

O-2016-02

**AN ORDINANCE
PROHIBITING THE SOLICITATION OF OCCUPANTS OF
VEHICLES BEING OPERATED UPON PUBLIC STREETS OR HIGHWAYS**

WHEREAS, the Town of Oak Ridge is authorized to restrict or prohibit persons from standing on any street, highway, or right-of-way excluding sidewalks while soliciting, or attempting to solicit, any employment, business, or contributions from the driver or occupants of any vehicle, under N. C. Gen. Stat. § 20-175; and,

WHEREAS, the Town of Oak Ridge is authorized to prohibit or regulate solicitation of contributions for any charitable or eleemosynary purpose and also itinerant business sales, under N. C. Gen. Stat. § 160A-178, and to prohibit or regulate begging or otherwise canvassing the public for contributions for the private benefit of the solicitor or any other person, under N. C. Gen. Stat. § 160A-178; and,

WHEREAS, the Town of Oak Ridge is authorized to prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks, alleys, and bridges of the town, under N. C. Gen. Stat. § 160A-300 ; and,

WHEREAS, the Town of Oak Ridge has a strong interest in ensuring the public safety and order and in promoting the free flow of traffic on public streets and sidewalks; and,

WHEREAS, there is substantial evidence that persons are standing and sitting in the medians at intersections of heavily traveled streets and highways in the Town of Oak Ridge, and approaching vehicles that are stopped at those intersections, for the purpose of soliciting contributions or begging; and,

WHEREAS, such solicitation has a tendency to discomfort and distract drivers in the operation of motor vehicles, thereby making motor vehicle accidents and injury to persons and property significantly more probable; and,

WHEREAS, public safety requires the imposition of reasonable time, place, and manner restrictions on solicitation for money affecting vehicular traffic and the public safety, while respecting the constitutional right of free speech for all citizens; and,

WHEREAS, many of the jurisdictions surrounding the City of Oak Ridge currently have ordinances that prohibit such solicitations; and,

WHEREAS, the Guilford County Sheriff's Department is limited in its ability to respond to complaints about such solicitations in the absence of a local ordinance; and,

WHEREAS, the public health, safety, and welfare requires enactment of appropriate regulation of such activities;

NOW THEREFORE, to preserve and protect the public health, safety, and welfare, and as authorized by N. C. Gen. Stat. §§ 14-4, 20-175, and 160A-174,-175, -178, -179, and -300, the Town of Oak Ridge enacts the following ordinance.

BE IT ORDAINED:

That Chapter 42 of the Town of Oak Ridge Code of Ordinances is amended, by rewriting one heading and by adding the following new article and sections:

A. Rewrite of Current Article Heading.

The heading of Article II, currently reading "**STOPPING, STANDING, AND PARKING**," is rewritten to read "**PARKING RESTRICTIONS**".

B. Addition of New Reserved Sections.

Article III is amended, by adding the following new sections:

Secs. 42-67--42.69. Reserved.

C. Addition of New Article.

A new Article IV is added, as follows

ARTICLE IV. SOLICITATION IN PUBLIC STREETS, HIGHWAYS, OR VEHICULAR RIGHTS OF WAY.

Sec. 42-70: Authority and Purpose.

This article is adopted pursuant to the authority of N. C. Gen. Stat. §§ 14-4, 20-175, and 160A-174,-175, -178, -179, and -300, for the purposes of prohibiting the solicitation of occupants of vehicles on streets and highways, regulating vehicular and pedestrian flow, and to promoting roadway safety.

Sec. 42-71: Roadway solicitation prohibited.

(a) It shall be unlawful for any person to stand, sit, or otherwise remain in any street, highway, or other vehicular right of way, excluding sidewalks, within the Town of Oak Ridge, while soliciting or attempting to solicit any employment, business, or contributions of any kind from the driver or occupants of any vehicle.

(b) This section shall not apply to emergency repairs of services requested by the operators of such vehicles.

(c) Any person adjudged in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50) or imprisoned for not more than seven (7) days.

Secs. 42-72--42-75. Reserved.

D. This ordinance is hereby adopted by the Oak Ridge Town Council at its regular scheduled meeting on _____, 2016, and is effective upon adoption.

C. Spencer Sullivan, Mayor

ATTEST:

Sandra B. Smith, CMC, Town Clerk