

ARTICLE III. SOLICITATION ON PUBLIC ROAD RIGHTS-OF-WAY¹

Sec. 12-51. Findings of fact.

- (a) The solicitation of monies from, the distribution of printed materials to and the solicitation of information or the taking of polls from motorists upon the public road rights-of-way within the unincorporated areas of Clay County, Florida, by groups and organizations of every kind, including charitable and not-for-profit concerns, has become a popular and common activity.
- (b) The public road rights-of-way are presently maintained and operated by the board, and by the State of Florida and the United States government for the primary and virtually exclusive purpose of motor vehicle transportation in and through Clay County, Florida.
- (c) The operation of motor vehicles, which have been defined in Florida tort decisional law as dangerous instrumentalities, is incompatible with the health, safety and welfare of pedestrian money or information solicitors, printed material distributors, and poll takers.
- (d) The board of county commissioners does not wish to discourage otherwise lawful conduct which may involve freedom of speech or religion, yet the board of county commissioners declares that it does have the power to regulate such conduct so as to limit the exercise thereof to reasonable times and reasonable places.
- (e) The board of county commissioners has concluded that the physical danger to which both motorists and pedestrians are exposed, and the interference with the orderly flow of motor vehicle traffic caused by such solicitation, distribution and poll-taking activities obliges the board of county commissioners to exercise its police powers to protect the health, safety and welfare of the public by prohibiting such activities upon the public road rights-of-way of Clay County, Florida.

(Ord. No. 89-54, § 1, 6-13-89; Ord. No. 02-49, § 1, 10-8-02)

Sec. 12-52. Definitions.

As used herein, the following words and terms shall have the meanings respectively ascribed, unless the context requires otherwise.

Motorist means the operator of or any passenger within or upon any motor vehicle being operated upon the public road rights-of-way.

Public road rights-of-way means the full physical limits of any road right-of-way owned, maintained or operated by Clay County, Florida, or any other governmental agency, including medians, islands, and curbs but not sidewalks which are within the limits of any road right-of-way.

¹Editor's note(s)—Ordinance No. 89-54, enacted June 13, 1989, did not specifically amend this Code, hence, codification of the substantive provisions of §§ 1—8 of such ordinance as a new Art III of Ch. 12 was at the discretion of the editor.

Cross reference(s)—Motor vehicles and traffic, Ch. 13, conduct on county owned or controlled property, § 15-3, roads, bridges, transportation facilities, etc., Ch. 18.

Solicitation activities means collectively any and all of the activities prohibited under section 12-53.

(Ord. No. 89-54, § 2, 6-13-89; Ord. No. 02-49, § 2, 10-8-02)

Sec. 12-53. Prohibited activities.

The following activities are hereby prohibited at all times in the unincorporated areas of Clay County, Florida:

- (1) The solicitation of monies from motorists upon the public road rights-of-way.
- (2) The distribution of printed materials to motorists upon the public road rights-of-way.
- (3) The solicitation of information or the taking of polls from motorists upon the public road rights-of-way.

(Ord. No. 89-54, § 3, 6-13-89)

Sec. 12-54. Exemptions.

- (1) *Charitable organizations.* Organizations qualified under Section 501(c)(3) of the Internal Revenue Code and registered pursuant to Chapter 496, Florida Statutes, or persons or organizations acting on their behalf are exempted from the provisions of section 12-53 hereof, provided that each such organization shall have first complied with the requirements of section 12-55 hereof. Organizations or persons meeting the requirements of section 12-55 may solicit for a period not to exceed ten (10) cumulative days within one (1) calendar year.
- (2) *Temporary road closure.* Activities associated with the temporary closure of a section of a public road right-of-way during daylight hours and which are authorized and permitted by the board of county commissioners are exempted from the provisions hereof.
- (3) *Political campaigning.* Political campaigning is exempted from the provisions hereof, and no permit shall be required.

(Ord. No. 89-54, § 5, 6-13-89; Ord. No. 02-49, § 3, 10-8-02; Ord. No. 03-67, § 1, 7-22-03; Ord. No. 07-65, § 1, 11-27-07)

Sec. 12-55. Charitable organizations.

Any organization exempted from the prohibitions hereof pursuant to subsection 12-54(1) shall be permitted to conduct solicitation activities on public road rights-of-way upon submission of the following to the county:

- (1) No fewer than fourteen (14) calendar days prior to the proposed solicitation, the name and address of the person or organization that will perform the solicitation and the name and address of the organization that will receive funds from the solicitation.
- (2) For review and comment, a plan for the safety of all persons participating in the solicitation, as well as the motoring public, at the locations where the solicitation will take place.
- (3) Specific details of the location or locations of the proposed solicitation and the hours during which the solicitation activities will occur.
- (4) Proof of commercial general liability insurance against claims for bodily injury and property damage occurring on streets, roads, or rights-of-way or arising from the solicitor's activities or use of the streets, roads, or rights-of-way by the solicitor or the solicitor's agents, contractors, or employees. The insurance shall have a limit of not less than one million dollars (\$1,000,000.00) per occurrence for the general aggregate. The certificate of insurance shall name the county as an additional insured and shall be filed with the county no later than seventy-two (72) hours before the date of the solicitation.

-
- (5) Proof of registration with the department of agriculture and consumer services pursuant to Section 496.405, Florida Statutes, or proof that the soliciting organization is exempt from the registration requirements.
 - (6) A drawing of all signage to be posted, including dimensions.

(Ord. No. 03-67, § 2, 7-22-03; Ord. No. 07-65, § 2, 11-27-07)

Sec. 12-56. Solicitation activity restrictions.

- (1) Solicitation activities may be conducted during daylight hours only.
- (2) Solicitation activities shall not interfere with the safe and efficient movement of traffic and shall not cause danger to the participants or the public.
- (3) No person engaging in solicitation activities shall:
 - (a) Be under the age of eighteen (18) years.
 - (b) Persist after solicitation has been denied.
 - (c) Harass persons, be demanding, threatening or intimidating.
 - (d) Use any sound or voice-amplifying apparatus, any drum, bell, tambourine, horn or other noise making device.
 - (e) Erect any permanent or temporary structure within the right-of-way.
 - (f) Park any vehicle within the right-of-way.
- (4) Signage providing notice of the solicitation shall be posted at least five hundred (500) feet before the site of the solicitation. There shall be no more than one (1) sign per road rights-of-way in which solicitation is taking place and such signage shall be no larger than six (6) square feet. Such signage shall not be a "wind" sign. Signage shall be removed when all solicitors have ceased solicitation for the day.
- (5) If the conditions and requirements of this section are not met, the county may stop solicitation activities until such time as the person or organization conducting the solicitation activities comes into compliance with this section.

(Ord. No. 03-67, § 4, 7-22-03; Ord. No. 07-65, § 4, 11-27-07)

[Sec. 12-57. Reserved.]

Sec. 12-58. Penalty.

The violation of this article by having engaged in any activities prohibited hereby shall constitute a second degree misdemeanor, punishable as provided in general Florida law.

(Ord. No. 89-54, § 4, 6-13-89)

Secs. 12-59—12-70. Reserved.