

ORDINANCE NO. 25-22

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 22-26 REVISING THE DEFINITION OF “SOLICITOR”; AMENDING SECTION 22-27 PROHIBITING CERTAIN ACTIONS OF SOLICITORS, AGENTS, OR PEDDLERS; AMENDING SECTION 22-30 GOVERNING REQUIREMENTS AND PROCEDURES FOR SOLICITOR PERMITS; AMENDING SECTION 22-34 RELATING TO EXEMPTIONS FROM SOLICITATION PERMITTING REQUIREMENTS FOR NONPROFIT ENTITIES; CREATING SECTION 22-35 ESTABLISHING A PROCEDURE FOR RESIDENTS TO OPT OUT OF SOLICITATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City has the authority under the City Charter, Section 2(b), Article VIII of the State Constitution, and Section 166.021(1), Florida Statutes, to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, the City has a significant government interest in maintaining public safety, including managing pedestrian and vehicle traffic in the City’s sidewalks and other rights-of-way; and

WHEREAS, the City find it necessary to prohibit solicitation or peddling of goods, wares, or merchandise in public rights-of-way which can create clear hazards to pedestrian and vehicle traffic as well as a public nuisance to passersby; and

WHEREAS, the City finds it necessary to restrict permitted solicitors, agents, and vendors to individuals over the age of 18 in the interest of public safety and welfare; and

WHEREAS, the City finds it necessary to require nonprofit entities to abide by the same regulations regarding solicitation as for-profit entities while acknowledging that nonprofits should be exempt from payment of permit fees; and

WHEREAS, the City finds that it would be of public benefit to create of a No Solicitation List which would allow residents to opt out of having solicitors and peddlers come onto the residential properties on the list; and

WHEREAS, the City Commission of the City of Winter Garden finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Winter Garden, Florida, that:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Sec. 22-26 of the City Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 22-26. Definitions.

Solicitor means any agent or peddler who is otherwise permitted to do business in the city, whether or not such agent or peddler is engaged in interstate commerce; and shall include all servicemen or repairmen who engage in any activity as an agent or peddler, as defined in this section. “Solicitor” shall include persons asking for cash donations or other charitable contributions of any kind, as well as persons engaged in soliciting information door-to-door to conduct polls, surveys and similar activities for a commercial purpose, but shall not include religious or political canvassing during which donations are not sought, funds are not solicited, or products are not sought to be sold. Individuals requesting donations for their personal benefit, rather than for the benefit of an organization or cause, are classified as “panhandlers” and are required to follow the regulations outlined in City Code Chapter 50, Article IV rather than the provisions of this article.

SECTION 3. City Code Amendment. Sec. 22-27 of the City Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 22-27. Prohibitions.

It is unlawful for any individual solicitor, agent or peddler to:

- (1) Enter the premises of a private residence, gated community or business establishment for the purpose of selling or soliciting orders for goods, wares or merchandise, personal services or information when a sign stating "no solicitors" is posted.
- (2) Remain upon any premises after the owner or occupant requests the solicitor to depart.
- (3) Conduct business before 9:00 a.m. and after 9:00 p.m. and on Sundays at any time.
- (4) Approach back or rear doors or the sides or rear of residential premises.
- (5) Conduct any business within the public rights-of-way within the municipal limits of the city. This prohibition includes soliciting orders for the sale of any goods, wares, or merchandise on foot or from a vehicle, whether motorized or not. Vehicles used to conduct business in violation of this subject may be subject to towing and impoundment.

SECTION 4. City Code Amendment. Sec. 22-30 of the City Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 22-30. Solicitor permit.

- (a) In addition to the business tax receipts required by section 66-104, every agent, peddler, and solicitor, as defined in section 22-26, shall obtain from the city a written solicitor permit authorizing such person to conduct business within the city.
- (b) Any person desiring to secure a solicitor permit required by this section shall first make written application to the city on forms provided by the city, and such application shall state at least the following:
 - (1) The name and current address of the applicant.
 - (2) The name and address of the person by whom such applicant is employed or who such applicant represents.
 - (3) The length of time the applicant has been so employed.
 - (4) The place of residence and nature of employment of the applicant during the preceding year.
 - (5) The nature and character of the goods, wares, merchandise or services to be offered by the applicant.
 - (6) The personal description of the applicant.
- (c) Such application shall be also accompanied by credentials and other personal references and identification as may be reasonably required by the city ~~commission~~, including, but not limited to, copies of a valid driver's license for the applicant or other similar form of photographic identification.
- (d) If, upon an investigation reasonably made, the city ascertains and determines that the applicant for a permit required by this section has submitted a complete, correct and signed application and proposes to engage in a lawful, commercial or professional enterprise, the city shall issue the permit. Such permit shall be carried at all times by the person to whom such permit is issued when soliciting or peddling within the city and shall be exhibited by any such person whenever requested by any police officer or any person solicited.
- (e) No solicitor permit shall be granted to an individual who is under the age of 18 at the time of application.
- (f) Solicitor permits are not assignable or transferable. Any individual participating in an organized effort to solicit or peddle goods, wares, or merchandise or solicit charitable donations must obtain his or her own solicitor permit.

SECTION 5. City Code Amendment. Sec. 22-34 of the City Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 22-34. Nonprofit permit fee exemption.

Upon presentation of sufficient proof of charitable or benevolent intent and nonprofit status to the city manager or his/her designee, a charitable, benevolent, fraternal, educational, religious, or other similar nonprofit organization or association may apply for and receive a waiver of payment of from the permitting fee. requirements contained in this article, provided that such organization or association agrees to conduct its activities in a safe and lawful manner. If granted, such waiver shall be effective only as to the grantee, its volunteers, and its direct employees, and shall not be extended to any independent contractors or for-profit entities hired, paid, or retained by the grantee. The permit requirements of this article shall otherwise apply to all nonprofit entities and any individuals, whether volunteers, employees, or contractors, soliciting orders for the sale of any goods, wares, or merchandise or soliciting charitable contributions of any kind on behalf of such entities. Once issued, a waiver shall be valid for a period of one year and may be renewed upon application. A waiver issued pursuant to this subsection shall not be construed to excuse or authorize otherwise unlawful conduct such as the conduct of vending or solicitation operations on properties without the consent of the owner or lessee of such property, trespass, disturbances of the peace, fraud, or the failure to observe and abide by any other applicable ordinance, law, or statute. The city shall be authorized to charge a nominal processing fee in conjunction with any applications submitted pursuant to this section.

SECTION 6. City Code Amendment. Sec. 22-35 of the City Code of Ordinances, currently reserved, is hereby created as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 22-35. The No Solicitations List.

(a) Any resident of the City of Winter Garden or owner of commercial property within the municipal limits of the city, may file with the Winter Garden Police Department, on a form provided by the city, a written request that no agent, peddler, or solicitor shall come upon the property of the resident or commercial property owner to solicit orders for the sale of any goods, wares, or merchandise or to solicit charitable contributions of any kind. The form shall include an option for the resident or commercial property owner to indicate that they have no objection to charitable solicitations at the listed residential or commercial property. Upon filing of the form, the property location shall be added to the No Solicitations List to be maintained by the Police Department. The No Solicitations List must clearly identify each residential or commercial property for which a form has been submitted and identify those properties where the resident or commercial property owner has authorized charitable solicitations.

(b) The Winter Garden Police Department shall maintain a No Solicitations List, to be derived from the forms filed with the Police Department pursuant to subsection (a), of all property locations within the city at which solicitations and peddling are prohibited. The No Solicitations List shall clearly identify those locations at which charitable solicitations have been authorized by the residents or commercial property owners. A copy of the list containing all of the property locations at which solicitations and peddling are prohibited shall be delivered to all persons holding a solicitor permit at such time as such persons obtain their solicitor permit per section 22-30. The list shall also be made available via the city's website.

(c) No person shall solicit orders for the sale of any goods, wares, or merchandise or solicit charitable contributions of any kind from any person at any residence or commercial property

located on any property which is on the current No Solicitations List, except for the solicitation of charitable contributions at locations on the No Solicitations List where such charitable solicitations have been authorized by the resident or commercial property owner.

Secs. 22-3622-34—22-60. Reserved.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 9. Codification. Sections 2 through 5 of this Ordinance shall be incorporated into the Winter Garden City Code. Any section, paragraph number, subsection number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or City Code may be freely made.

SECTION 10. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Garden, Florida.

FIRST READING: JULY 10, 2025

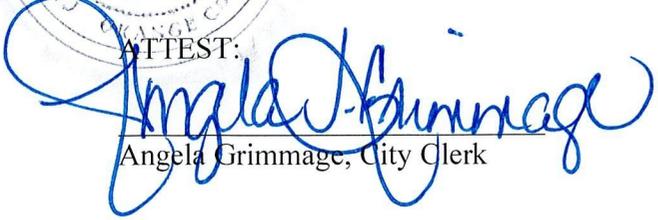
SECOND READING: JULY 24, 2025

ADOPTED this 24TH day of JULY, 2025, by the City Commission of the City of Winter Garden, Florida.

CITY COMMISSION OF THE CITY OF
WINTER GARDEN, FLORIDA


John Rees, Mayor/Commissioner

ATTEST:


Angela Grimmage, City Clerk

**Signed by
Lisa L. Bennett
Mayor Pro Tem**