



CITY OF FORT LAUDERDALE
BUSINESS IMPACT ESTIMATE

Rev: 1 | Date: 2/20/2024

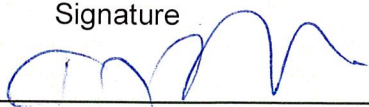
Proposed Ordinance's Title Summary: Amending Article XI Entitled "Solicitation and Display on Public Rights-of-way" OFR

CAM#: 24-0493 Meeting Date: May 21, 2024 OSR

N/A
 Department Director/Designee Name

N/A
 Signature

Thomas J. Ansbro
 City Attorney


 Signature

This Business Impact Estimate is provided in accordance with Section 166.041(4), Florida Statutes. If one or more statements in the section below apply, a Business Impact Estimate is not required by state law for the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the city;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code

The provisions as indicated above constitute exemptions as provided in Section 166.041(4)(c), Florida Statutes. Should any such exemption be applicable, then the provisions found in Section A below are not applicable.



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Section A

- 1. Summary of the proposed ordinance, to include the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City.**

On January 26, 2024, United States District Court Judge Roy K. Altman entered a final order in the case Messina, et al., v. City of Fort Lauderdale, Case No. 21-cv-60168-RKA, finding that provisions of Section 25-267 were not narrowly tailored to achieve a significant government interest and finding that there was insufficient evidence that the ordinance would serve the significant government interest. The proposed ordinance modifies Section 25-267 of the Code of Ordinances of the City of Fort Lauderdale to address the Court's ruling by narrowly tailoring the regulations to address findings of the City of Fort Lauderdale Traffic Crash Analysis 1/1/19 – 7/31/23 report and the City of Fort Lauderdale 2019-2023 Crash Density & Median Size Map.

- 2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City.**

- a. Estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.**

No direct compliance costs to businesses in the City if the ordinance is enacted.

- b. Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.**

No new charge or fee will be imposed on businesses in the City if the ordinance is enacted.

- c. An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.**

It is not anticipated that any cost of enforcing this regulation will be imposed on businesses.

- 3. Good faith estimates of the number of businesses likely to be impacted by the proposed ordinance.**

The ordinance, if enacted, will not have a direct impact on businesses.

- 4. Any additional information the City may deem to be useful.**

ORDINANCE NO. C-24-

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", OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO CHANGE THE TITLE OF ARTICLE XI TO "PEDESTRIANS AND TRAFFIC SAFETY," AMENDING SECTION 25-267 ENTITLED "RIGHT-OF-WAY SOLICITORS AND CANVASSERS" TO AMEND REGULATIONS PERTAINING TO PERSONS SOLICITING IN RIGHTS-OF-WAY AND TO CHANGE THE TITLE OF SECTION 25-267 TO "PEDESTRIANS AND TRAFFIC SAFETY,"; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale desires to amend Article XI entitled "Solicitation and Display on Public Rights-of-Way", of the City of Fort Lauderdale Code of Ordinances; and

WHEREAS, the City Commission of the City of Fort Lauderdale has a significant interest in protecting the health, safety and welfare of the pedestrians and motorists in the City; and

WHEREAS, roadways are primarily designed for vehicular traffic and are not suited to safely accommodate pedestrians with the exception of areas designated for crossing such as marked crosswalks; and

WHEREAS, the Fort Lauderdale Police Department conducted a traffic crash analysis for the time period between January 1, 2019 and July 31, 2023, the data for which was presented in a report entitled "City of Fort Lauderdale Traffic Crash Analysis 1/1/19 – 7/31/23" ("Traffic Crash Analysis"); and

WHEREAS, the Traffic Crash Analysis used Florida Department of Highway Safety and Motor Vehicles (DHSMV) data to map 35,926 crashes of the total 45,112 crashes that occurred within the municipal boundaries of the City of Fort Lauderdale between January 1, 2019 and July 31, 2023 to produce a map identifying the locations with the highest densities of crashes; and

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WHEREAS, the Traffic Crash Analysis further maps the locations of pedestrian-involved crashes identifying the locations with the highest density of pedestrian-involved crashes for the time period between January 1, 2019 and July 31, 2023; and

WHEREAS, the density-based cluster analysis in the Traffic Crash Analysis identified twenty intersections with a high rate of crashes for the time period between January 1, 2019 and July 31, 2023; and

