

ORDINANCE NO. 2001-14

AN EMERGENCY ORDINANCE AMENDING CHAPTER 21, SECTION 21-3, HERNANDO COUNTY CODE OF ORDINANCES, TO PROVIDE FOR A LIMITED EXCEPTION TO THE PROHIBITION OF SOLICITATION UPON THE TRAVELED PORTION OR MEDIANS OF STREETS AND HIGHWAYS FOR GOVERNMENTAL OR NON-PROFIT ORGANIZATIONS TO SOLICIT OR COLLECT FOR RELIEF OF VICTIMS IN TIMES OF DECLARED NATIONAL OR STATE EMERGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND AN EFFECTIVE DATE.

WHEREAS the President of the United States has declared that a national emergency exists by reason of the terrorist attacks at the World Trade Center and the Pentagon, and

WHEREAS many thousands of innocent persons have been killed or seriously injured in the attacks, including hundreds of rescue personnel, and

WHEREAS governmental and non-profit groups within Hernando County wish to solicit and collect for the relief of victims in the attacks, and

WHEREAS the Hernando County Board of County Commissioners finds that the extraordinary circumstances require a limited exception to a provision of the Hernando County Code of Ordinances that prevents certain types of solicitation and collection, and

WHEREAS relief for the victims of these attacks presents an emergency which the Hernando County Board of County Commissioners by at least a four-fifths vote hereby determines to exist, and

WHEREAS the Hernando County Board of County Commissioners has determined by at least a four-fifths vote that an ordinance amending the Code to authorize a limited exception to certain prohibitions on solicitation and collection of goods and services for relief of victims is necessary;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AMENDING CHAPTER 21, SECTION 21-3, HERNANDO COUNTY CODE OF ORDINANCES, BY ADDING A LIMITED EXCEPTION TO THE PROHIBITION OF SOLICITATION ON CERTAIN PORTIONS OF STREETS AND HIGHWAYS.

Chapter 21, Section 21-3, Hernando County Code of Ordinances, is hereby amended by adding the underlined sentence in (b)(1), to read as follows:

(a) Purpose. The purpose of this section is to prevent dangers to persons and property, to prevent delays, and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.

(b) Unlawful acts:

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CLERK OF STATE
TALLAHASSEE, FLORIDA

(1) It shall be unlawful for any person to solicit for employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway, or to advertise for any purpose, when such solicitation, advertisement or collection causes the person performing the activity to enter onto the traveled portion of a street or highway. This section shall not apply to solicitation or collection for relief of victims during a time of national emergency as declared by the President or a time of state emergency as declared by the Governor, when such solicitation or collection is carried out solely by representatives of a governmental or not-for-profit organization and all goods or money solicited or collected are transferred to a recognized relief agency for distribution within a reasonable time.

(2) This section may be enforced by any law enforcement agency with jurisdiction and authority over the street or highway on which violations occur, which agencies are hereby authorized and directed to enforce this ordinance.

(3) Violations of this section shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

(c) Definition. For purposes of this section, the traveled portion of the street or highway shall mean that portion of the street or highway normally used by moving motor vehicle traffic and shall include:

(1) any median area dividing lanes of motor vehicle traffic, whether or not paved; and

(2) any area within the road right of way that is four (4) feet or less in straight line distance from the traveled portion of the street or highway, such area representing the minimum clear zone of recovery provided for by applicable traffic engineering standards.

SECTION 2. SEVERABILITY:

If any subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of the chapter.

SECTION 3. INCLUSION:

It is the intention of the Board of County Commissioners and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, Hernando County, Florida, and the sections of this ordinance may be renumbered to accomplish such intention.

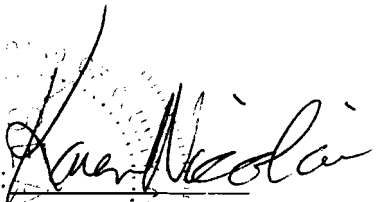
SECTION 4. EFFECTIVE DATE:

This ordinance shall take effect upon acceptance of a copy hereof by the postal authorities of the Government of the United States for special delivery by certified mail to the Department of State for filing.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 25th day of September, 2001.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.**

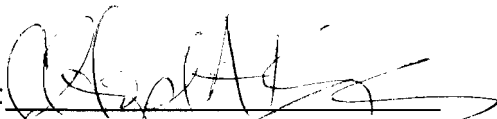
Attest:



KAREN NICOLAI

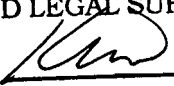
Clerk

By:



CHRISTOPHER A. KINGSLEY

Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY  9/25/01
County Attorney's Office