



City of North Port

ORDINANCE NO. 2016---

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ~~AMENDING~~ **REPEALING**
ORDINANCE No. 5-33, (AND REPEALING NORTH PORT CHAPTER 54), NORTH PORT CODE
RELATING TO **SOLICITATION; ENACTING A NEW CHAPTER 54; "SOLICITATION"; ENACTING**
SUBSECTION 54-1 "DEFINITIONS"

WHEREAS, an important part of the freedom enjoyed by all citizens and residents of the United States is the right to speak freely, to express ideas, and to engage others in debate without undue government interference; and

WHEREAS, the United States Supreme Court has recognized the need to balance the right to free speech with the right of all citizens and residents to the privacy in one's home, including the right to be free from unwanted and unwelcome intrusions; and

WHEREAS, the City Commission has received complaints from its citizens concerning unwanted interruptions of their privacy by solicitors, canvassers, and door-to-door salespersons at unreasonable hours; and .

WHEREAS, the City Commission, in the interest of protecting the welfare and privacy rights of its citizens, desires to provide regulations to prohibit commercial soliciting, canvassing, door-to-door selling, hawking and peddling within all residentially zoned districts of the City of North Port, with an exception for canvassing for bona fide political or religious purposes; and

WHEREAS, the City Commission, in the interest of protecting the welfare and privacy rights of its citizens, desires to prohibit all commercial and non-commercial soliciting, canvassing, door-to-door selling, hawking and peddling within all residentially zoned districts of the City of North Port where citizens and residents, on an individual basis desire to be protected from such activities at their residences.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1. – REPEAL

1.01 – Ordinance No. 5-33 is hereby repealed in its entirety. Thereby repealing Chapter 54 of the North Port Code in its entirety.

31 SECTION 2. - SOLICITATION ORDINANCE

32 2.01 – Chapter 54 of the North Port Code, “Solicitation” is hereby enacted to replace
33 former chapter 54, “SOLICITATION”.

34 SECTION 3. – DEFINITIONS

35 3.01 – Subsection 54 -1 is hereby enacted to read as follows:

36 **54-1 Definitions.**

37 The following words for purposes of this Chapter are defined as follows:
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39 (1) **Door-to-Door Selling, Soliciting, Hawking or Peddling-** For purposes of this Section,
40 the term “door-to-door selling, soliciting, hawking or peddling” shall mean any
41 attempt to make personal contact with a resident or occupant at his/her residence
42 without prior specific invitation or appointment from the resident for the purpose
43 of:

- 44 a) selling, leasing, renting or soliciting orders for any consumer goods,
45 wares, merchandise, books, magazines, personal property of any nature
46 whatsoever, home improvements or services;
- 47 b) attempting to obtain a donation for any patriotic, philanthropic, social
48 service, welfare, benevolent, educational, civic, fraternal or other
49 charitable purpose; or
- 50 c) distributing a handbill, door hanger, or flyer for any purpose other than
51 for bona fide religious or political purposes.

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53 The term shall not include telephone, mail or email solicitation, nor shall the term
54 “Canvassing” as that term is defined herein.
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56 (2) **Canvassing -** For the purposes of this Section, the term “canvassing” shall mean any
57 attempt to make personal contact with a resident or occupant at his/her residence
58 without prior specific invitation or appointment from the resident, for the purpose
59 of:

- 60 a) attempting to enlist support for or against a particular religion, philosophy,
61 ideology, political party, political or social issue or political candidate, even
62 if incidental to such purpose the canvasser accepts a donation of money;
63 or;
- 64 b) distributing a handbill, door hanger or flyer for bona fide religious or
65 political purposes.

66 SECTION 4. – PROHIBITIONS

67 4.01 - Subsection 54 -2 is hereby enacted to read as follows:

68 (1) **Prohibition Against Door-to-Door Selling, Soliciting, Hawking or Peddling.**

69 It shall be unlawful for any person to conduct any door-to-door selling,
70 soliciting, hawking or peddling within in any residentially zoned district of the
71 City of North Port, Florida.
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- (2) **Prohibition Against Door-to-Door Canvassing.**
It shall be unlawful for any person to conduct any door-to-door canvassing within any residentially zoned district of the City of North Port, Florida, where the owner or occupant has placed on such residence, in a conspicuous place upon or near the main entrance to the residence, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words “No Soliciting”. The letters on such cards shall be not less than two-thirds (2/3) of an inch in height.
- (3) It shall also be unlawful for any person to conduct door-to-door canvassing between the hours of 7:00 p.m. and 9:00 a.m.
- (4) **Prohibition Against peddling/Soliciting on City Streets**
It shall be unlawful for any person to obstruct the use of any public streets by standing or approaching motor vehicles thereon or by endangering the safe movement of vehicles or pedestrians traveling thereon for the purpose of peddling/soliciting.
- (5) Nothing contained in this Section shall be construed to limit the actions of any government employee or agent from conducting their official duties.

96 SECTION 5. – ENFORCEMENT AND APPEALS

97 5.01 – Subsection 54-3 is hereby enacted to read as follows:

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- (1) Violations of this Section shall be by means of citations issued for non-criminal infractions. Such citations may be issued by any City Police Officer and any Code Enforcement Officer of the City and shall be in such form as may be adopted for such use by the Chief of the North Port Police Department. The citation given to any violator shall specify the violation and the applicable civil penalty, and shall notify the violator:
 - a) That the civil penalty must be paid at the Office of the City Clerk no later than ten (10) days after the date the citation is issued unless the violation is appealed to the Code Enforcement Board, giving the address of the City Clerk’s Office.
 - b) That any appeal must be filed with the Code Enforcement Board Clerk, within ten (10) days after the date the citation is issued, in the City’s Code Compliance Division, giving the address of the City’s Code Compliance Division; and
 - c) That, if found guilty of the violation by the Code Enforcement Board on an appeal, the violator shall pay the assessed civil penalty as well as the cost of the appeal in the amount of Fifty Dollars (\$50.00).

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(2) **APPEALS** - Any person who elects to contest a citation may appear before the City of North Port Code Enforcement Board to present evidence, provided a hearing is requested in writing, through the Code Enforcement Board Clerk in the City’s Code Compliance Division, within ten (10) days after the date of the citation. The Code Enforcement Board, after a hearing, shall make a determination as to whether a violation has been committed and, upon a finding that the violator is guilty, shall impose the applicable civil penalty along with the cost of the appeal in the amount of Fifty Dollars (\$50.00). Any person who receives a citation for a violation of any provision of this Section and neither pays the civil penalty nor files a written appeal of the citation within ten (10) days after the date of the citation shall be deemed to have violated such provisions, with said violation being punishable as provided in Section 1.c of this Code.

(3) **Penalties.** Any person who violates any provision of this Section shall be assessed a civil penalty as follows:

- (a) For the first offense after written warning.....\$100.00
- (b) For the second offense..... \$200.00
- (c) For each subsequent offense..... \$300.00

SECTION 3-6. SEVERABILITY.

6.01 If any section, subsection or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4-7. CONFLICTS.

7.01 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 5-8. EFFECTIVE DATE.

8.01 This Ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

149 READ BY TITLE ONLY in public session this ____ day of _____, 2016.

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151 PASSED and ADOPTED on second and final reading in public session this ____ day of
152 _____, 2016.

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CITY OF NORTH PORT, FLORIDA

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JACQUELINE MOORE

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Mayor

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159 ATTEST:

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PATSY ADKINS

162 City Clerk

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164 Approved as to form and correctness:

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MARK MORIARTY

167 City Attorney

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