

ARTICLE III. - CHARITABLE SOLICITATIONS

Sec. 23-66. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable purpose means philanthropic, religious or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church or religious society, sect, group or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization, or the benefit of any educational institution. The term "charitable purpose" shall not be construed to include the direct benefit of the individual making the solicitation. The term "charitable purpose" shall not be construed to include the benefit of any political group or political organization which is subject to financial disclosure under state or federal law.

Individual means only a natural person.

Solicit funds or *solicitation of funds* shall mean any request for the donation of money, property or anything of value or the pledge of a future donation of money, property or anything of value or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, flowers, goods, books, pamphlets, tickets, publications or subscriptions to publications or brochures upon the representation, express or implied, that the proceeds of such sale will be used for a charitable purpose as such term is herein defined. Expressly excluded from the meaning of solicit funds or solicitation of funds is any offer of membership in any organization. A solicitation of funds is complete when the solicitation is communicated to any individual then located within the corporate limits of the city.

(Code 1953, § 38-10; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-67. - Exceptions.

The following are excepted from the operation of this article:

- (1) The solicitation of funds for charitable purposes by any organization or association from its members.
- (2) The solicitation of funds for charitable purposes by a person when such solicitation occurs on premises owned or controlled by the person soliciting funds or with the written permission of the person who owns or controls the premises.
- (3) The issuance of any announcement or advertisement that such solicitation as described in paragraphs (1) and (2) above will occur or which announces or advertises an event at which unannounced solicitation as described in paragraphs (1) and (2) above occurs.

(Code 1953, § 38-17; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-68. - Unlawful solicitation.

- (a) It shall be unlawful for any person, directly or through an agent or employee, to solicit funds for charitable purposes within the corporate limits of the city unless such person shall have first obtained a charitable solicitation permit from the city chief license inspector.
- (b) It shall be unlawful for any individual, as the agent or employee of another, to solicit funds for charitable purposes in the city unless his principal or employer has received a charitable solicitation permit.
- (c) It shall be unlawful to solicit door to door for charitable purposes between the hours of 8:00 p.m. and 8:00 a.m. each day.
- (d) It shall be unlawful for any person, directly or through an agent or employee, to solicit funds for charitable purposes within the corporate limits of the city after the expiration of any charitable solicitation permit issued by the city.

- (e) It shall be unlawful for the person registering or the agents or employees thereof to solicit funds for a charitable purpose other than that set out in the registration statement upon which the charitable solicitation permit was issued.
- (f) It shall be unlawful for any person who shall solicit funds for charitable purposes in the city to represent in connection with such solicitation of funds that the issuance of a charitable solicitation permit or an identification card by the city constitutes an endorsement or approval of the purposes of such solicitation of funds by the city or any officer or employee thereof.
- (g) It shall be unlawful for any person issued a charitable solicitation permit hereunder to fail to file with the city license inspector within thirty (30) days from the expiration of the certificate of registration a sworn financial statement, as provided in section 23-72, showing the total amount collected from the solicitation of funds and the amounts and purpose for which such funds were disbursed.
- (h) It shall be unlawful for any person issued a solicitation permit to solicit in a manner which violates any of the provisions of section 23-95(1) through (12).

(Code 1953, § 38-11; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-69. - Registration statement.

All persons desiring to solicit funds for charitable purposes in the city shall file with the city license inspector a registration statement, on forms provided by the license inspector, containing the following information:

- (1) The name of the person registering and desiring to solicit funds for charitable purposes.
- (2) Whether the person registering is a natural person, partnership, corporation or association, and:
 - a. If a natural person, the business or residence address and telephone number must be given.
 - b. If a partnership, the names of all partners and the principal business address and telephone number of each partner must be given.
 - c. If a corporation, the person registering must state whether it is organized under state law or is a foreign corporation and must show the mailing address, business location, telephone number, name of the individual in charge of the local office of such corporation, if applicable, and the names of all officers and directors or trustees of such corporation, and if a foreign corporation, the place of incorporation.
 - d. If an association, the registration statement shall show the association's principal business address and telephone number, if any. If the association is part of a multistate organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.
- (3) The charitable purpose for which the funds are to be solicited and an explanation of the intended use of the funds toward that purpose.
- (4) The names, mailing addresses and telephone numbers of all individuals who will be in direct charge or control of the solicitation of funds.
- (5) The time period within which the solicitation of funds is to be made, giving the date of the beginning of solicitation and its projected conclusion.
- (6) A description of the methods and means by which the solicitation of funds is to be accomplished.
- (7) The names of any officer, director, trustee, partner, or any current agent or employee engaging in solicitation of funds who has been convicted of a felony or a misdemeanor involving moral turpitude or fraud within the past two (2) years and the nature of the offense, the state where the conviction occurred and the year of such conviction.
- (8) An explanation of the reasons why the person registering is unable to provide any of the foregoing information, and why such information is not available.
- (9) The registration statement must be signed by the applicant, if the person registering is an individual; if the person registering is a partnership, by any partner; if a person registering is a corporation or an association, by

any officer. The individual signing the registration statement shall sign the statement and swear before an officer authorized to administer oaths that he has carefully read the registration statement and that all the information contained therein is true and correct.

