

AN ORDINANCE REPEALING ORDINANCE NO. 76-11 WHICH REGULATED THE SALE OF GOODS FROM PUBLIC PLACES; PROVIDING FOR DEFINITIONS; PREVENTING THE USE OF PUBLIC AREAS AS COMMERCIAL LOCATIONS; PROVIDING FOR EXCEPTIONS; PROVIDING ENFORCEMENT RESPONSIBILITY; PROVIDING FOR PENALTIES, CONFLICT, SEVERABILITY, REPEAL, AND EFFECTIVE DATE.

WHEREAS, the regulation of selling on public streets, highways and rights-of-way in the unincorporated areas of Collier County, and in those road rights-of-way owned and maintained by Collier County but which lie within municipal boundaries, is necessary in the interest of public safety, and protection of public property from damage; and

WHEREAS, the regulation of selling in public areas such as near schools, parks, road rights-of-way, County government facilities, or other areas controlled by the County, is necessary in order to insure that the public nature of these areas will be secured to all citizens,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: DEFINITIONS.

A. "Public Place" shall mean areas or properties owned by governmental agencies or dedicated to or reserved for the use of members of the public, and shall include, but not be limited to airports, schools, parks, boatramps, playgrounds, libraries and other County governmental facilities.

B. "Public Right-of-Way" shall mean a strip of land dedicated or deeded to the public and accepted by the Board of County Commissioners, used or occupied or intended to be used or occupied by a street, driveway/access, crosswalk, railroad, electric transmission line, oil or gas pipeline, storm drainage way, water main, sanitary or storm sewer main, bikeway or for similar special public use.

C. "Vending Machine" shall mean any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for dispensing of any retail goods, food or beverage products.

D. "Person" shall mean any firm, partnership, corporation, organization, individual or other entity.

SECTION TWO: PREVENTING THE USE OF PUBLIC AREAS AS COMMERCIAL LOCATIONS.

To prevent the use of public streets or public places as permanent, semi-permanent or temporary commercial locations, except when otherwise authorized by this Ordinance or the Board of County Commissioners, it shall be unlawful for any person to:

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- A. Sell goods, merchandise, property or services whether for profit or nonprofit purposes, or to display advertising of any sort from any permanent, semi-permanent or temporary location, upon any public right-of-way, or in any public place as defined herein until and unless such person, is specifically permitted in writing to do so by the County, and where the County has only an easement interest, such person must also be specifically permitted in writing to do so by the legal title holder of the property which is subject to the County's easement.
- B. Park or stop any motorized or trailer vehicle, pushcart or animal-drawn conveyance in any public right-of-way or in any public place for purpose of making or soliciting sales.
- C. Sell, solicit sales, vend, or serve any goods or food by any means including the use of vending machines in the public rights-of-way or other public place, or within 500 feet of any property owned or operated for public or private school purposes, or for any person to station himself, or operate any roadside stand or establishment within the public right-of-way or other public place.
- D. Make any commercial use of the public right-of-way or other public place, including placement of commercially related signs.
- E. Sell or display for sale vehicles in the public right-of-way or other public place.

SECTION THREE: EXCEPTIONS.

The following authorized uses are excluded from this Ordinance:

- A. Newsrack placement within a public right-of-way shall comply with County Ordinance No. 86-85 or the latest revision thereof.
- B. Vendors or businesses having current County licenses who make frequent stops merely for the purpose of making a sale or pick-up/drop off of persons and then continue neighborhood travel upon the road rights-of-way (i.e., ice cream vehicles, trollies, cabs).
- C. Emergency service or repair vehicles rendering service or repair to any disabled vehicle.
- D. A person, firm or corporation who has a franchise from, contracted with or has otherwise been authorized by the Board of County Commissioners to sell goods, merchandise or services within a public right-of-way or other public place.
- E. A vehicle may be displayed for sale upon public property when that vehicle is:
 - 1. Driven by the public or private sector and/or employees of governmental agencies when conducting business at the public site during normal business hours.
 - 2. Driven by an individual who is using the boat ramp or park site facilities.
 - 3. Being sold in conjunction with a governmental auction.

SECTION FOUR: ENFORCEMENT RESPONSIBILITY.

The enforcement of this Ordinance shall be the responsibility of the Zoning Enforcement Section, Building Code Compliance Department of the Community Development Division, Collier County Sheriff's Office or other code enforcement officer of Collier County.

SECTION FIVE: PENALTY, CONFLICT, SEVERABILITY, AND REPEAL OF ORDINANCE 76-11.

A. Penalty: Violation of this Ordinance is punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail not to exceed sixty (60) days, or both. Each day of continued violation shall be considered a separate and distinct offense. Prosecution as a misdemeanor shall not preclude other remedies available in law and equity. In addition any firm, partnership, corporation, individual or other entity who is found in violation of the provisions of this office shall pay all costs and expenses incurred in the prosecution of such violation.

B. Conflict: In the event this Ordinance conflicts with any other portion or with any other law, ordinance, rule or regulation, the more restrictive shall apply.

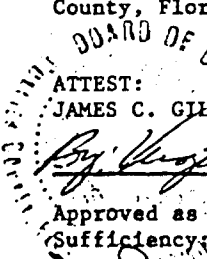
C. Severability: If any phrase or portion of this Ordinance is held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity or constitutionality of the remaining portion.

D. Repeal: Collier County Ordinance No. 76-11 which regulated the sale of goods from public places is hereby repealed in its entirety.

SECTION SIX: EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with of the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 28th day of July, 1987.



ATTEST:
JAMES C. GILES, CLERK

By Virginia Maguire, DC

Approved as to Form and Legal Sufficiency.

R. Bruce Anderson
R. Bruce Anderson
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: *Max A. Hasse, Jr.*
Max A. Hasse, Jr., Chairman

This ordinance filed with the Secretary of State's Office the 5th day of Aug, 1987 and acknowledgement of that filing received this 10th day of Aug, 1987.

By *Janice Cheavis*
Deputy Clerk

STATE OF FLORIDA)
COUNTY OF COLLIER)

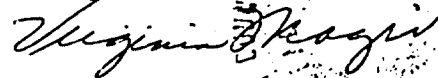
I, JAMES C. GILES, Clerk of Courts in and for the Twentieth
Judicial Circuit, Collier County, Florida, do hereby certify that the
foregoing is a true copy of:

ORDINANCE 87-60

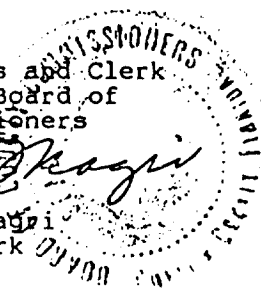
which was adopted by the Board of County Commissioners on the 28th
day of July, 1987 during Regular Session.

WITNESS my hand and the official seal of the Board of County
Commissioners of Collier County, Florida, this 29th day of
July, 1987,

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Virginia Maggi
Deputy Clerk



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