

**CITY OF PALMETTO  
CITY COMMISSION WORKSHOP MEETING  
January 26, 2015  
4:30 PM**

*PLEDGE OF PUBLIC CONDUCT  
We may disagree, but we will be respectful to one another.  
We will direct all comments to issues.  
We will avoid personal attacks.*

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516 8<sup>th</sup> Avenue West  
Palmetto, Florida 34221

(941) 723-4570  
<http://www.palmettofl.org>

**Shirley Groover Bryant, Mayor**

**Commission Members**

**Brian Williams, Vice Mayor, Commissioner, Ward 3  
Tamara Cornwell, Commissioner-at-Large 2  
Jonathan Davis, Commissioner-at-Large 1  
Harold Smith, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2**

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**1. ORDINANCE 2015-01 SOLICITATION (M. Barnebey)**

(TAB 1)

A copy of the current Solicitation Ordinance is included along with proposed new language to be added.

If any person desires to appeal any decision of the City Commission, CRA Board, or of any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS §286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services on forty-eight hours notice (FS §286.26). Anyone requiring reasonable accommodation for this meeting as provided for in the American with Disabilities Act should contact the City Clerk by telephone at 941-723-4570, fax 941-723-4576 or e-mail [jfreeman@palmettofl.org](mailto:jfreeman@palmettofl.org) or [afoley@palmettofl.org](mailto:afoley@palmettofl.org).

POSTED: January 22, 2015

# TAB 1

# Current City Code

## LICENSES AND BUSINESS REGULATIONS

§ 19-121

### **Sec. 19-94. Display.**

Any licensee under this division shall cause a certificate of such license to be displayed at all times in a conspicuous place in or on the place of business described in such license. The licensee shall carry on his person at all times, when performing services as a private detective, a certificate of the license issued pursuant to this division.

(Code 1975, § 21-25)

### **Sec. 19-95. Transfer.**

Licenses issued under the provisions of this division shall not be transferable.

(Code 1975, § 21-27)

### **Sec. 19-96. Term and renewal.**

All licenses issued under the provisions of this division shall be for a term of one (1) year. The chief of police shall issue renewal licenses to all licensees whose licenses have not been suspended at the time the licenses have expired, upon payment of the license fee.

(Code 1975, § 21-26)

### **Sec. 19-97. Revocation, suspension, appeal.**

(a) Licenses issued pursuant to this division, shall be subject to revocation or suspension by the chief of police for violation of any of the provisions of this division or misconduct by the licensee or his employees, after reasonable notice and an opportunity to be heard has been given the licensee. The chief of police shall immediately notify any licensee, by personal service, of such suspension or revocation.

(b) Any person aggrieved shall have the right to appeal the revocation or suspension of a private detective's license to the city council. The appeal shall be taken within nine (9) days after notice. The city council shall act upon the appeal within twenty-one (21) days after its receipt.

(Code 1975, § 21-28)

### **Secs. 19-98—19-120. Reserved.**

## **ARTICLE IV. SOLICITATION\***

### **Sec. 19-121. Definitions.**

For purposes of this article, the following definitions shall have the following meanings:

*Solicit or solicitation* refers to the act of going from door to door:

- (1) Seeking contributions or pledges for contributions;

\***Editor's note**—Ord. No. 04-799, § 2, adopted March 15, 2004, repealed article IV, sections 19-121—19-123, 19-141—19-144, in its entirety and replaced it with a new article IV, sections 19-121—19-129. Former article IV pertained to peddlers and derived from Ord. No. 308, § 1(15-13(a)—(i)), adopted March 16, 1987.

- (2) Selling or attempting to sell subscriptions, products or services, or taking orders or attempting to take orders for subscriptions, products or services; or
- (3) Handing a handbill, as defined in section 3-36 of this Code, advertising material, or other form of literature to an occupant of the residence.

The term "solicit" or "solicitation" also includes the delivery of goods or services by a party or entity who has engaged in any of the activities listed in the immediately preceding subsections (1), (2) or (3) within one (1) year prior to the date such goods or services are delivered. The term "solicit" or "solicitation" does not include simply leaving a handbill, advertising material, or other form of literature at a residence without knocking on the door or ringing the doorbell. Such action is regulated by chapter 3, article IV, division 2, of the this Code.

