



## Legislation Text

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**File #:** 17-1254, **Version:** 1

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**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Peter D. Lear, CPA, CGMA, City Manager

**TITLE:** Ordinance 2017-31, First Reading, Repealing City of North Port Administrative Code, Chapter 54 - Solicitation.

### **Recommended Action**

Continue Ordinance 2017-31, to second reading, 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.

### **Background Information**

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.

At the May 10, 2017, Commission Meeting, Commission directed staff to bring back a repeal ordinance of Administrative Code Chapter 54 - Solicitation. In support of the Commission's direction, the United States Supreme Court, on June 18, 2015, 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 regulation 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. 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.

This has been reviewed by Legal and approved legally correct as to form.

### **Strategic Plan**

Financially Responsible City Providing Quality Municipal Services.

### **Financial Impact**

None

### **Procurement**

None.

### **Attachments:**

1. Ordinance Repeal Chapter 54 Solicitation.

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