City of Joplin City Council Agenda Item

REQUESTED COUNCIL MEETING DATE: January 16, 2018
ITEM: Council Bill No. 2018-016, enacting changes to Chapter 90, Peddlers and Solicitors, Article IV, Aggressive Solicitation, Section 90-144, Prohibited acts, by enacting a new subsection (8).

ORIGINATING DEPARTMENT: Legal
ATTACHMENTS: Council Bill No. 2018-016

DEPARTMENT HEAD:	Peter C. Edwards	**DATE:**
POLICE DEPARTMENT:	Chief Matt Stewart	**DATE:**
CITY MANAGER:	Samuel L. Anselm	**DATE:**

INTRODUCTION:

This Council Bill enacts changes to Chapter 90, Peddlers and Solicitors, Article IV, Aggressive Solicitation, Section 90-144, Prohibited acts, by enacting a new subsection (8).

DISCUSSION:

The City has experienced an increase in the number of solicitations occurring at or near the intersection of highways and streets on which the speed limit is thirty-five (35) miles per hour or more. Solicitations at or near the intersection of highways and streets on which the speed limit is thirty-five (35) miles per hour or more pose a danger to the health, safety, or welfare of drivers and pedestrians at these locations. This Council Bill is designed to mitigate this problem by prohibiting solicitation within 150 feet of any intersection, as measured from the middle of said intersection, where one or more of the intersecting highways or streets has a speed limit of thirty-five (35) miles per hour or more, by reducing traffic congestion and flow problems caused by solicitors being in the roadway.

Staff recommends this Council Bill be passed on an emergency basis.

JLP:ab
attachments

COUNCIL BILL NO. 2018-016 ORDINANCE NO.

AN ORDINANCE amending Chapter 90, Peddlers and Solicitors, Article IV, Aggressive Solicitation, Section 90-144, Prohibited acts, by repealing Section 90-144, Prohibited acts; enacting a new Section 90-144, Prohibited acts; and containing an emergency clause.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

WHEREAS, the City has experienced an increase in the number of solicitations occurring at or near the intersection of highways and streets on which the speed limit is thirty-five (35) miles per hour or more; and

WHEREAS, the increase in solicitations at city intersections has caused more traffic congestion, confusion, and accidents; and

WHEREAS, solicitations at or near the intersection of highways and streets on which the speed limit is thirty-five (35) miles per hour or more pose a danger to the health, safety, or welfare of drivers and pedestrians at these locations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Chapter 90, Peddlers and Solicitors, Article IV, Aggressive Solicitation, Section 90-144, Prohibited acts, be repealed, and a new Section 90-144, Prohibited acts, is enacted in lieu thereof as follows:

"Sec. 90-144. - Prohibited acts.

Any person who in a public place solicits in any of the following ways or manners is guilty of a misdemeanor:

(1) By engaging in false or misleading solicitation by:

a. Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds and does not disclose such fact.

b. Knowingly stating a false situation or circumstance to induce a donation.

c. Knowingly stating the solicitation is for a specific person or exempt organization without authorization.

(2) By any statement, gesture or other communication which a reasonable person in the situation of the person solicited perceives to be a threat.

(3) By intimidating or obstructing pedestrian or vehicular traffic.

(4) By assaulting or aggressively soliciting.

(5) By soliciting within 50 feet of any bank, savings and loan or other financial institution or building, including outdoor teller machines.

(6) By soliciting within 50 feet of any cash disbursal machine, outdoor vending machine, or other outdoor machine or device which accepts coins or paper currency, except parking meters.

(7) By soliciting on any private property, unless the solicitor has permission from the owner.

(8) By soliciting within 150 feet of any intersection, as measured from the middle of said intersection, where one or more of the intersecting highways or streets has a speed limit of thirty-five (35) miles per hour or more."

Section 2. That this Ordinance, dealing with preserving the public peace, property, health, safety, or morals of the citizens, is an emergency within the meaning of Section 2.12(1) of THE HOME RULE CHARTER OF THE CITY OF JOPLIN, MISSOURI, and shall be in full force and effect immediately from and after its passage and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2018, by a vote of _____.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney