

ORDINANCE No. 2025-15

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 8, “BUSINESS”, ARTICLE III, “PEDDLERS, SOLICITORS, CANVASSERS”; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the “City”) Code of Ordinances provides for the regulation of solicitors and canvassers; and

WHEREAS, the Code requires that persons desiring to engage in soliciting or canvassing activity first register and obtain a permit with the City Clerk; and

WHEREAS, business permitting is a function usually administered by the City’s planning and zoning department; and

WHEREAS, in order to provide uniformity, it is advisable that the registering and permitting of solicitors and canvassers be done through the City’s planning and zoning department.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. Amending Chapter 8 “Business”, Article III “Peddlers, Solicitors, Canvassers”.

CHAPTER 8, BUSINESS,

ARTICLE III. PEDDLERS, SOLICITORS, CANVASSERS

Sec. 8-67. 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:

Solicitor or canvasser means any person who attempts to solicit orders for the sale of goods, wares or merchandise, whether the sale is consummated in the city or to be consummated when approved by some other person elsewhere, or who bargains to sell any goods, wares or merchandise for cash or otherwise, by sample or by any other manner, personal property of any nature whatsoever, or for services to be furnished or performed, for present or future delivery, traveling by foot, wagon, automobile, motor truck, or any type of conveyance, from place to place, from house to house, including any person collecting or soliciting contributions or donations, cash or otherwise, to any charitable, nonprofit or other eleemosynary organization; provided that the provisions of this article should not be applicable to any person who enters the residence or business of any resident of the city at the express prior request or invitation of such resident.

Sec. 8-68. Civil penalty.

The following schedule of civil penalties applies to this article:

- (1) First offense, \$150.00;
- (2) Second offense, \$200.00;
- (3) Third offense, \$250.00; and
- (4) Fourth offense, \$500.00 and/or imprisonment for not more than 60 days.

Sec. 8-69. Soliciting business upon public streets or sidewalks prohibited.

It shall be unlawful for any person, while upon any public street or sidewalk or while in any building, doorway, stairway, window or other opening abutting on or immediately adjacent to such street or sidewalk, to accost or attempt to accost anyone on such street or sidewalk for the purpose of soliciting them to purchase any property, real or personal, including, but not limited to, food and beverage, or to solicit him to enter any place of business for the purpose of selling to or inducing or attempting to induce such pedestrian to purchase any property, real or personal. This prohibition does not extend to individuals who are soliciting from private or quasi-public areas immediately adjacent to parking lots or other private property.

Sec. 8-70. License required.

It shall be unlawful for any solicitor or canvasser to engage in such business or collection within the corporate limits without first obtaining a license therefor in compliance with the provisions of this article.

Sec. 8-71. Application.

(a) Applicants for a license under this article as a canvasser or solicitor must file with the ~~city clerk~~ Planning and Zoning Department's Licensing Division a sworn application in writing and in duplicate, on a form to be furnished by the ~~city clerk~~ Planning and Zoning Department's Licensing Division, which shall give the following information:

- (1) Name and description of the applicant.
- (2) Permanent home address and full local address of the applicant; address of applicant for past five years.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) A photograph of the applicant, taken within 60 days immediately prior to the date of filing of the application, which shall be at least two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner, and fingerprints of the applicant.
- (6) Social security or federal tax identification number.

(b) At the time of filing the application, a fee of \$20.00 shall be paid to the ~~city clerk~~ Planning and Zoning Department's Licensing Division to cover the cost of investigation of the facts stated therein.

(c) This section shall not apply to solicitors for charitable organizations, nor shall any fee be charged to those solicitors.

Sec. 8-72. Investigation; approval or disapproval; issuance; records.

(a) An applicant for a license under this article may be subject to investigation.

(b) If, as a result of an investigation, the applicant's character or business responsibility is found to be unsatisfactory, it shall be endorsed on such application with the disapproval and reasons for the same and the application shall be returned to the applicant, indicating that the application has been disapproved and that no license will be issued. For the purposes of this section, the applicant's character and business responsibility shall be deemed to be unsatisfactory for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) One or more judgments outstanding from a court of any jurisdiction;
- (3) That the applicant has been found guilty within the past three years of a felony, misdemeanor, or a violation of any municipal ordinance or governing authority, involving moral turpitude or adversely affecting the applicant's character or business responsibilities;

(4) That the applicant or the application does not comply with any of the requirements of this article.

