

Jan 21, 2014

Approved _____, 2013

AN ORDINANCE FOR PUBLIC SAFETY REQUIREMENTS FOR SOLICITING BUSINESS
OR CONTRIBUTIONS FROM WITHIN STREET RIGHT-OF-WAY

WHEREAS, the Board of Aldermen for the City of Farmington discussed establishing an Ordinance for Public Safety Requirements for Soliciting Business or Contributions from within Street Right-of-Way.

WHEREAS, the orderly flow of motorized traffic is a major concern in congested urban area, particularly because an obstruction or delay in traffic at one point along a traffic artery results in delays and backups far down the roadway; and

WHEREAS, a public safety hazard has been identified with persons approaching motor vehicles to solicit employment, business, or contributions from the occupants of motor vehicles being operated on public streets in the City of Farmington.

WHEREAS, unlike the oral advocacy of ideas, or even the distribution of free literature, successful solicitation from drivers distracts them from their primary duty to watch the traffic and potential hazards int eh road, observe all traffic control signals or warnings, and prepare to move through the intersection because the individual is required to respond to the solicitor by, for example searching for currency, passing it along to the solicitor, securing any change returned, replacing a wallet or closing a purse, and then returning proper attention to the full responsibilities of operating a motor vehicle; and

WHEREAS, there are numerous and diverse methods of soliciting available in the city that provide ample alternatives for solicitation, including soliciting pedestrians on the sidewalk, canvassing door-to-door, telephoning individuals, or direct mailing; and

WHEREAS, the Ordinance is narrowly aimed at the disruptive nature of soliciting the occupants of motor vehicles being operated on public streets and is not intended to restrict the communication of ideas, including the distribution of free literature to occupants of motor vehicles or even the solicitation of the occupants of motor vehicles that are lawfully stopped; and

WHEREAS, failure to restrict solicitations of the occupants of motor vehicles being operated on public streets will endanger the health, safety, and general welfare of the public by permitting unsafe pedestrian movement withing travel lanes, sudden stoppage or slowdown of traffic, rapid lane changing, turns, and other dangerous traffic movement, increased vehicular accidents and motorist injuries and fatalities; and

WHEREAS, although the Board of Aldermen has a substantial governmental interest in enhancing traffic safety and ensuring the free flow of traffic, the Board of Aldermen also seeks not to sweep too broadly in its prohibitions so as not to burden more speech than is necessary to promote its governmental interest; and

WHEREAS, the Board of Aldermen has determined that a balance can be reached between its governmental interest in enhancing traffic safety and ensuring the free flow of traffic and a solicitor's First Amendment right to solicit by authorizing street solicitations when the solicitors comply with the conditions set forth below; and

WHEREAS, the Board of Alderman of the City of Farmington has determined that the following amendments promote and protect the general health, safety and welfare of the residents of the City of Farmington; and

WHEREAS, a duly noticed public hearing as required by law was held by the Board of Aldermen of the City of Farmington, at which public hearing all residents and interested persons were given an opportunity to be heard.

NOW, THEREFORE,

**BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF FARMINGTON, MISSISSIPPI.**

Section 1. For the purposes of this section only, the term "right-of-way" shall be deemed to include all portions of any public roadway normally available for use by motor vehicles and all medians or traffic islands within such roadways, but shall not include sidewalks or other areas adjacent to the roadway.

Section 2. It is unlawful for any person to enter upon any part of the right-of-way of any public street or highway in the city for the purpose of soliciting or attempting to solicit any employment, business, or contributions from the driver or occupants of any vehicle;

Section 3. That all ordinances in conflict therewith are hereby repealed to the extent of any conflict with the terms of this ordinance.

Section 4. That this ordinance shall take effect immediately upon becoming a law.

THEREFORE, BE IT ORDAINED AS FOLLOWS:

The above and foregoing Ordinance having first been reduced to writing was read by the Clerk and motion by Jeff Patterson, seconded by Mac Grisham and considered by the Board of Aldermen section by section, and as a whole, was adopted by the following vote:

<u>NAME OF ALDERMAN</u>	<u>VOTE</u>
Lowell E. Gann	<u>yes</u>
Thomas Mac Grisham	<u>yes</u>
William "Bill" Hebert	<u>yes</u>
Jeff Patterson	<u>yes</u>
Johnny Potts	<u>absent</u>

The foregoing Ordinance having received the affirmative vote of a majority of the Board of Alderman, the Mayor declare said Ordinance adopted as of this 21 day of January, 2014.

Dale Fortenberry
DALE FORTENBERRY, Mayor

ATTEST:

Deborah Jackson
DEBORAH JACKSON, Municipal Clerk

Adopted at regular meeting January, 21, 2014.

Recorded at Minute Book 6, Page 166.