(Code 1953, § 38-12; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-70. - Registration fee.

Every registration statement shall be accompanied by a registration fee of five dollars (\$5.00) to compensate the city for the cost of administering this article. Such fee will not be refunded if a charitable solicitation permit is not issued.

(Code 1953, § 38-13; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-71. - Issuance of certificate of registration.

After a review of the registration statement to determine its compliance with section 23-68 and, within ten (10) working days of the receipt of the registration statement, the city license inspector shall either issue a charitable solicitation permit or notify the person registering that the registration statement does not comply with the requirements of section 23-68 above and specifically point out what information or explanation has not been furnished that is required before a charitable solicitation permit can be issued.

(Code 1953, § 38-14; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-72. - Expiration of permit; filing of financial statement within specified time of termination of solicitation.

- (a) Every charitable solicitation permit issued by the chief license inspector shall expire at the termination of the solicitation period specified in the registration statement or one (1) year from the date of issuance, whichever is less.
- (b) Not later than thirty (30) days from the expiration of the charitable solicitation permit, the person registering shall file with the city license inspector, on forms provided thereby, a closing statement regarding the solicitation of funds which shall be a sworn financial statement showing the total funds collected from the solicitation of funds and the purpose and amount for which such funds were disbursed by the person registering and any incurred but unpaid expenses resulting from the solicitation of funds.

(Code 1953, § 38-15; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-73. - Public disclosure.

All registration statements filed with the city license inspector, whether or not a charitable solicitation permit has been issued, shall be a public record and shall be available for inspection by members of the public during regular business hours, and copies may be obtained at the regular cost charged by the city for such copying.

(Code 1953, § 38-16; Ord. No. C-84-109, § 2, 1-2-85)

Secs. 23-74—23-90. - Reserved.

ARTICLE XI. - SOLICITATION AND DISPLAY ON PUBLIC RIGHTS-OF-WAY

Sec. 25-267. - Right-of-way solicitors and canvassers.

- (a) *Definition.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Right-of-way canvasser or solicitor shall mean any person who sells or offers for sale anything or service of any kind, or advertises for sale anything or service of any kind, or who seeks any donation of any kind, or who personally hands to or seeks to transmit by hand or receive by hand anything or service of any kind, whether or not payment in exchange is required or requested, to any person who operates or occupies a motor vehicle of any kind, which vehicle is engaged in travel on or within any portion of any of the streets or roadways in the city, whether or not such vehicle is temporarily stopped in the travel lanes of the road.

Right-of-way shall have the same definition as provided in section 25-97 of the Code of Ordinances.

- (b) *Prohibition of right-of-way canvassers and solicitors.* It shall be 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. (See Exhibit "A" following § 25-267
- (c) *Prohibition of storage of goods, merchandise and other materials.* It shall be 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.
- (d) It is a violation of this section for any right-of-way canvasser or solicitor to hold, carry, possess or use any sign or other device of any kind, within any portion of the public right-of-way contrary to any of the terms and provisions of section 47-22, of the Unified Land Development Regulations.
- (e) Nothing in this section shall be construed to apply to:
 - (1) Licensees, lessees, franchisees, permittees, employees or contractors of the city, county or state authorized to engage in inspection, construction, repair or maintenance or in making traffic or engineering surveys.
 - (2) Any of the following persons while engaged in the performance of their respective occupations: firefighting and rescue personnel, law enforcement personnel, emergency medical services personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, solid waste or recycling personnel; public works personnel or public utilities personnel.
 - (3) Use of public streets, alleys, sidewalks or other portions of the public right-of-way in areas which have been closed to vehicular traffic for festivals or other events or activities permitted by the city.
- (f) Violations of this section shall be punishable as provided in section 1-6 of this Code.

[\(Ord. No. C-14-38, § 1, 9-16-14 \)](#)

I have read and understand the City ordinances contained in this 5 page document.

Applicant Name _____

Signature _____

Date _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____ 20___, by _____

_____, as _____, of _____.

Who is _____ personally known to me or has produced _____ as identification.

Notary Public, State of Florida (Signature of Notary taking Acknowledgment)

Name of Notary Typed, Printed or Stamped

My Commission Expires: _____
Commission Number: _____

