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ORDINANCE NO. 98-26

AN ORDINANCE PROHIBITING SOLICITATION UPON THE TRAVELED PORTION OR MEDIANS OF STREETS AND HIGHWAYS; PROVIDING FOR PURPOSE; PROVIDING FOR UNLAWFUL ACTS, ENFORCEMENT AND PENALTIES; PROVIDING FOR DEFINITION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND AN EFFECTIVE DATE.

WHEREAS, the Hernando County Board of County Commissioners hereby finds and determines that solicitation in or on the traveled portion or median of streets and highways and within the clear zone of recovery endangers the health, safety, and general welfare of the public by causing distractions to motorists, unsafe pedestrian movement within travel lanes, sudden stoppage or slowdown of traffic, rapid lane changing and other dangerous traffic movement, increased vehicular accidents, and motorist injuries and fatalities; interferes with traffic planning and traffic flow; and otherwise adversely affects the safety and movement of traffic;

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

SECTION 1. PURPOSE:

The purpose of this ordinance 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.

SECTION 2. UNLAWFUL ACTS:

- (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.
- (2) This ordinance 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 ordinance 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.

SECTION 3. DEFINITION:

For purposes of this ordinance, 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 4. 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 5. 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 6. EFFECTIVE DATE:

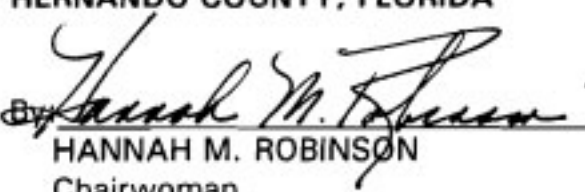
This ordinance shall take effect upon filing with the Department of State.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 13th day of October, 1998.

Attest:


KAREN NICOLAI
Clerk

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


HANNAH M. ROBINSON
Chairwoman