



## Legislation Text

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**File #: 060113, Version: 5**

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### SOLICITATION ORDINANCE AND SETTLEMENT AGREEMENT (B)

Ordinance No. 0-06-94

An ordinance of the City of Gainesville, Florida, amending Chapter 19 of the Gainesville Code of Ordinances entitled "Peddlers, Solicitors and Canvassers"; amending Article II, Section 19-17 to prohibit solicitation, peddling and canvassing in streets and right-of-way; prohibiting the knowing obstruction of pedestrian or vehicular traffic; adding a new subsection (c) of Article II, Section 19-17 limiting the scope of right-of-way; clarifying limitations on soliciting, peddling and canvassing; amending Article III, Section 19-54 to prohibit the knowing obstruction or interference with vehicular or pedestrian traffic; adding new section (k) of Article III, Section 19-17 limiting the scope of right-of-way; amending Article IIIA, Section 19-80 by adding a new Section 4 making it unlawful to remain in a traffic lane when a traffic control signal allows traffic to flow in that lane; changing the title of Chapter 19, Article V; amending Article V, Section 19-112 clarifying permit requirement when fundraising activity on a street or right-of-way within the city is on behalf of a nonprofit agency and limiting the scope of right-of-way; amending Section 19-113 by providing alternative methods of complying with insurance requirement; providing for waiver of insurance under certain circumstances; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

The City Commission: (1) adopt the proposed ordinance, and (2) authorize the City Attorney to execute a Settlement Agreement in the case styled Judith Chase, Ollen Rogers and Joseph Nelson v. City of Gainesville and Alachua County Sheriff's Office; United States District Court Case No. 1:06cv44SPM/AK.

On August 14, 2006, the City Commission approved the Public Safety Committee's recommendation to authorize the City Attorney to prepare the necessary ordinance amendments to Chapter 19. The amendments are derivative of Chase, et al. v. City of Gainesville and Alachua County Sheriff's Office. The parties have negotiated a Partial Settlement Agreement in this case.

The Partial Settlement Agreement acknowledges that the City will continue its non-enforcement of Sections 316.2045 and 337.406 Fla. Stats 2006, which have been declared unconstitutional.

The Partial Settlement Agreement acknowledges that standing on a public sidewalk holding a sign requesting funds while not violating any lawful statute or ordinance, is a protected first amendment activity and that the City will not enact or amend ordinances to prohibit the protected activity.

The Partial Settlement Agreement acknowledges that the City will amend portions of its solicitation ordinance, which may have been construed to regulate the protected activity.

The City's panhandling ordinance is not affected by the Partial Settlement Agreement.

Correction has been made in the insurance section to change the activity addressed from special event to solicitation.

