



Right of Way Ordinance Frequently Asked Questions

What is this ordinance about?

- The ordinance regulates the dangerous use of right-of-way by pedestrians and motorists on designated arterial and collector roads within unincorporated Lee County.
- The ordinance addresses two important safety concerns:
 - unsafe interaction between pedestrians and occupants of motor vehicles on designated arterial and collector roads
 - the presence of pedestrians in arterial and collector road rights-of-way within unincorporated Lee County.

What do you mean by rights-of-way (ROW)?

- This means any way open to travel by the public including but not limited to a street, highway, or alley including associated sidewalks on arterial or collector roadways within unincorporated Lee County and as further fully defined in section 334.03 (22) Florida statutes (2020).

And what exactly cannot be done in the ROW?

- It prohibits, without exception, any physical interaction (including the exchange of money or any other material object) between a pedestrian and an occupant of a motor vehicle on arterial and collector roads when that motor vehicle is not legally parked.

Does this ordinance replace or supersede any current statutes about standing in the roadway/medians?

- The ordinance supersedes and repeals a portion of the Lee County Commercial Use of Rights-of-Way Ordinance (12-06) that allows permitted charitable solicitation drives to be conducted in the rights-of-way.

Will this ordinance be immediately enforced?

- Yes. It will be effective upon filing with the Office of the Secretary of the Florida Department of State, which is expected to happen a day or two following the board approval, which was Tuesday, April 20.

What kind of penalties will this ordinance carry?

- The Lee County Sheriff's Office intends to emphasize education and awareness, then enforcement. Violations of the ordinance is punishable by a fine not to exceed \$500 and/or by imprisonment in the county jail not to exceed 60 days, as provided in Section 125.69, Florida Statutes.

Is this ordinance going to be enforced by the Lee County Sheriff's Office?

- Yes, on unincorporated Lee County rights-of-way.

Is this ordinance enforceable on all roadways in unincorporated Lee County?

- Yes.

Does this ordinance apply to:

Campaigning?

Protesting in the rights-of-way?

Charity drives?

- Yes. County staff has pre-communicated with charitable organizations and fire district officials.
- While these restrictions will affect certain types of charitable campaigns, such as Fill the Boot, the county's overriding interest in protecting the health, safety and welfare of pedestrians and drivers is paramount.

- In recent years, many jurisdictions have enacted similar ordinances, and charitable organizations have been creative in finding alternative ways to continue their fundraising work in accordance with the law using methods such as drive-thru events and parking lot collections.

If a person is in the right-of-way because he or she is collecting money for food or basic needs, what should be done instead?

- People should call the Lee County Homeless Coalition Coordinated Entry System at 239-533-7996 to connect to available services.

Where can I view the full ordinance?

- [You can read the full ordinance here.](#)

How do I watch the news conference Lee County Commissioners and the Lee County Sheriff did to further explain the ordinance?

- [You can watch the press conference here.](#)
- [You can read the news release here.](#)