*Solicitor* means any individual, group, organization, association, partnership, corporation or other entity that solicits.

(Ord. No. 04-799, § 2, 3-15-04; Ord. No. 07-915, § 3, 2-26-07)

#### **Sec. 19-122. Permit required.**

It shall be unlawful for any solicitor to engage in solicitation activities in the city without first obtaining a permit from the city occupational licensing department.

(Ord. No. 04-799, § 2, 3-15-04)

#### **Sec. 19-123. Exemptions.**

The following activities shall not require a permit under the provisions of this article:

- (1) Solicitation on behalf of a church or religious organization, including any unincorporated association or corporation under the supervision and control of any church or religious organization, if the church or religious organization is tax exempt under the provisions of the United States Internal Revenue Code and the solicitor produces acceptable evidence of affiliation with such church or religious organization upon request; and
- (2) Solicitation for the purpose of distributing written materials relating to a candidate, political party, cause or issue, or for the purpose of speaking about a candidate, political party, cause or issue. While these activities do not require a permit, the city encourages persons or organizations intending to engage in such activities to voluntarily apply for a permit. This enables the city to more accurately and efficiently address public concerns.

(Ord. No. 04-799, § 2, 3-15-04)

#### **Sec. 19-124. Regulations governing solicitation.**

The following regulations shall apply to all door-to-door solicitation within the city:

- (1) Solicitation activities shall be conducted only between the hours of 8:00 a.m. and 8:00 p.m.

- (2) Solicitation shall not be conducted at any residence, or residential subdivision, where a "no solicitation" sign is exhibited.
  - (3) A solicitor who is asked by an occupant to leave a residence shall immediately and peacefully depart.
  - (4) A solicitor shall not open the door to a residence or prevent it from being closed.
  - (5) A solicitor shall not remove, destroy, deface or obscure a "no solicitation" sign.
  - (6) A solicitor shall not litter.
  - (7) A solicitor shall not intentionally inflict emotional distress upon a person by using excessively loud or aggressive speech, or profane language.
  - (8) Solicitation of the occupants of a vehicle is prohibited.
  - (9) A solicitor shall not make physical contact with a person, or personal property of a person, being solicited unless that person consents to such contact.
- (Ord. No. 04-799, § 2, 3-15-04)

**Sec. 19-125. Display of permit.**

Any solicitor required to obtain a permit shall carry the permit on his or her person at all times during solicitation activities and exhibit his or her permit whenever requested to do so by a person who is being solicited or a police officer.

(Ord. No. 04-799, § 2, 3-15-04)

**Sec. 19-126. School solicitation permit.**

An authorized representative of any school, as that term is defined in appendix B, article III, section 3.2 of this Code, may apply for a school solicitation permit. If granted, such permit shall authorize students attending the applicant school to engage in those solicitation activities expressly set forth in the permit application. Students must carry a photocopy of the school solicitation permit on their persons at all times during solicitation activities and exhibit the permit whenever requested to do so by a person who is being solicited or a police officer.

(Ord. No. 04-799, § 2, 3-15-04)

**Sec. 19-127. Suspension or revocation of permit.**

A permit issued pursuant to this article may be suspended or revoked for any of the following reasons:

- (1) Fraud or misrepresentation in the application for a permit;
- (2) Fraud or misrepresentation in the course of conducting solicitation activities;
- (3) Conducting solicitation activities contrary to the regulations provided in this article; or
- (4) Conducting solicitation activities in such a manner as to create a public nuisance or constitute a danger to public health, safety or welfare.

Upon suspension or revocation of a permit, the city shall deliver written notice to the permit holder stating the action taken and the reason supporting the action. The written notice shall be delivered to the address provided in the permit holder's application.

(Ord. No. 04-799, § 2, 3-15-04)

**Sec. 19-128. Appeal.**

Any applicant whose request for a permit was denied or any permit holder whose permit was suspended or revoked shall have the right to appeal to the city council. An appeal must be demanded in writing and sent by certified mail to the city council within seven (7) calendar days of the action that is being appealed. The written appeal shall describe in detail the action appealed and the grounds for appeal. The right to appeal to the city council is not in derogation of any other rights in law or equity that the applicant or permit holder might have. The city council shall make a determination on the appeal as soon as practicable.

