

385.60. Aggressive solicitation.

(a) **Policy.** As an aid in the interpretation and enforcement of this section the city council finds that:

(1) Aggressive solicitation is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder.

(2) Aggressive solicitation may include approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.

(3) The presence of individuals who solicit money from persons in places that are confined, difficult to avoid, or where a person might find it necessary to wait, is especially troublesome because of the enhanced fear of crime.

(4) This section is intended to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, and not to limit constitutionally protected activity.

(b) **Definition.** "Solicitation," as used in this section, means any plea made in person where:

(1) A person by vocal appeal requests an immediate donation of money or other item from another person; or

(2) A person verbally offers or actively provides an item or service of little or no monetary value to another in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation. However, solicitation shall not include the act of passively standing, sitting, or engaging in a performance of art with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

(c) **Prohibitions.**

(1) It shall be unlawful in a public place to engage in an act of solicitation when the person being solicited is present at any of the following locations:

a. In a restroom.

b. At a bus stop or shelter or light rail stop or shelter.

c. At a crosswalk.

d. In any public transportation vehicle or public transportation facility.

e. In a vehicle which is parked or stopped on a public street or alley.

f. In a sidewalk cafe.

g. In a line waiting to be admitted to a commercial or government establishment.

h. Within twenty (20) feet in any direction from an automatic teller machine or entrance to a bank, other financial institution, or check cashing business.

(2) It shall be unlawful in a public place to engage in an act of solicitation in a manner that incorporates any of the following methods:

a. Intentionally touching or causing physical contact with the solicited person without that person's consent.

b. Intentionally blocking the path of the solicited person, or the entrance to any building or vehicle.

c. Following behind, ahead or alongside a person who walks away from the solicitor after being solicited, with the intent to intimidate or continue solicitation.

d. Using obscene, profane, or abusive language or gestures toward the solicited person.

e. Approaching the solicited person in a manner that:

1. Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

2. Is intended to or is likely to intimidate a reasonable person into responding affirmatively to the solicitation.

f. Solicitation while under the influence of alcohol or drugs.

(d) **Penalties.** Each act of solicitation prohibited by this section shall constitute a separate violation of this section. Each violation shall be punishable as a misdemeanor.

(e) **Severance.** If any section, sentence, clause, or phrase of this law is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law. (Code 1960, As Amend., § 870.020; 2004-Or-057, §§ 1, 2, 5-28-04)

Cross references: Charitable solicitations, Ch. 333, Art. II.

State law references: Begging declared vagrancy, M.S. § 609.725.