

ORDINANCE NO. _____

AN ORDINANCE ENACTING SECTION 509.10 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, RELATIVE TO IMPROPER SOLICITATION AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 4511.51(B)(1) prohibits highway solicitation; and

WHEREAS, this Council finds that aggressive solicitation is disturbing and disruptive to residents and businesses; and

WHEREAS, aggressive solicitation contributes to the loss of access to and enjoyment of public places; and

WHEREAS, this Council desires to protect residents from the fear and intimidation accompanying certain kinds of solicitation and panhandling; and

WHEREAS, these laws are not intended to limit any person from exercising their constitutional rights to picket, protest or engage in other constitutionally protected activity; now therefore,

BE IT ORDAINED by the Council of the City of Ashland, State of Ohio, _____ members thereto concurring:

Section 1. That Section 509.10 of the City of Ashland's Codified Ordinance is hereby adopted as follows:

509.10 Improper Solicitation

(a) Definitions. For purposes of this section, the following terms shall be defined as set forth below:

- (1) "Automated teller machine" means a device linked to a financial institution's account records that is capable of carrying out transactions, including, but not limited to, account transfers, deposits, withdrawals, balance inquiries, and mortgage and loan payments.
- (2) "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or by a vehicle, or to

require another person or vehicle to take evasive action to avoid physical contact. Acts constituting an exercise of one's constitutionally protected right to protest or to express a particular opinion of legitimate public import shall not constitute obstruction of pedestrian or vehicular traffic if conducted in a reasonable, safe, and lawful manner.

- (3) "Public place" means a publicly owned building and premises appurtenant thereto, any public park, sidewalk or other right of way open to the general public and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas and streets.
 - (4) "Solicit" and "Solicitation" mean to make any request in person while in a public place, for an immediate grant of money, goods or any other form of gratuity from another person(s) when the person making the request is not known to the person(s) who are the subject of the request, or to engage in such activity on private property.
- (b) It is unlawful for any person to solicit in the following places or under the following conditions:
- (1) In any public transportation vehicle;
 - (2) Within 20 feet of an automatic teller machine or public entrance to a bank;
 - (3) From any operator or occupant of a motor vehicle or from any person entering or exiting a motor vehicle;
 - (4) On private property without permission from the owner;
 - (5) After 8:00 p.m. and before 7:00 a.m. during any dates on which Daylight Saving Time is in effect; or after 7:00 p.m. and before 7:00 a.m. during any dates on which Daylight Saving Time is not in effect. The dates for the annual duration of Daylight Saving Time shall be as established by the federal government of the United States;
 - (6) Within any private parking lots or any public parking lots.
 - (7) Within a public place, including public rights-of-way.

- (c) It is unlawful for any person to recklessly cause inconvenience, annoyance or alarm to another by soliciting from another person when the other person is located in the following places or is facing the following conditions;
 - (1) Within 20 feet of any crosswalk;
 - (2) While standing in line waiting to be admitted to a commercial establishment;
 - (3) Within any outdoor dining area;
 - (4) Within 20 feet of any hotel or motel doorway to which hotel patrons have authorized entrance from the public right-of-way into a hotel or motel, and which hotel or motel doorway leads into the first-floor lobby for the hotel or motel or to an atrium or stairway space below a second-floor hotel or motel lobby. For purposes of this section, "hotel or motel doorway" shall mean a hinged doorway, an electronic sliding doorway or a circular revolving doorway.

- (d) It is unlawful for any person to solicit in an aggressive manner, including any of the following actions:
 - (1) Soliciting in a manner that impedes access to or from, or use of a building, vehicle or establishment;
 - (2) Soliciting in a manner that would alarm, intimidate, threaten, menace, harass, or coerce a reasonable person;
 - (3) By following behind, ahead or alongside, blocking the path of, or continuing to solicit a person who walks or drives away from the person soliciting or who gives notice or demonstrates verbally or physically that such a solicitation is offensive, unwelcome or that the solicitation should cease;
 - (4) By using profane or abusive language or gestures either during the solicitation or following a refusal, or making any statement, gesture or other communication that would cause a reasonable person to be fearful or would be perceived as a threat; or
 - (5) By touching the solicited person without a statement, gesture or other communication that the person being solicited consents to the touching.

- (e) Whoever violates this section is guilty of a minor misdemeanor. Whoever violates this section three times or more within one year is guilty of a fourth degree misdemeanor.

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Section 2. That Section 311.06 of the City of Ashland’s Codified Ordinance is hereby adopted as follows:

311.06 Use of Highway for Soliciting

- (a) Except as provided in division (b)(2) of this section, no person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.
- (b) The Mayor, may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway, other than a freeway as provided in Ohio Revised Code Section 4511.051(A), that is under the jurisdiction of the Municipality. The permit shall be valid for only a period of time, which shall be specified in the permit, in any calendar year. The Mayor may also specify the location where contributions may be solicited and may impose any other restrictions on or requirements regarding the manner in which the solicitations are to be conducted.

Section 3. That this Ordinance shall take effect and be in force from and after its passage by Council and approval pursuant to Section 12 of the Charter of the City of Ashland, Ohio.

Passed: _____, 2024

Steve Workman, President of Council

Attest: _____
Teresa Santino, Clerk of Council

Approved: _____
Matt Miller, Mayor

Approved as to form & correctness:

Richard P. Wolfe II, Director of Law

Date: _____, 2024