

ORDINANCE NO. 885

AN ORDINANCE ADDING SECTION 8.42 TO THE MUNICIPAL CODE REGARDING THE UNLAWFUL OR ABUSIVE TRANSFER OF MATERIAL GOODS OR MONEY ON A STREET OR PUBLIC RIGHT-OF-WAY

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City Charter provides that the City has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant.
2. The above referenced grant of power has been interpreted as affording the City all legislative power under the home rule provisions of the Oregon Constitution.
3. This ordinance establishes provisions regarding the unlawful transfer of material goods or money from a vehicle on a street or public right-of-way to a pedestrian on a public sidewalk or public right-of-way.
4. The purpose of this ordinance is to provide for the safe use of streets, sidewalks, and rights-of-way, and to address behaviors that affect the safe flow of traffic and pose a traffic safety risk.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. Chapter 8.42 – “Unsafe or Abusive Solicitation” is added to the Troutdale Municipal Code as provided in Attachment A, attached hereto.

Section 2. This ordinance shall take effect 30 days after passage.

YEAS: 6

NAYS: 0

ABSTAINED: 0



Randy Lauer, Mayor

Date: September 13, 2023



Sarah Skroch, City Recorder
Adopted: September 12, 2023

**Chapter 8.42
Unsafe or Abusive Solicitation**

Sections:

8.42.010	Short title.
8.42.020	Legislative findings.
8.42.030	Definitions.
8.42.040	Prohibited Unsafe Solicitation.
8.42.050	Prohibited Abusive Solicitation
8.42.060	Penalties.
8.42.070	Severance

8.29.010 Short title.

This chapter shall be known and may be cited as the "Unsafe or Abusive Solicitation" and may be referred to herein as "this chapter."

8.29.020 Legislative findings.

City Council finds:

It is the intent of this Chapter to impose reasonable place and manner limitations on solicitation, as defined herein, in order to protect the safety of the general public against abusive, fraudulent, or unsafe solicitation while respecting the constitutional right of free speech. This ordinance balances protecting free expression with providing public safety protection and protecting the public's vehicular and pedestrian movement from being impeded by solicitors, and protecting a captive audience from solicitors.

8.42.030 Definitions.

(1) "Solicitation". A person engages in solicitation, when he or she displays a sign, or makes a verbal or non-verbal request or communication, for the gift, donation, or transfer of money or property. A person shall not be deemed to be in violation of this section, except as provided in section (2), if both the person and sign are not within the right of way of any street, road or highway, or immediately adjacent, during the requested solicitation or transfer of funds.

(2) "Abusive Solicitation". means engaging in solicitation, on any public property or right of way, including but not limited to the following listed conduct, 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.

- (a) Continuing to solicit once the person being solicited has declined the request;
- (b) Blocking or impeding the passage of the person solicited;
- (c) Following the person solicited by proceeding behind, ahead or alongside of him or her after the person solicited has declined the request;
- (d) Touching the solicited person without the solicited person's consent;
- (e) Using words, gestures, and/or actions which are threatening to a reasonable person.

8.42.040 Prohibited Unsafe Solicitation

(1) A person commits the offense of unlawful transfer on the right-of-way if the person while a driver or passenger in a vehicle on a highway, road or street within the boundaries of the City of Troutdale, within 100 feet of an intersection, gives or relinquishes possession or control of, or allows another person in the vehicle to give or relinquish possession or control, of money or any item of property to a pedestrian.

(2) A person commits the offense of unlawful transfer or solicitation, if while on a pedestrian, landscape, or vehicular portion of the right-of-way, within 100 feet of an intersection, the person while in the right of way, whether a sidewalk, highway, road or street within the boundaries of the City of Troutdale, engages in solicitation.

(3) This section does not apply if the vehicle involved is legally parked.

8.42.050 Prohibited Abusive Solicitation

No person shall engage in abusive or unsafe solicitation as defined in this chapter.

8.42.060 Penalties.

Any violation of the provisions of this ordinance constitutes a misdemeanor, punishable by up to 30 days in jail, and/or up to a \$1000 fine.

8.42.070 Severance.

If any section, sentence, clause, or phrase of this ordinance 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 law, and the ordinance shall be construed and interpreted so as to be constitutional.