

ORDINANCE 2025-01

AN ORDINANCE OF THE TOWN OF MELBOURNE VILLAGE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 13, ARTICLE I, SECTION 13-1 OF THE MELBOURNE VILLAGE CODE, DEFINING SOLICITORS AND CANVASSERS; AMENDING SECTION 13-2 OF THE MELBOURNE VILLAGE CODE, REQUIRING REGISTRATION; AMENDING SECTION 13-3 OF THE MELBOURNE VILLAGE CODE, REQUIRING A REGISTRATION FEE; AMENDING SECTION 13-4 OF THE MELBOURNE VILLAGE CODE, REGARDING CONDUCT OF SOLICITORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Melbourne Village has previously adopted Chapter 13, Article I, regulating solicitors and canvassers; and

WHEREAS, the Town desires to amend the Chapter to be consistent with the First Amendment of the United State Constitution; and

WHEREAS, the Town believes that it is in the best interest in its residents and visitors to limit the time, place, and manner of commercial solicitors and peddlers without abridging the free speech rights of canvassers and charitable solicitors; and

WHEREAS, the Town intends the information required for the application to be useful for identifying solicitors and peddlers who violate the terms of this ordinance rather than being a prior restraint of speech; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF MELBOURNE VILLAGE, BREVARD COUNTY, FLORIDA THAT:

SECTION 13-1. SOLICITORS OR CANVASSERS – DEFINITIONS.

For the purposes of this chapter, the following words shall have the meanings ascribed to them as follows:

Canvasser means any person traveling either by foot, vehicle, or other conveyance, from place to place, in order to solicit opinions for a survey or solicit political support.

Charitable organization means any organization defined as a charitable organization under F.S. ch. 496.

Charitable solicitor means any person who solicits on behalf of a charitable organization.

Peddler means any person who, during the course of selling, travels by foot, vehicle, or any other type of conveyance from place to place, carrying or transporting goods, wares, or merchandise, offering and exposing the same for sale or making sales and delivering items purchased. Any person who solicits orders and as a separate transaction, makes deliveries to purchasers as part of a scheme or design to evade the provisions of this chapter, shall be deemed a peddler, and such activity shall be prohibited within the town. Charitable organizations and charitable solicitors shall not be considered peddlers for the purpose of this chapter.

Solicitor means any person or group of persons travelling either by foot, vehicle, or other conveyance, from place to place, taking or attempting to take orders for the sale of goods, wares, and merchandise or personal property of any nature whatsoever, for future delivery, or for services to be furnished or performed in the future, whether or not the person has, carries, or exposes for sale a sample of the subject of the sale, or whether he or she is collecting advance payments on the sales or not; and any person who, for himself or herself, or for another person, hires, leases, uses, or occupies any building, structure, car, room, shop, or any other place within the town, for the sole purpose of exhibiting samples and taking orders for future delivery. Charitable solicitors shall not be considered solicitors for the purpose of this chapter.

SECTION 13-2. SAME – REGISTRATION; IDENTIFICATION CARD.

It shall be unlawful for any solicitor or peddler to engage in such business within the town without first obtaining a permit. The application for a permit shall include the following information, which must be provided in full in order to receive a permit:

Applicants for the permit must file with the city clerk a sworn application in writing at least 14 days in advance of the first day of any solicitation or peddling, on a form which includes the following information: name and address of the applicant; a brief description of the nature of the business and goods to be sold; the name and address of the employer, if selling on behalf of a business; a recent passport-sized photograph of the applicant; and a certified criminal background check issued by the Florida Department of Law Enforcement within 30 days of the permit application, with costs borne by the applicant. Permits will only be issued for complete applications, and the permit shall include the applicant's name and information, along with a disclaimer that the applicant is not endorsed by the Town of Melbourne Village. Incomplete applications will be rejected. The permit shall be a leaf of paper to be carried on the person of the applicant, available for disclosure upon request. If the criminal background check reveals any felony criminal convictions, the application shall be rejected.

SECTION 13-3. SAME – REGISTRATION FEE.

At the time of the filing of the application required under section 13-2, a fee of twenty-five dollars shall be paid to the city clerk to cover the cost of the processing of the permit application and issuance of the permit.

SECTION 13-4. GOING UNINVITED UPON PREMISES.

- (1) Solicitors, peddlers, and canvassers may operate in a residential area between the hours of 9:00 a.m. and 6:00 p.m.
- (2) Solicitors and peddlers must carry the permit issued by the town on their person while soliciting and peddling, and must display the permit only when requested by a law enforcement officer, town official, or the subject of the solicitation and peddling.
- (3) Solicitors, peddlers, and canvassers are restricted from soliciting, peddling, or canvassing in areas where such activities would materially obstruct, impede, or interfere with the free flow of pedestrian or vehicular traffic.
- (4) Solicitors and peddlers are restricted from soliciting and peddling on premises where a notice stating "No Solicitors" or some similar message is posted in plain view.
- (5) It shall be unlawful for any solicitor, peddler, or canvasser to persist in their activities after the request has been declined, and they must immediately and peaceably depart from the premises when requested to do so by the occupant.
- (6) It shall be unlawful for any solicitor, peddler, or canvasser to enter upon any private premises without permission or invitation of the occupant.


SEVERABILITY: If any phrase, clause, sentence, paragraph, section or subsection of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this Ordinance.

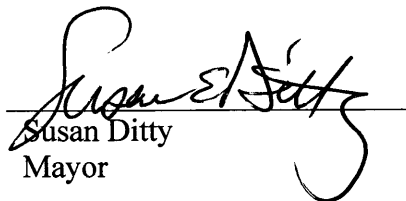
CONFLICTS: All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon its adoption.

PASSED AND APPROVED by the Town Commission of the Town of Melbourne Village on the first reading this 25th day of March, 2025, and upon its second reading this 22nd day of April, 2025.

ATTEST:


Heather Roberts
Town Clerk/Treasurer


Susan Ditty
Mayor