



ORDINANCE NO. 2010-13

FILED
2010 MAR 29 AM 10:14
CLERK OF COUNTY COMMISSIONERS

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 87-60, AS AMENDED, AS IT RELATES TO THE ISSUANCE OF PERMITS FOR CHARITABLE SOLICITATIONS AT ROAD INTERSECTIONS, BY AMENDING SECTION THREE, "EXCEPTIONS," IN ORDER TO REQUIRE ORGANIZATIONS WHOSE SOLICITORS REPRESENT THAT THEY ARE VETERANS OF THE MILITARY, OR WEAR A MILITARY UNIFORM OR A DISTINCTIVE PART OF A MILITARY UNIFORM TO PROVIDE EVIDENCE OF PRESENT OR FORMER MILITARY SERVICE FOR EACH SOLICITOR; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 28, 1987, the Board of County Commissioners adopted Ordinance No. 87-60 to regulate selling on public streets, highways and rights-of-ways; and

WHEREAS, Collier County Ordinance No. 04-51 amended Ordinance No. 87-60 to allow charitable solicitations at road intersections subject to certain conditions and the issuance of a permit; and

WHEREAS, the Board of County Commissioners desires to amend Ordinance No. 87-60, as amended, so as to require organizations whose solicitors represent that they are veterans of the military, or wear a military uniform or a distinctive part of a military uniform to provide evidence of present or former military service for each solicitor.

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

SECTION ONE: AMENDMENT TO SECTION THREE OF ORDINANCE NO. 87-60, AS AMENDED

Section Three of Ordinance No. 87-60, as amended is hereby amended as follows:

THREE: EXCEPTIONS

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F. Charitable Solicitations at Traveled Road Intersections.

1. In this subsection, "Road" means all geographic areas between the two exterior-most edges of paved or unpaved surfaces available for and being used for vehicular travel or

parking, including medians and shoulders. All public and private roads, including roads separated by one or more medians, have two (2) exterior-most edges. "Road" includes streets, highways, alleys, and other nouns that are used to describe facilities for traveling by, or in-the-road parking of motor vehicles. This subsection applies to all roads over which Collier County then has traffic control jurisdiction. "Pedestrian" means every individual who goes onto the traveled road to interact with any operator or occupant of any vehicle being operated on the road, including each supervisor while the supervisor is on the traveled road surface. "Participant" includes the permit applicant each pedestrian, each supervisor, and every other individual associated with the applicant and who is in the road during any of the subject in-the-road activities.

2. A one-time per calendar year permit only to solicit charitable contributions at road intersections in unincorporated Collier County then open to vehicular traffic may be acquired from the Collier County Transportation Department, subject to continued compliance with all of the following:

a. Eligible Permit Applicants. The applicant must be federal income tax exempt under the United States Internal Revenue Code and must be registered as a solicitor of contributions pursuant to Chapter 496, Florida Statutes, or have an annual letter of exemption issued to the applicant pursuant to that Chapter.

b. Permit Application.

(i) There shall be no fee for the permit. The applicant shall submit to the complete, executed standard application form to the County's Transportation. No incomplete application shall be accepted. If the application form is not accepted by staff for any reason, staff, not later than five (5) workdays following receipt of the application, shall inform the applicant in writing of the reason(s) for non-acceptance. The time period for staff approval or denial of an application shall not commence until a complete application form is accepted. Each complete form shall be processed on a first applied-for, first processed basis. The Transportation Department shall either deny the complete permit application (for stated reasons) or grant the permit, within ten (10) workdays following receipt of the complete application. If the Transportation Department does not make a final decision to approve or deny a complete application within ten (10) workdays after staff's receipt of the application (including proof of required insurance), the application shall be deemed to be approved. Each permit application must request a specific time period to solicit contributions not to exceed seventy-two (72) consecutive hours. No applicant shall request that the solicitation time period commence more than sixty (60) calendar days after, nor sooner than fourteen (14) calendar days after, the submittal date of the complete application. The applicant can request (and be permitted) to solicit contributions concurrently at several intersections, but only one permittee may solicit at any intersection at any one time.

(ii) Military Representation. Organizations whose solicitors represent that they are veterans of the military, or wear a military uniform or a distinctive part of a military uniform must provide evidence of present or former military service for each solicitor. Evidence that will be accepted includes, but is not limited to:

- a. DD-214 or Statement of Service (Report of Separation); or
- b. Communication from military or veterans office that contains information regarding military service or an indication of military service.

(ii) (iii) Insurance. Each application must include a Certificate of Liability Insurance showing proof of general liability insurance that has policy limits of not less than one million dollars per occurrence for personal injury/death; one million dollars for property damage; at least \$300,000 fire damage (any one fire); at least \$15,000 for medical expenses (any one person); at least two million dollars general aggregate, and at least two million dollars aggregate for comprehensive liability, products. All such insurance must be in effect throughout the solicitation time period. The permit shall automatically be rendered void if the required insurance is not continuously in full force and effect throughout the solicitation time period. The insurance must insure the applicant (entity or individual), all participants, and all third party claimants who may assert claims for personal injury, death and/or property damage alleged to have been caused by, or resulted from, the applicant's in-the-road activity. Collier County must be a named insured.

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SECTION TWO: INCLUSION IN THE CODE OF LAWS AND ORDINANCE

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION THREE: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the 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 of the remaining portion.

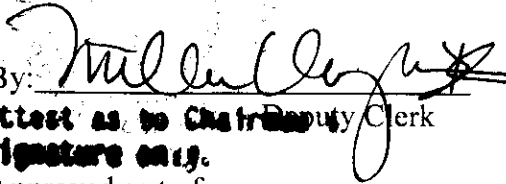
SECTION FOUR: EFFECTIVE DATE

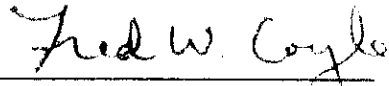
This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 23rd day of March, 2010.

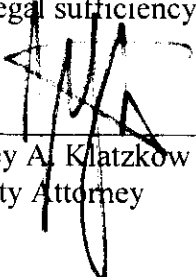
ATTEST:
DWIGHT E. BROCK, CLERK

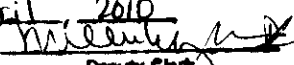
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Attest as to Chair ~~Deputy~~ Clerk
signature only.

By: 
FRED W. COYLE, CHAIRMAN

Approved as to form
and legal sufficiency:


Jeffrey A. Klatzkow
County Attorney

This ordinance filed with the
Secretary of State's Office the
29th day of March, 2010
and acknowledgement of that
filing received this 10th day
of April, 2010
By: 
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

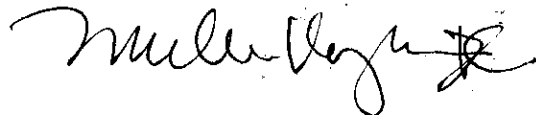
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2010-13

Which was adopted by the Board of County Commissioners on the 23rd day of March, 2010, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 24th day of March, 2010.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Martha Vergara,
Deputy Clerk