

**ORDINANCE NO. 2016-12**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 9 OF THE CITY OF GREENACRES CODE ENTITLED "MISCELLANEOUS OFFENSES" TO ADD SECTION 9-6 AND A REFERENCE TO THE PALM BEACH COUNTY SOLICITATION AND DISTRIBUTION ON PUBLIC ROADS REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on June 23, 2015, the Palm Beach County Board of County Commissioners adopted Ordinance 2015-025 establishing regulations concerning solicitation and distribution on public roads which was codified in Chapter 18, Article I, Section 18-7; and

**WHEREAS**, on August 18, 2015, the City executed a contract with the Palm Beach County Sheriff's Office for law enforcement services within the City of Greenacres; and

**WHEREAS**, effective February 1, 2016, the Palm Beach County Sheriff's Office took over law enforcement services within the City of Greenacres; and

**WHEREAS**, the Palm Beach County Code of Ordinances allows for the solicitation and distribution regulations to apply in municipalities that elect to have the regulations apply within their jurisdiction; and

**WHEREAS**, for improved efficiency and public safety, the City desires to implement the County solicitation and distribution ordinance within the City limits.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA AS FOLLOWS:**

**Section 1.** Chapter 9, Article I is hereby amended as follows:

\* \* \* \* \*

Sec. 9-8 – Solicitation and Distribution on Public Roads.  
Regulations concerning solicitation and distribution on public roads are contained in Chapter 18, Article I, Section 18-7 of the Palm Beach County Code.

DIVISION 2. - Reserved.  
Secs. ~~9-8~~ 9-9 – 9.15. - Reserved.

*[Sections 9-1 through 9-7 are unchanged and are omitted for brevity]*

\* \* \* \* \*

**Section 2. Repeal of Conflicting Ordinances.**

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 3. Severability.**

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part of parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 4.**     **Inclusion in Code.**

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

**Section 5.**     **Effective Date.**

The provisions of this Ordinance shall become effective upon its adoption.

Passed on the first reading this 22<sup>nd</sup> day of February, 2016.

PASSED AND ADOPTED on the second reading this \_\_\_\_ day of \_\_\_\_\_,

2016.

Voted

\_\_\_\_\_  
Samuel J. Ferreri  
Mayor

\_\_\_\_\_  
( )  
Jonathan G. Pearce  
Deputy Mayor

Attest:

\_\_\_\_\_  
Denise McGrew  
City Clerk

\_\_\_\_\_  
( )  
Lisa Rivera  
Councilwoman, District I

\_\_\_\_\_  
( )  
Peter Noble  
Councilman, District II

\_\_\_\_\_  
( )  
Judith Dugo  
Councilwoman, District III

\_\_\_\_\_  
( )  
Paula Bousquet  
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
James D. Stokes  
City Attorney

Sec. 18-7. - Solicitation and distribution on public roads.

- (a) *Title.* This section shall be entitled the "Palm Beach County Solicitation and Distribution on Public Roads Ordinance."
- (b) *Intent.* It is the intent of this section to protect the health, safety and general welfare of the citizens of Palm Beach County, to assure the free, orderly, uninterrupted movement of motorized vehicles on public roads within unincorporated Palm Beach County and to provide for safety in the interest of pedestrians and occupants of motorized vehicles located on public roads within unincorporated Palm Beach County. This section is not intended to control traffic, as that term is defined in F.S. Ch. 316. This section is intended to apply evenhandedly to all persons who engage in the activities proscribed herein, regardless of their message. This section is intended to be narrowly tailored to serve the significant government interest of public safety, and to leave open ample alternative channels of displaying information, distributing goods and materials, and soliciting business and charitable contributions.
- (c) *Definitions.*
- Road* shall include roads, streets, roadbeds, ramps, medians, traffic islands and all other ways open to travel by operators of motorized vehicles within unincorporated Palm Beach County. This definition excludes private roads and roads that are not open to motor vehicle travel.
- (d) *Findings and determinations.* The County hereby finds and determines that allowing the interaction of pedestrians and motor vehicles in close proximity is inherently dangerous on State and County roads and persons engaging in displaying information of any kind, distributing materials or goods, or soliciting business or charitable contribution on roads is hazardous to public safety, both for occupants of vehicles located on public roads and for persons engaging in such display of information, distribution of material or goods and solicitation of business or charitable contribution.
- The County further hereby finds and determines that the prohibitions set forth in this section are narrowly tailored to serve the significant interest of promoting and protecting the public health, safety and welfare of the citizens of Palm Beach County, and that said prohibitions leave open ample alternative channels of communication.
- (e) *Prohibitions.*
- (1) No person shall be upon or go upon any road for the purpose of displaying information of any kind.
  - (2) No person shall be upon or go upon any road for the purpose of distributing materials or goods or soliciting business or charitable contributions of any kind.
  - (3) The language in this [sub]section is not intended to apply to traffic control signage or personnel or maintenance and construction personnel engaged to perform authorized activities on roads.
- (f) *Applicability.* The provisions of this section shall embrace all public roads that are open to motor vehicle traffic within the unincorporated area of Palm Beach County, including State roads, interstate ramps and County roads and to all municipalities within Palm Beach County that elect to have the provisions of this section apply within their respective jurisdictions.

(g) *Penalties.*

- (1) Pursuant to F.S. § 125.69(1), any person convicted of violating the provisions of this section shall be punished by a fine not to exceed five hundred dollars (\$500.00), by imprisonment not to exceed sixty (60) days, or by such fine and imprisonment.
- (2) In addition to the penalties provided by subsection (1) of this [sub]section [(g)], any violation of this section shall be subject to appropriate civil action in a court of appropriate jurisdiction.

(Ord. No. 2015-025, §§ 1—7, 6-23-15)

**Editor's note**— Ord. No. 2015-025, §§ 1—7, adopted June 23, 2015, did not specifically amend the Code; hence, inclusion herein as § 18-7 was at the discretion of the editor.