

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 16-O-754

IN THE MATTER OF ORDINANCE 16-O-754, AN ORDINANCE ADDING SECTIONS 9.10.345, ABUSIVE SOLICITATION, AND 10.20.145, UNLAWFUL TRANSFER, TO THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Adds Section 9.10.345
- Section 3. Adds Section 10.20.145

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Sections 9.10.345, Abusive Solicitation, and 10.20.145, Unlawful Transfer, to the Brookings Municipal Code.

Section 2. Adds Section 9.10.345: Section 9.10.345, Abusive Solicitation, is added to read as follows:

9.10.345 Abusive Solicitation

A. Purpose. The City Council deems it advisable and in the City's best interest, to provide for the safety of the community by adopting regulations regarding solicitation of an abusive nature within the City's jurisdiction.

B. Abusive Solicitation. No person shall engage in abusive solicitation as defined in this subsection. A person shall not be deemed to be in violation of this subsection when he or she passively displays a sign unless that person takes abusive action to obtain and/or retrieve an item of value from another person caused by the sign being displayed.

C. Definitions. The following words or phrases as used in this Chapter shall have the following meanings:

1. "Solicitation" means an in-person request made to obtain an immediate donation of money or other item of value.
2. "Offensive" means conduct that has the effect of provoking or being likely to provoke an imminent violent or disorderly response.
3. "Threatening" means conduct that has the effect of placing one in reasonable apprehension of imminent physical harm.
4. "Abusive Solicitation" means intentionally, recklessly or knowingly engaging in offensive or threatening conduct immediately before, during, or immediately after making a solicitation, including, but not limited to, the following listed conduct:
 - 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, signage, gestures, and/or actions directed toward the person being solicited which are offensive or threatening.

D. Penalties. Any violation of the provisions of this ordinance constitutes a violation of Brookings Municipal Code and subject to Section 1.05, General Penalty.

E. Severance. If any section, subsection, 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.

Section 3. Adds Section 10.20.145: Section 10.20.145, Unlawful Transfer, is added to read as follows:

10.20.145 Unlawful transfer

A. Purpose. The City Council deems it advisable, and in the City's best interest, to provide for the safety of the community by adopting regulations regarding unlawful transfer on highways, roads and streets within the City's jurisdiction.

B. A person commits the offense of unlawful transfer if the person:

1. While a driver or passenger in a vehicle on a highway, road or street within the boundaries of the city of Brookings, gives or relinquishes possession or control of, or allows another person in the vehicle to give or relinquish possession or control of any item of property to a pedestrian; or
2. While a pedestrian, accepts, receives or retains possession or control of any item of property from a driver or passenger in a vehicle on a highway, road or street within the boundaries of the city of Brookings.
3. This subsection does not apply if the vehicle is legally parked. This subsection also does not apply to persons participating in a "Pedestrian Activity," as defined in OAR 734 Division 58, for which a permit has been issued by the Oregon Department of Transportation, so long as all terms of such permit are being met.

C. Penalties. Any violation of the provisions of this ordinance constitutes a violation of Brookings Municipal Code and subject to Section 1.05, General Penalty.

D. Severance. If any section, subsection, 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.

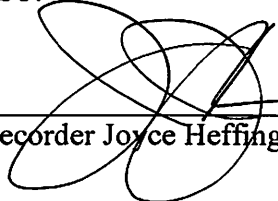
First Reading:	<u>March 28, 2016</u>	Passage:	<u>March 28, 2016</u>
Second Reading:	<u>March 28, 2016</u>	Effective Date:	<u>April 27, 2016</u>

Signed by me in authentication of its passage this 30th, day of March, 2016



Mayor Ron Hedenskog

ATTEST:



City Recorder Joyce Heffington