

**Sec. 19-4. Violations.**

Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter shall be subject to the penalties of section 1-9.

**Secs. 19-5—19-15. Reserved.**

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

**DIVISION 1. GENERALLY**

**Sec. 19-16. Definitions.**

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

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

*Canvasser or solicitor* shall mean any person traveling either by foot, vehicle or other conveyance, from place to place, taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever, for future delivery, or for services to be furnished or performed in the future, whether or not the person has, carries or exposes for sale a sample of the subject of the sale, or whether he/she is collecting advance payments on the sales or not; and any person who, for himself/herself, or for another person, hires, leases, uses or occupies any building, structure, car, room, shop or any

other place within the city, for the sole purpose of exhibiting samples and taking orders for future delivery.

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

(Code 1960, § 19-1; Ord. No. 3095, § 1, 1-14-85)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

**Secs. 19-17—19-30. Reserved.**

**DIVISION 2. PERMIT**

**Sec. 19-31. Required.**

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

(Code 1960, § 19-1; Ord. No. 3095, § 1, 1-14-85)

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

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

- (1) Name and description of the applicant;
- (2) Address (permanent and local);
- (3) A brief description of the nature of the business and the goods, wares, merchandise or services, if any are to be sold;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the permit is desired, the area or areas within the city from which the business is to be operated or from a vehicle, a description of the same, together with license number or other means of identification);
- (6) A photograph of the applicant taken within sixty (60) days immediately prior to the date of the filing of the application. The picture shall be two (2) inches by two (2) inches,

showing the head and shoulders of the applicant in a clear and distinguishing manner;

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

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

(Code 1960, § 19-2; Ord. No. 3095, § 2, 1-14-85; Ord. No. 4057, § 1, 1-23-95)

### Sec. 19-33. Investigation of applicant.

Upon receipt of an application for a permit required by this division, the city manager or designee shall have ten (10) days within which to cause an investigation of the applicant's business and moral character to be made as he/she deems necessary for the protection of the public good. If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory, the application shall be disapproved and no permit shall be issued, and the applicant shall be notified in writing of the denial, including statement of the grounds for the determination with reasonable particularity. If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the city manager or designee shall execute a permit in the name of the applicant for the carrying on of the business applied for, and shall deliver such permit to the applicant upon payment of any license fee due by the applicant to the city. (Code 1960, § 19-3; Ord. No. 3095, § 3, 1-14-85; Ord. No. 4057, § 2, 1-23-95)

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

Each permit issued under the provisions of this division shall be kept on the person of the individual to whom the same is issued, and shall show on its face the date of its expiration, which in no

event shall extend beyond the thirtieth day of September following the date of its issuance. No permit issued shall be transferable. (Code 1960, § 19-4; Ord. No. 3095, § 3, 1-14-85)

### Sec. 19-35. Revocation.

Permits issued under the provisions of this division may be revoked by the city manager or designee for just cause or by order of a court upon conviction of the holder for violation of any of the terms of this chapter. If the city manager or designee makes a good faith determination that there is cause for revocation of a permit issued under this division, the permittee shall be so notified in writing. The revocation shall be effective 24 hours after the issuance of the notice. The notice shall state with reasonable particularity the grounds for such determination.

(Code 1960, § 19-5; Ord. No. 3095, § 6, 1-14-85; Ord. No. 4057, § 3, 1-23-95)

### Sec. 19-36. Appeals.

(a) If the applicant or permittee wishes to contest denial or revocation of a permit, he/she must within ten (10) days after the issuance of the notice, deliver to the city manager a written request for a hearing.

(b) If a written request for a hearing to contest the validity of such action is delivered to the city manager within the time limitations imposed by this division, the matter shall be considered by the city manager within 30 days after the filing of such request. The applicant or permittee or their representative shall be notified of the time and place of such hearing. No appeal fees or other notices shall be required.

(Ord. No. 3095, § 7, 1-14-85; Ord. No. 4057, § 4, 1-23-95)

Secs. 19-37—19-50. Reserved.

## ARTICLE III. NONCOMMERCIAL SOLICITATION\*

### DIVISION 1. GENERALLY

#### Sec. 19-51. Purpose and intent.

It is the purpose and intent of this article to preserve public safety, human life and convey

\*Cross reference—Temporary sales for fundraising by nonprofit organizations, § 20-107.