(c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the office of business tax receipts shall endorse on the application the approval and execute a license, addressed to the applicant, for the carrying on of business applied for and, upon payment of the prescribed license fee by the applicant, deliver such license to the applicant. Such license shall contain the signature and seal of the office of business tax receipts and shall show the name, address and photograph of the licensee, the kind of goods to be sold under such license, the amount of fee, the date of issuance and length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The office of business tax receipts shall maintain a file of all applications and licenses after such license has been issued.

Sec. 8-73. License fee.

The license fee which shall be charged by the city for the license required by this article shall be \$30.00 per 30-day period or any part thereof, or \$250.00 per year.

Sec. 8-74. Surety bond.

Every applicant for a license under this article shall file with the city a surety bond, running to the city in the amount of \$1,000.00, conditioned that the applicant shall comply fully with all the provisions of this Code and other ordinances of the city and state law regulating and concerning the business of solicitor.

Sec. 8-75. Carrying, exhibiting license.

(a) The license shall contain:

- (1) The words "Licensed Solicitor";
- (2) The period for which the license is issued; and
- (3) The number of the license;

in letters and figures easily discernible from a distance of ten feet.

(b) Such license shall, during the time such licensee is engaged in soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous from a distance of ten feet.

(c) No license shall be transferred. Any person using the license of another shall be in violation of this article and shall be punished pursuant to section 8-68.

Sec. 8-76. Authorized hours of solicitation or canvassing.

(a) The city desires to exercise its police power to establish reasonable hours of solicitation or canvassing for the purposes contained in this article. Furthermore, the residents of the city desire the quiet enjoyment of their private home; and in this time of increased crime in South Florida there is a basis for a concern or apprehension of strangers going door to door, especially after sunset.

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(b) Licensed solicitation or canvassing in the city is limited to the hours of 9:00 a.m. to 9:00 p.m.

Sec. 8-77. Revocation of license.

(a) Licenses issued under the provisions of this article may be revoked by the supervisor of the business tax receipts after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license;

(2) Fraud, misrepresentation or false statement made in the course of carrying on the licensee's business as solicitor or canvasser;

(3) Conviction of any felony, misdemeanor or violation of any provision of this Code or other municipal ordinance, involving moral turpitude or adversely affecting the applicant's character or business responsibility;

(4) If the licensee has one or more judgments outstanding from a court of any jurisdiction;

(5) If the licensee is conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

(6) Any violation of this article;

(b) Upon revocation, the office of business tax receipts shall give notice of the termination in writing, setting forth the reasons for the revocation. Such notice shall be sent by U.S. mail to the licensee at his last known address as reflected in the application for license.

Sec. 8-78. Appeals.

Any person aggrieved by the action of the office of business tax receipts in denying the issuance of a license or revoking a license under this article shall have the right to appeal to the city manager or his designee. Such appeal shall be taken by filing with the city manager, or his designee, within 20 days after notice of the action complained of has been mailed to such person's address as aforesaid, a written statement setting forth fully the ground for the appeal. The city manager or his designee shall set a time and place to hear the individual or group. The decision and order of the city manager or his designee shall be final and conclusive.

Sec. 8-79. Exemptions for ~~eleemosynary~~ Charitable ~~o~~ Organizations.

The office of business tax receipts shall have the right to waive the requirements of this article for any charitable, nonprofit or other eleemosynary organization seeking to solicit contributions or donations, cash or otherwise.

Sec. 8-80. Loud noises; use of streets by solicitors and canvassers.

Solicitors and canvassers shall be subject to the following special provisions:

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(1) No solicitor or canvasser, or any person in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted, or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(2) No solicitors or canvassers shall have exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall any be permitted to operate in any congested area where his operation might impede or inconvenience the public.

Section 3. Conflicts. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 4. Severability. If any section, subsection, clause of provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. Incorporation into the Code. It is the intention of the Mayor and the City Council, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Doral, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions.

Section 6. Effective Date. This Ordinance shall be effective immediately upon passage by the City Council on second reading.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Maureen Porras	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Nicole Reinoso	_____

PASSED AND ADOPTED on FIRST READING this 16 day of April, 2025.

PASSED AND ADOPTED on SECOND READING this 14 day of May, 2025.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

LORENZO COBIELLA
GASTESI, LOPEZ, MESTRE & COBIELLA, PLLC
CITY ATTORNEY

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