(Ord. No. 04-799, § 2, 3-15-04)

**Sec. 19-129. Enforcement.**

The city shall have the authority to enforce the provisions of this chapter by any means provided for in this Code, including by citation or code enforcement board proceedings. Alternatively, the city may file charges in county court and seek the maximum fine and term of imprisonment set forth in F.S. § 162.22, as amended from time to time. Each solicitation in violation of this article shall constitute a separate and distinct offense.

(Ord. No. 04-799, § 2, 3-15-04)

**Secs. 19-130—19-160. Reserved.**

**ARTICLE V. SECONDHAND GOODS**

**Sec. 19-161. Fences.**

(a) All automobile junkyards or junkyards of any kind, or premises used for storage or storage and sale of parts of old motor vehicles shall be fenced from view by enclosing the same with an adequate, substantial, solid fence at least six (6) feet in height from the ground level.

(b) Notwithstanding the foregoing, all fences subject to this section shall comply with all requirements and limitations set forth in the Palmetto Fence Ordinance [chapter 7, article VIII].

(c) In the event a fence or any portion thereof is found by a city code enforcement inspector to violate this section, the inspector shall seek correction of such violation through the code enforcement board in accordance with the rules and procedure of such board.

(Code 1975, § 14-1; Ord. No. 391, § 2, 1-15-90)

# Proposed new language

Sec. 19-130. - Threatening, intimidating, or harassing behavior for purposes of solicitation; penalties.

(a) *Aggressive Public Place Solicitation Prohibited.* In any public place, it is unlawful for any person to solicit from another person by:

(1) Any act or language constituting an express or implied threat of injury to any person or of damage to or loss of any property owned by or in lawful possession of the solicited person;

(2) Continuing to solicit after the solicited person has made an express negative response to an initial solicitation; or

(3) Any act that impedes the passage or free movement of the solicited person, whether the solicited person is on foot, on a bicycle, in a wheelchair, operating a motor vehicle, entering or exiting a motor vehicle, or moving or attempting to move in any other manner.

(b) *Definitions.* As used in this section, the following words, terms, and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Public place* shall include all places within the county defined as a public place pursuant to Section 877.21, Florida Statutes, as may be amended.

(2) *Solicit* and *solicitation* shall include attempts, whether verbal or through other means of communication, to obtain contributions or to sell any good, property, or service for any purpose, including panhandling.

(3) *Person* is defined as a natural person.

(c) *Enforcement and violations.* The sheriff and other law enforcement agencies are authorized to enforce this section. The violation of any provision of this section shall be punishable upon conviction by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment, as provided in Section 125.69, Florida Statutes. Each violation of this section shall constitute a separate offense.

Sec. 19-131. - Solicitation in or along roadways in the City; penalties.

- (a) Prohibited activities. It shall be unlawful for any person to solicit from an occupant of a vehicle, or to receive goods, properties, services, or monies as a result of such a solicitation, while said person is upon, or within fifteen (15) feet of the edge of, a public road. Where a building, wall, solid privacy fence, or other similar permanent structure is at or within fifteen (15) feet of the edge of any public road, any person soliciting from an occupant of a vehicle or receiving goods, properties, services, or monies as a result of such a solicitation must at all times maintain the maximum possible distance from the edge of the public road as such structure will allow; however, the soliciting person may not come within five (5) feet of the edge of the public road in any such circumstance.
- (b) Definitions. As used in this section, the following words, terms, and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1) Public road shall include all roads within the county designated as public roads pursuant to Section 335.01, Florida Statutes, as may be amended, which includes all roads open and available for use by the public and dedicated to the public use according to law or by prescription. Such public roads shall include the surface paved or maintained for vehicular travel along with any curb or median associated with such roads.
  - (2) Solicit and solicitation shall include attempts, whether verbal or through other means of communication, to obtain contributions or to sell any good, property, or service for any purpose, including panhandling.
  - (3) Person is defined as a natural person.
- (c) Enforcement and violations. The violation of any provision of this section shall be punishable upon conviction by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment, as provided in Section 125.69, Florida Statutes. Each violation of this section shall constitute a separate offense. When the circumstances warrant, a sentence to community service is encouraged in lieu of jail or fines.