

RESOLUTION NO. 2022-402

A RESOLUTION APPROVING A MODIFIED PLAN FOR PLACEMENT OF TEMPORARY SHADING STRUCTURES AND SIGNAGE AT THE VOTING SITE ON CITY ISLAND SUBJECT TO CONDITIONS; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County-owned Daytona Beach Regional Library located on City Island, serves as a Voting Site for local, state, and federal elections, during statutorily prescribed “Early Voting Periods” and on Election Days; and

WHEREAS, all of the land surrounding the Regional Library, including the Regional Library parking lot, is owned by the City of Daytona Beach; and

WHEREAS, as the owner of the property on which the Regional Library is located, the City is responsible for maintaining order, safety, and accessibility of the Regional Library and Library parking lot; and

WHEREAS, generally the public is not permitted to post or place signs on public property within the City or erect tents in public parking lots; and

WHEREAS, the Regional Library parking lot is not a traditional public forum, but is intended to provide parking to Regional Library employees and patrons, as well as visitor parking for other public facilities located on City Island and the City’s downtown area; and

WHEREAS, in response to complaints regarding signage and campaign tents being set up in the vicinity of the Regional Library during Early Voting Periods, the City Commission previously adopted City Res. No. 16-16, establishing a plan to allow, during the Early Voting

Periods, placement of temporary signage and campaign tents on the grounds of City Island immediately to the west and north of the Regional Library parking lot; and

WHEREAS, Florida Statutes, s. 102.031, prohibits voter solicitation (including through signage) within 150 feet of the entrance of any polling place (hereinafter, the “Non-Solicitation Zone”), and authorizes the local supervisor of elections to enforce this prohibition. In 2019, the State Legislature expanded the Non-Solicitation Zone at polling sites from 100 feet to 150 feet; and

WHEREAS, during the 2022 Early Voting Period there were numerous persons and organizations desiring to locate their campaign signage and temporary shading structures and otherwise solicit voters from as close to the polling place entrance as legally possible, including from within the Library parking lot (subject to the Volusia County Supervisor of Elections’ enforcement of the Non-Solicitation Zone); and

WHEREAS, allowing persons and organizations to locate their campaign signage and temporary shading structures (which for purposes herein include popup tents, umbrellas, and canopies) within the Library parking lot during Early Voting Periods and on Election Days will not substantially effect access to the parking lot by persons wishing to enter the Regional Library or the polling place, in part because so many of the Regional Library’s parking spaces are located within the Non-Solicitation Zone; and

WHEREAS, the City Commission is interested in modifying the existing policy to continue to provide reasonable shared access and use of the Regional Library and Library parking lot during Early Voting Periods and on Election Days by all persons; and

WHEREAS, the intent of these modifications is to set forth reasonable, content neutral, time, place, and manner restrictions for such use.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. During any Early Voting Period and on Election Days in which the Volusia County Regional Library located on City Island serves as a Voting Site for local, state, and federal elections, temporary shading structures and signs may be placed on those parking spaces located within the Regional Library parking lot and the grassy strips located immediately north and west sides of the parking lot, which are outside the Non-Solicitation Zone referenced in the Recitals. The areas permitted are delineated on Map A, attached hereto; provided, that the Map depicts the tentative demarcation line of the Non-Solicitation Zone, and the actual demarcation line will be determined and enforceable by the Supervisor of Elections as provided in Fla. Stat. s. 102.031. This authorization is subject to the conditions below.

SECTION 2. Temporary shading structures shall not exceed 120 square feet in area.

SECTION 3. Temporary signs shall be limited to 3 feet by 4 feet.

SECTION 4. Temporary shading structures and signs may be placed in the parking lot, provided that the shading structure, signs, and any parked vehicle are confined to a single authorized parking space, and the maximum size limitation for the shading structure is met. No shading structure shall be affixed to the parking lot surface. Parked vehicles, shading structures, and signs shall not block drive aisles or sidewalks. Nothing herein authorizes the use of designated disabled parking spaces in violation of State law.

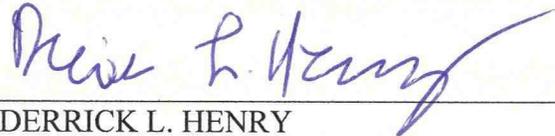
SECTION 5. Temporary shading structures shall be removed promptly whenever the Regional Library is not open as a Voting Site.

SECTION 6. Temporary signs located within the parking lot shall be removed promptly when the Regional Library is not open as a Voting Site. Temporary signs located within the permitted grassy strips adjacent to the parking lot as referenced above, shall be removed promptly at the end of the Election Day or Early Voting Period, as applicable.

SECTION 7. Nothing herein shall be deemed to authorize overnight parking within the Regional Library parking lot or the grounds surrounding the Regional Library.

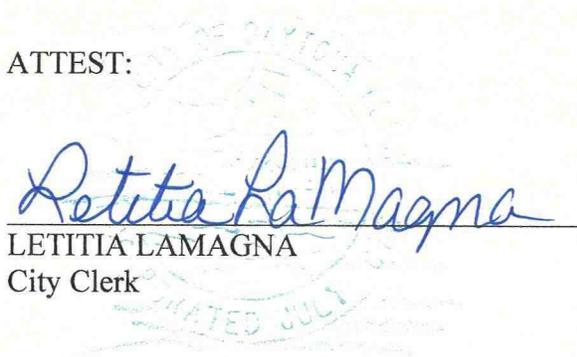
SECTION 8. All prior resolutions in conflict herewith are repealed.

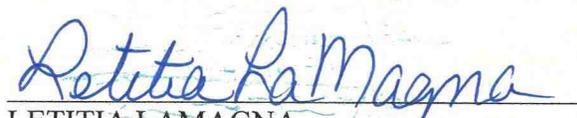
SECTION 9. This Resolution shall take effect immediately upon its adoption.



DERRICK L. HENRY  
Mayor

ATTEST:



  
LETITIA LAMAGNA  
City Clerk

Adopted: October 19, 2022

Map A



Library Entrance Doorway  
 150 Foot Buffer

Document Path: P:\Admin\Prattina\Short Term Projects 2013\City Attorney\Library\Daytona Library



1 inch = 30 feet