

ORDINANCE NO. 994

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHIPLEY, FLORIDA, REPEALING SECTIONS 34-5 AND 34-6 OF THE CITY OF CHIPLEY CODE OF ORDINANCES IN THEIR ENTIRETIES; ESTABLISHING REGULATIONS FOR THE SOLICITATION OF DONATIONS AND SALE OF GOODS AND SERVICES ON PUBLIC ROADWAYS AND DESIGNATED AREAS; PROVIDING FOR PERMIT REQUIREMENTS AND APPROVAL CRITERIA; AND PROVIDING FOR TEMPORARY EXCEPTIONS FOR SPECIAL EVENTS; WITH THE PURPOSE OF PROMOTING PUBLIC SAFETY AND ENSURING THE ORDERLY USE OF PUBLIC SPACES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Chipley is committed to ensuring the safety and welfare of its citizens and visitors by minimizing distractions and potential hazards in areas of high vehicular and pedestrian traffic; and

WHEREAS, it is in the public interest to regulate solicitation activities and the sale of goods and services on public roadways to maintain a safe and efficient flow of traffic; and

WHEREAS, the City seeks to provide a balanced approach that respects the rights of individuals to engage in expressive activities while safeguarding public safety and order;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHIPLEY:

Section 1. Chapter 34 of the Code of the City of Chipley is hereby amended to provide as follows (additions are shown by underline and deletions are shown by strikethrough)

~~Sec. 34-5. Prohibition of solicitation or attempted solicitation from, in, or on public roadways.~~

~~It shall be unlawful for any person directly or indirectly, to solicit or attempt to solicit money, donations of money, property or financial assistance of any kind, or to sell or offer for sale any article, tag, service, emblem, publication, ticket, advertisement, subscription or any thing of value on the pleas or representation that such solicitation or sale, or proceeds thereof, is for a charitable, patriotic, public, philanthropic or political purpose, from, in, or on public roads, streets, medians or safety zones, or, while located on a city sidewalk or adjacent road right of way, to solicit or attempt to solicit money, donations of money, property or financial assistance of any kind, or to sell or offer for sale any article, tag, service, emblem, publication, ticket, advertisement, subscription or any thing of value on the pleas or representation that such solicitation or sale, or proceeds thereof, is for a charitable, patriotic, public, philanthropic or political purpose from vehicles in the adjacent city, county or state roadways. If a public road or street has been closed by the appropriate governmental entity for a special event, such sales or solicitations may be permitted upon specific approval of the city council.~~

(Code 1987, § 16-5; Ord. No. 739, § 1, 4-9-1996)

Sec. 34-5. Regulation of Solicitation on Public Roadways and Adjacent Areas

(a) Purpose.

This section is intended to promote public safety by minimizing distractions and potential hazards associated with the solicitation of donations or the sale of goods and services in areas of high vehicular and pedestrian traffic. It is adopted as a content-neutral, time, place, and manner regulation of speech and commerce on public property.

(b) Prohibited Activities.

It shall be unlawful for any person to:

1. Solicit donations or contributions of any kind, or offer items or services for sale, **while standing in or upon any median, traffic lane, or safety zone of a public roadway**, or from such locations in a manner that causes vehicles to stop or slow in travel lanes.
2. Engage in such solicitation or sales activities **from sidewalks or rights-of-way adjacent to public roadways** in a manner that obstructs pedestrian traffic, impedes ingress or egress to private property, or interferes with the normal flow of vehicular traffic.

(c) Permitted Activities.

Solicitation or sales activities may be conducted on sidewalks and other public areas not included in subsection (b), provided they do not block pedestrian access or pose a risk to public safety.

(d) Temporary Exceptions for Special Events.

The city council may authorize temporary exceptions for events held on roadways that have been lawfully closed for festivals, parades, or other civic functions, where appropriate traffic control and public safety measures are in place.

Section 2. Chapter 34 of the Code of the City of Chipley is hereby amended to provide as follows (additions are shown by underline and deletions are shown by strikethrough)

Sec. 34-6. Permit for solicitation.

~~The prohibition set forth in section 34-5 shall not apply to those persons or entities who have obtained a city permit issued upon the authorization of a majority vote of the city council. Any person or entity seeking a permit to conduct the activities described in section 34-5 shall be required to complete and submit to the city clerk a permit application form at least 45 days prior to the proposed event. Said person or person's representative shall appear before the city council at the next regular or special meeting to advise the council of the purposes of the solicitation. The city council shall consider, but not be limited to consideration, of the following items before voting, to wit:~~

- ~~(1) — Sufficiency of amount of liability insurance;~~
- ~~(2) — Use and purpose of funds solicited;~~

- ~~(3) — Date and time period of solicitation;~~
- ~~(4) — Type of organization of applicant; and~~
- ~~(5) — Location of persons actively soliciting.~~
- ~~(Code 1987, § 16-6; Ord. No. 775, § 1, 5-13-1997)~~

Sec. 34-6. Permit for Solicitation in Designated Areas

(a) Permit Requirement.

Persons or entities wishing to solicit contributions or conduct sales activities in designated public areas must obtain a permit from the City Administrator when such activities involve the gathering of crowds, amplified sound, or any potential interference with normal pedestrian or vehicular traffic.

(b) Application Procedure.

1. Permit applications must be submitted at least 15 business days prior to the proposed activity.
2. The application shall include:
 - Applicant's name and contact information.
 - Description of activity.
 - Proposed date(s), time(s), and location(s).
 - Evidence of liability insurance in an amount as required for Special Event Permits.

(c) Approval Criteria.

The permit shall be granted if:

1. The proposed activity does not present a substantial risk to public safety or traffic flow;
2. The location does not interfere with essential public functions;
3. The applicant agrees to comply with all applicable laws and regulations.

(d) Permit Review.

The City Administrator shall review the application and issue a decision within 10 business days. If denied, the applicant shall be provided written reasons and may appeal to the City Council at the next regularly scheduled City Council meeting.

(e) Non-Discrimination.

No application shall be denied based on the applicant's viewpoint, message, affiliation, or the nature of the organization.

Section 3. Severability. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. Effective Date. That this ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED on first reading in the City Council on _____, 2025. **PASSED** after second reading by the City Council on _____, 2025.

CITY OF CHIPLEY, FLORIDA

By its Mayor, Tracy Andrews

ATTEST:

Sherry Snell, City Clerk

APPROVED AS TO FORM:

Michelle Blankenship Jordan
City Attorney