State law reference—Solicitation of Charitable Funds Act, F.S. Ch. 496.

nience; to secure the comfort, health, welfare and prosperity of all city inhabitants; to ensure that the use of streets and sidewalks in the city does not become dangerous and that the free flow of traffic thereon is not impeded; to preserve to those in the home privacy and quiet; to protect city inhabitants against crime and undue annoyance; and to protect those on the streets and at home against abusive behavior by solicitors.  
(Code 1960, § 19A-1)

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

It shall be unlawful for any person to beg or solicit alms, or financial assistance of any kind or nature, on any street, sidewalk, right-of-way or other public place within the city, or on developed private property without written permission of the owner, which permission must be carried upon his/her person with the identification card issued by the city manager. Vacant land cannot be so used with or without the consent of the owner. For the purposes of this article, properties occupied by religious or charitable organizations which are tax exempt shall not be considered as public places and shall be considered as private property subject to all of the applicable restrictions of the particular zoning district in which the nonprofit organization is situated. The provisions of this division shall not apply to qualified political candidates/organizations running on local ballots.  
(Code 1960, § 19A-2; Ord. No. 3103, § 1, 1-21-85)

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

Religious and charitable organizations after having obtained a permit in accordance with this article, may solicit contributions for religious and charitable purposes, in accordance with this article. The sale or transfer of goods and services shall not be permitted under the provisions of this article, except as permitted in article V of this chapter.  
(Code 1960, § 19A-3; Ord. No. 3103, § 2, 1-21-85)

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

Any person who solicits for a religious or charitable organization, which has obtained a permit

under this article must carry an identification card issued by the city manager, or his/her designee, at all times when that individual is engaged in soliciting.  
(Code 1960, § 19A-5)

**Sec. 19-55. Restrictions and requirements.**

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

(b) The individual solicitors will terminate their activities by 9:00 p.m. each day, and will not resume their activities before 9:00 a.m. the next day.

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

(d) No more than one (1) individual solicitor shall contact and solicit any one (1) member of the public at any one time.

(e) The individual solicitors will not persist in soliciting after the solicitation has been declined, and they will immediately and peaceably depart from the premises when requested to do so by the occupant.

(f) The individual solicitor shall not harass persons by demanding, threatening or intimidating conduct.

(g) The individual solicitors may solicit donations or contributions for religious or charitable paraphernalia from the general public to be used in the furtherance of their religion or charity provided that if a minimum donation is required the individual solicitor must so inform the person solicited.

(Code 1960, § 19A-6; Ord. No. 3103, § 2, 1-21-85; Ord. No. 3923, § 1, 1-10-94)

Secs. 19-56–19-70. Reserved.

## DIVISION 2. PERMIT

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

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

- (1) Certification to city manager, or his/her designee, that the applicant is tax exempt as a religious or charitable organization, proof of which can be produced upon demand by the city manager, or his/her designee.
- (2) A general statement of the reason why the organization desires a permit.
- (3) The names of individuals who intend to solicit for the organization. The permit may be amended to show additional individuals by a written statement from the permittee to the city manager showing the names of the new solicitors.
- (4) The name and address of a local, regional or national officer to whom complaints are to be directed.
- (5) A statement that the permittee agrees to indemnify, defend, save and hold harmless the city from all claims, demands, liabilities and suits of any nature arising out of, because of or due to any actions taken by the permittee's solicitors in violation of the restrictions placed upon them by this article or other federal, state or local laws.

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

(Code 1960, § 19A-4)

## Sec. 19-72. Grounds for revocation.

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

- (1) Fraud or misrepresentation in an application on the part of the permittee;

(2) Failure to annually renew the permit issued to the religious or charitable organization;

(3) Loss of income tax exemption;

(4) Receipt of substantiated complaints of violations of the restrictions contained in this article.

(Code 1960, § 19A-7; Ord. No. 3103, § 4, 1-21-85)

## Sec. 19-73. Appeals.

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

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

(c) *Hearing.* If a written request for a hearing to contest the validity of the action is delivered to the clerk of the commission within the time limitations imposed by this section, the matter shall be considered at the nearest regular or special meeting of the city commission occurring not less than ten (10) days after the filing of the request. The applicant or permittee or their representative, as well as the city manager or his/her designated representative, shall be notified of the time and place of the hearing. No appeal fees or other notices shall be required.

(Code 1960, § 19A-8; Ord. No. 3103, § 5, 1-21-85)

## Sec. 19-74. Penalty.

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

(Code 1960, § 19A-9)