

CITY OF SILVERTON
ORDINANCE
17-11

AN ORDINANCE OF THE SILVERTON CITY COUNCIL AMENDING SILVERTON MUNICIPAL CODE ADDING A NEW CHAPTER 8.12 TO TITLE 8 TO PROHIBIT ABUSIVE SOLICITATION

WHEREAS, on August 21, 2017, the Silverton City Council discussed changes to the Silverton Municipal Code (Code) to impose reasonable place and manner limitations on solicitation in order to protect the safety of the general public against abusive solicitation; and

WHEREAS, this ordinance balances protecting free expression with providing public safety protection, protecting the public's vehicular and pedestrian movement from being impeded by solicitors, and protecting a captive audience from solicitors; and

WHEREAS, the City has a legitimate government interest in promoting public health, safety, and welfare which would be better served by prohibiting such activity in the City; and

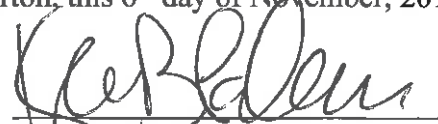
WHEREAS, the City desires to revise the Code to prohibit abusive solicitation in the City.

NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: The Silverton Municipal Code is amended in substantially the same form as set forth in the attached Exhibit A (Chapter 8.12).


Section 2: This ordinance is and shall be effective upon 30 days of its passage.

Ordinance adopted by the City Council of the City of Silverton, this 6th day of November, 2017.



Mayor, City of Silverton
Kyle Palmer

ATTEST



Acting City Manager/Chief of Police
Jeff Fossholm

EXHIBIT A

(additions in *italics*, deletions in ~~strikethrough~~)

8.12 Prohibited Solicitation

- 8.12.010** **Definitions**
- 8.12.020** **Prohibited Solicitation**
- 8.12.030** **Violation**
- 8.12.040** **Severance**

8.12.010 **Definitions.**

A. "Abusive Solicitation" means intentionally, recklessly or knowingly, with the effect of either placing the solicited person in reasonable apprehension of imminent physical harm, or with the effect of provoking or likely to provoke an imminent violent or disorderly response from the person being solicited:

- (1) Continuing to solicit once the person being solicited has declined the request;*
- (2) Blocking or impeding the passage of the person solicited;*
- (3) Following the person solicited by proceeding behind, ahead or alongside of him or her after the person solicited has declined the request;*
- (4) Touching the solicited person without the solicited person's consent; or*
- (5) Using words, gestures, and/or actions which are offensive or threatening.*

B. "Solicitation" means an in-person request made to obtain an immediate donation of money or other item of value.

8.12.020 **Prohibited Solicitation**

No person shall engage in abusive solicitation as defined in this section.

8.12.030 **Violation.**

Any person found violating this chapter shall be guilty of committing a violation punishable by the general penalty under SMC 1.08.010.

8.12.040 **Severance.**

If any section, sentence, clause, or phrase of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way effect the validity of any remaining portions of this Chapter.