

Chapter 28A.

SOLICITATION OR STANDING WITHIN TRAVELED ROADWAY BY PERSONS.

28A.01.00- Definitions.

As used in this Article, unless the context requires a different meaning, the following words and phrases shall have a meaning ascribed by this Section.

- A. Charitable Organization. Shall mean a non-profit person or entity which establishes proof of identification as a charitable organization through furnishing Articles and Incorporation, Articles of Organization, Organization, United States or State Tax Returns and filings, registration as a charitable organization with the State of Michigan, or other information as determined acceptable by the City Manager demonstrating bona fide charitable purpose.
- B. Civic Organization. Shall mean an organization organized and established as a non-profit entity for civic related purposes which shall be established through presentation of Articles of Incorporation, Article 5 of Organization, By-Laws, Federal or State Tax Returns and Filings or other information as determined acceptable by the City Manager.
- C. Insurance. Insurance shall mean general liability insurance of a minimum of \$500,000.00 per person per occurrence issued with the City of Sandusky, its agents and employees as additional named insureds primary and non-contributory with a Notice of Cancellation or Non-Renewal directed to the City of Sandusky, attention City Manager, such notice to be furnished at least 30 days prior to any cancellation or non-renewal.
- D. Roadway. Shall mean the area of a paved or unpaved private, or public street, highway or road designed for vehicular travel generally including the area from curb to curb, or if no curb is present, from outer edge of shoulder to outer edge of shoulder.
- E. Solicitation. Shall mean to, by words or other conduct, to request or invite the receipt of money or other personal property.
- F. Standing. Shall mean to remain within the roadway other than is reasonably necessary to traverse across the roadway, or to complete activity within an area of the roadway necessitated by an emergency such as a traffic accident, mechanical breakdown, or other similar event.

28A.01.01- Location Restrictions.

Solicitation or standing in the roadway within the City of Sandusky is only permitted within the intersection of M-46 and M-19, any of the four quadrants, or the intersection of Elk Street and Sanilac Avenue, any of the four quadrants.

28A.01.02 - Permitted Charitable and Civic Solicitation, Frequency of Solicitation or Standing.

Only charitable and civic organizations that are within the City of Sandusky and/or the 48471 postal mailing address are permitted to solicit or complete solicitation transactions within the roadway. Any charitable or civic group may only solicit or stand at a permitted intersection on two occasions not more than three consecutive days in each calendar year (365 days January 1st through December 31st).

28A.01.03 - Required Attire.

All persons engaged in permitted solicitation shall wear high visibility safety apparel meeting the current American Standards promulgated by the International Safety Equipment Association. In the event that such persons are acting for or on behalf of any entity or agency, lettering identifying such entity or agency upon clothing, a hat, or any small container utilized by such individuals shall be provided. .

28A.01.04. - Reflective Cones.

Shall locate three highly reflective orange cones in the center of the roadway and attempt to operate within that area when engaged in activity.

28A.01.05 - Minors Restricted.

No person under the age of eighteen (18) shall be permitted to solicit on behalf of any charitable or civic organization.

28A.01.06 - Restrictions Objects Carried.

Persons shall only carry or hold a container of a small size, shape and weight so as to not impede safe pedestrian and vehicular movement as determined by the City Manager. Signs and other objects are prohibited unless approved by the City Manager.

28A.01.07 - Approval Required.

Persons and entities shall obtain and complete the application and submit to City Hall for review by the City Manager who shall require a name, address and phone number and who shall grant approval unless such applicant has previously violated this ordinance within the last two (2) years, or such approval would allow for

violation of sections of this ordinance. The application must be submitted no less than 20 days before the proposed date.

28A-.01.08 - No Solicitation During Adverse Weather Conditions.

Solicitation shall not occur at any time which rain or snow are falling, or when snow or ice are present upon the roadway or shoulders areas.

28A.01.09 - Solicitation During Daylight Hours Only.

Solicitation shall occur only during daylight hours which is defined to mean one half hour after the sunrise and one half hour before sunset based on published sunrise and sunset days on the applicable day where solicitation occurs.

28A.01.10- Work Zone Solicitation Prohibited.

Solicitation is not permitted within any work zone.

28A.01.11- Working Traffic Signals Required.

Solicitation shall not occur at any permitted intersection where traffic controlled devices are either not present or not functioning.

28A.02.00 Penalty. Any entity, organization, employee, or person who violates the terms and provisions of this Article shall be guilty of a civil infraction punishable by up to a \$500.00 fine plus costs. Each instance of solicitation or standing, is considered a separate offense subject to penalties under the provisions of this section.

28A.03.00 Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

28A.04.00 Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the City that this ordinance shall be fully severable.

28A.05.00 Effective Date. This Ordinance shall be effective immediately after publication of notice of its adoption.