



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#22-0842

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Alain E. Boileau, City Attorney

DATE: September 6, 2022

TITLE: Second Reading - An Ordinance of the City Commission of the City of Fort Lauderdale, Florida, Amending Article XI Entitled "Solicitation and Display on Public Rights-of-Way", Section 25-267 Entitled "Right-of-Way Solicitors and Canvassers" of the Code of Ordinances of the City of Fort Lauderdale, Florida – **(Commission Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission adopt the attached proposed Ordinance amending Section 25-267 entitled "Right-of-Way Solicitors and Canvassers" of the Code of Ordinances of the City of Fort Lauderdale, Florida.

Background

On September 16, 2014, the City Commission of the City of Fort Lauderdale adopted Ordinance No. C-14-38 creating Article XI - "Solicitation and Display on Public Rights-of-Way" of Chapter 25 of the City of Fort Lauderdale, Florida Code of Ordinances in furtherance of its significant interest in protecting the health, safety and welfare of the pedestrians and motorists in the City. The City Commission adopted Ordinance No. C-14-38 partially based on the information provided in Memorandum 14-02, dated January 9, 2014, regarding impacts of street solicitation on public safety and traffic operations, and Memorandum 14-33, dated May 19, 2014, regarding crashes at major intersections and interstate ramps, traffic congestion, and distracted driving. Ordinance No. C-14-38 made it unlawful for any person to act as a right-of-way canvasser or solicitor on any portion of a public right-of-way with a functional classification of Arterial on the Broward County Highway Functional Classifications Map and a Broward County Metropolitan Planning Organization Roadway 2012 Peak Level of Service (LOS) designation of D, E or F. It also made it unlawful for any person to store or exhibit any goods, merchandise or other materials on any portion of the public street, including the median, or bicycle lane.

In 2015, the Supreme Court of the United States issued an opinion with impact on constitutionality of portions of Section 25-267 of the Code of Ordinances of the City of Fort Lauderdale. The proposed ordinance modifies Section 25-267 to address the

constitutionality concerns as well as provides an opportunity to update the data and findings that serve as the basis for the regulations.

Resource Impact

The adoption of this Ordinance has no direct fiscal impact on the City of Fort Lauderdale.

Strategic Connections

This item supports the Press Play Fort Lauderdale 2024 Strategic Plan, specifically advancing:

- The Public Safety Focus Area
- Goal 6: Build a safe and well-prepared community.

This item advances the Fast Forward Fort Lauderdale 2035 Vision Plan: We Are United.

Attachments

Exhibit 1 – City of Fort Lauderdale Traffic Crash Analysis

Exhibit 2 – Broward County Future Roadway Level of Service Map

Exhibit 3 – Broward County Roadway Capacity and Level of Service Analysis
(filtered for the City of Fort Lauderdale)

Exhibit 4 – Pedestrian Fatal Crash Study

Exhibit 5 – Proposed Ordinance

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Charter Officer: Alain E. Boileau, City Attorney