WHEREAS, public health, safety and welfare requires the imposition of reasonable manner and place restrictions on pedestrian use of roadways and the storage and exhibition of goods and other materials in the public right-of-way; and

WHEREAS, such regulations are necessary to prevent dangers to persons and property, and to prevent delays and interference with vehicular traffic flow; and

WHEREAS, in an effort to narrowly tailor the regulation to further the City's interests in improving traffic safety for pedestrians and the occupants of motor vehicles as well as to improve and prevent the further degradation of traffic congestion, the regulation has been limited to roadways;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Article XI entitled "Solicitation and Display on Public Rights-of-Way" of the Code of Ordinances of the City of Fort Lauderdale, is hereby amended as follows:

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

Sec. 25-267. ~~Right-of-way solicitors and canvassers~~ Pedestrians and Traffic Safety.

- (a) Purpose. The purpose of this section is to provide ~~regulation~~ regulations to improve traffic safety for motorists and pedestrians at high accident intersections and ~~more efficiently move traffic along already over capacity roadways.~~
- (b) *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:

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Bicycle Lane means any portion of a right-of-way which is designated by pavement markings and signs for preferential or exclusive use by bicycles.

Bicycle Path. means any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the right-of-way or within an independent right-of-way.

High Accident Intersections means right-of-way intersections identified as having a high rate of traffic accidents.

~~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.~~

Roadway shall mean that portion of right-of-way improved, designed, or ordinarily used for vehicular traffic, including, but not limited to, shoulders, bicycle lanes and contiguous on-street public parking, but shall not include sidewalks, bicycle paths, private property, or streets closed to vehicular traffic.

- (c) ~~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), or within 200 hundred feet of the following intersections as measured from the edge of the curb of the intersecting streets:

Prohibition of pedestrians in Roadway at high accident intersections. Except for the purpose of crossing the Roadway in areas designated for crossing such as marked crosswalks, it is unlawful for any person to enter a Roadway within two (200) hundred

feet of the following intersections as measured from the point at which the center lines of the intersecting streets intersect:

1. Northwest 62nd Street and Northwest 31st Avenue
 2. Northwest 62nd Street and Powerline Road
 3. West Commercial Boulevard and Powerline Road
 4. East Commercial Boulevard and North Federal Highway
 5. North Federal Highway and East Oakland Park Boulevard
 6. Northeast 26th Street and North Federal Highway
 7. East Sunrise Boulevard and Bayview Drive
 8. East Sunrise Boulevard and Northeast 15th Avenue
 9. East Sunrise Boulevard and North Federal Highway
 10. East Sunrise Boulevard and Northeast 7th Avenue
 11. West Sunrise Boulevard and Northwest 9th Avenue
 12. West Sunrise Boulevard and Northwest 15th Avenue
 13. State Road 9 and West Sunrise Boulevard
 14. Northwest 31st Avenue and Northwest 19th Street
 15. West Broward Boulevard and Northwest/Southwest 31st Avenue
 16. West Broward Boulevard and Northwest/Southwest 27th Avenue
 17. West Broward Boulevard and Northwest/Southwest 9th Avenue
 18. West Broward Boulevard and Northwest/Southwest 7th Avenue
 19. East Broward Boulevard and North/South Federal Highway
 20. State Road 9 and Davie Boulevard
 21. South Federal Highway and Southeast 17th Street
- (d) *Prohibition of storage of goods, and merchandise and other materials.* It shall be unlawful for any person to store or exhibit any goods, or merchandise or other materials on any portion of the a Roadway or any public street, including the median, or bicycle lane.
- (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

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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.

SECTION 2. That Exhibit "A" following Section 25-267 of the Code of Ordinances of the City of Fort Lauderdale, entitled "City of Fort Lauderdale Peak Level of Service 2012" is hereby deleted.

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That nothing in this ordinance shall be construed so as to affect any past or pending actions, notice of violation, or order of the code enforcement board or special magistrate, or any past, pending, or existing liens, fines, costs, or other obligations arising from code enforcement, or otherwise, all of which shall continue in full force and effect as if this ordinance has not been adopted.

SECTION 6. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED FIRST READING this ____ day of _____, 2024
PASSED SECOND READING this ____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

ORDINANCE NO. C-24-

PAGE 6

ATTEST:

City Clerk
DAVID R. SOLOMAN

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C-24-