

ORDINANCE NO. 136

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, PROHIBITING COMMERCIAL SOLICITATION ON PRIVATE PROPERTY; PROVIDING FOR INSERTION IN THE TOWN CODE; PROVIDING REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PROVIDING FOR SEPARATION IN THE EVENT A SECTION OR PORTION IS DECLARED TO BE UNCONSTITUTIONAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Sewall's Point has determined that reasonable regulation of entry upon the private property of its residents is necessary for the protection of its residents from danger and to protect the peaceful enjoyment of the home by residents of the Town; and

WHEREAS, the Town Commission has the power to protect its citizens from crime and undue annoyance by regulating soliciting and canvassing; and

WHEREAS, the Town Commission does not by such reasonable regulation wish to intrude upon the rights of free speech and free assembly.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, THAT:

1. It shall be unlawful for any person to enter in or upon the property of any private residence in the Town for the purpose of soliciting orders for the sale or other disposition of any goods, services, commercial publications, or other items in commerce without the prior request or invitation of the owner or occupant of such private residence.

2. The Police Commissioner is directed to cause six (6) signs to be erected to notify the public of the existence of this ordinance: one to be located at each entrance to the Town and two at such other locations within the Town as may be determined by the Police Commissioner.

SEPARATION.

If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it

shall be construed to have been the intent of the Board to adopt this Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect its applicability to any other person, property or circumstances.

REPEAL.

Town ordinances and Town resolutions, or parts thereof, in conflict with this Ordinance are hereby abolished and repealed to the extent of such conflict.

INCORPORATION IN TOWN CODE.

Provisions of this Ordinance shall be incorporated in the Town Code and the word "Ordinance" may be changed to "section," "article," or other appropriate word, and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

EFFECTIVE DATE.

This Ordinance shall become effective immediately upon the date of its passage according to law.

Passed first reading at the regular meeting of the Town Commission held on the 9th day of March, 1983.

Passed second reading at the regular meeting of the Town Commission held on the 13th day of April, 1983.

ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

Gilbert C Strubell
GILBERT C. STRUBELL,
Mayor-Commissioner

Approved as to form and
correctness:
M. Lanning Fox
M. LANNING FOX,
Town Attorney

Helena B. Towl
HELENA B. TOWL, Commissioner

William E. Barton III
WILLIAM E. BARTON, III,
Commissioner

Dana deWindt
DANA deWINDT, Commissioner

Edward H. Gluckler
EDWARD H. GLUCKLER, Commissioner