (1) The applicant shall be an organization qualified under § 501(c)(3) of the Internal  
4 Revenue Code and registered pursuant to F.S. chapter 496, or persons or organizations  
5 acting on behalf of and with the authority of such an organization.

6 (2) The applicant shall provide the specific location(s), date(s) and time(s) of the planned  
7 solicitation.

8 (3) The applicant shall take ~~and these~~ measures to ~~be taken~~ to assure the safety of the  
9 solicitors as well as the motorists. Such measures shall include, but not be limited to,  
10 providing a safety vest to each solicitor.

11 ~~(3)~~ (4) The applicant shall provide indemnification satisfactory to the city for defense and  
12 liability for any judgments or costs arising out of the applicant's activities relative to the  
13 solicitation. This indemnification shall be in the form of an insurance policy that names  
14 the city as an additional insured and is endorsed to provide a separate aggregate of  
15 \$1,000,000.00 for the event for which the person or organization is making application.

16 (b) Upon receipt of an application, plan, and indemnification acceptable to the city, a permit will  
17 be issued with the following conditions:

18 (1) No organization, or persons or organizations acting on its behalf, shall receive a  
19 permit or permits allowing solicitation for more than three days in any calendar year.



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1 (2) To avoid solicitation during the hours that experience the highest numbers of traffic  
2 accidents, no permit shall be given for solicitation outside the hours 9:00 a.m. to 4:00  
3 p.m.

4 (3) No more than four solicitors may solicit at any one intersection.

5 (4) Soliciting will only be allowed at a limited number of intersections pre-approved for  
6 the safe conduct of such activities.

7 (4~~5~~) Each solicitor must carry a copy of the permit.

8 (5~~6~~) Solicitors must be 18 years of age or older.

9 (6~~7~~) If multiple applications are received for the same intersection at the same time, the  
10 first complete and otherwise acceptable application will be given the permit.

11 (c) Solicitors are prohibited from remaining in a traffic lane when a traffic control signal (i.e.,  
12 green ball/green arrow indication) allows traffic to flow on that lane.

13 ~~(d) Upon finding that a solicitor or the solicitor's organization does not have a permit, or that the~~  
14 ~~solicitation is occurring outside the location or hours shown on the permit, that the information~~  
15 ~~given on the permit location was materially fraudulent or misleading, or that any of the~~  
16 ~~conditions of the permit are not being met, a police officer or other designated official shall issue~~  
17 ~~a warning to cease the solicitation. Continuation of the prohibited solicitation will subject the~~  
18 ~~solicitor(s) to arrest~~

## 19 DIVISION 2. PERMIT

20 **Section 6. Section 19-121 of the Code of Ordinances is repealed, and sections 19-122**  
21 **and 19-124 are amended to read, as follows:**

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1 **~~Sec. 19-121. Required.~~**

2 ~~Nonprofit institutions after having obtained a permit in accordance with this article may raise~~  
3 ~~funds in accordance with this article; however, the permit issued shall be carried upon the person~~  
4 ~~of the permittee while engaging in the fundraising activity.~~

5 **Sec. 19-122. Review, approval of applications; ~~duration.~~**

6 To qualify for permission to conduct fundraising activities, agencies shall secure a permit from  
7 the city manager or designee. Approval of such a permit shall be based upon a consideration of  
8 the location, ~~which may be in any zoning district, the type of goods or services to be sold and the~~  
9 ~~manner of sale or delivery.~~ The permit application may be examined and approved by the various  
10 departments of the city, particularly the police, fire and public works, to ensure the protection of  
11 the health, safety and general welfare. In granting their approval, such departments may suggest  
12 conditions of approval as would be in keeping with their individual responsibilities and the  
13 general spirit and intent of this article. ~~A permit issued under the provisions of this article shall~~  
14 ~~be effective for a period not to exceed 30 days. No more than one fundraising permit per~~  
15 ~~nonprofit institution shall be issued in any 60 day period.~~

16 **Sec. 19-123. Appeals.**

17 (a) If the city manager fails to issue a permit upon application, makes a good faith determination  
18 that there is cause for revocation of a permit issued under this article, then the applicant or  
19 permittee, as the case may be, shall be so notified in writing. The notice shall state with  
20 reasonable particularity the grounds for such refusal to issue or revocation. In the case of  
21 revocation, such shall be effective 24 hours after the issuance of the notice.

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1 (b) If the applicant or permittee wishes to contest such action, he/she must within ten days after  
2 the issuance of the notice, deliver to the clerk of the commission a written request for a hearing.

3 (c) If a written request for a hearing is timely filed, the matter shall be considered at the nearest  
4 regular or special meeting of the city commission occurring not less than ten days after the filing  
5 of such request. The applicant or permittee or their representative, as well as the city manager,  
6 shall be notified of the time and place of such hearing. No appeal fees or additional notices shall  
7 be required.

8 **Sec. 19-124. Exemptions.**

9 ~~Fundraising by nonprofit agencies which is conducted on their premises (e.g., school yard,~~  
10 ~~church grounds, etc.), or on other property with the written permission of the owner, is exempt~~  
11 ~~from the provisions of this division and section 30-107. Further, any person raising funds on such~~  
12 ~~premises shall not be required to obtain written permission of the owner to conduct such~~  
13 ~~fundraising as required by section 19-112.~~

14 **Sec. 19-124. Penalty.**

15 Any person convicted of violating any of the provisions of this article shall be punished as  
16 provided in section 1-9. Upon finding that a solicitor or the solicitor's organization does not have  
17 a permit, or that the solicitation is occurring outside the location or hours shown on the permit,  
18 that the information given on the permit location was materially fraudulent or misleading, or that  
19 any of the conditions of the permit are not being met, a police officer or other designated official  
20 shall issue a warning to cease the solicitation. Continuation of the prohibited solicitation will  
21 subject the solicitor(s) to arrest.

**D R A F T**

10/30/00

1       **Section 7.** It is the intention of the City Commission that the provisions of Sections 1  
2 through 6 of this Ordinance shall become and be made a part of the Code of Ordinances of the  
3 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be  
4 renumbered or relettered in order to accomplish such intentions.

5       **Section 8.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
6 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
7 affect the validity of the remaining portions of this ordinance.

8       **Section 9.** All ordinances or parts of ordinances, in conflict herewith, are to the extent of  
9 such conflict hereby repealed.

10       **Section 10.** This ordinance shall be effective immediately upon final adoption.

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12       **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

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\_\_\_\_\_  
PAULA M. DeLANEY  
MAYOR

ATTEST

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2000.