



City of North Port

ORDINANCE NO. 2017-31

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REPEALING CITY OF NORTH PORT ADMINISTRATIVE CODE CHAPTER 54, SOLICITATION, IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in an effort to balance the right to speak freely, to express ideas, and to engage others in debate without undue government interference as well as the desire to protect private residents from unwanted annoyance of itinerant merchants, peddlers and solicitors; the City Commission adopted Ordinance No. 05-33 in 2005, codified as Chapter 54 in the City's Administrative Code of Ordinances; and

WHEREAS, on June 18, 2015, the United States Supreme Court issued its decision in *Reed, et al. v. Town of Gilbert, Arizona*, 135 S. Ct. 2218 (2015), holding that laws designating signs by content category, such as "political signs," constituted a content-based regulated on speech, were presumptively unconstitutional and could be justified only if the government proved that the regulations were narrowly tailored to serve compelling state interests; and

WHEREAS, the *Reed* opinion has been used to invalidate panhandling and solicitation regulations and invalidate regulations on timeframes and certain locations where panhandling is prohibited on the basis that they are content-based and not the least restrictive means available to promote the safety and welfare of the public; and

WHEREAS, given the Supreme Court's opinion, the City Commission finds it advisable to repeal Chapter 54 in its entirety to foreclose any arguments that provisions of the solicitation ordinance are content-based restrictions or not the least restrictive means to promote safety; and

WHEREAS, the City Commission finds that it is in the best interest of the residents of City of North Port to adopt this Ordinance.

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

SECTION 1. – FINDINGS.

The City Commission hereby makes the following findings:

1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

SECTION 2. – REPEAL.

2.01 The North Port City Commission hereby repeals City of North Port Administrative Code Chapter 54 – Solicitation in its entirety.

SECTION 3. – SEVERABILITY.

3.01 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. – CONFLICTS.

4.01 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. – EFFECTIVE DATE.

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

READ BY TITLE ONLY in public session this _____ day of _____, 2017.

PASSED and ADOPTED on second and final reading in public session this _____ day of _____, 2017.

CITY OF NORTH PORT, FLORIDA

LINDA M. YATES
MAYOR

ATTEST:

PATSY C. ADKINS, MMC
CITY CLERK

APPROVED AS TO FORM AND
CORRECTNESS:

AMBER L. SLAYTON
INTERIM CITY ATTORNEY