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AN ORDINANCE TO AMEND AND ADD TO THE JONESBORO MUNICIPAL CODE OF ORDINANCES, CHAPTER 8.28, VEHICLES AND TRAFFIC, SUB SECTION **8.28.12 ROADBLOCKS FOR SOLICITATIONS** REGARDING PUBLIC SOLICITATION UTILIZING PUBLIC RIGHTS-OF WAY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

SECTION 1: A complete revision of Section 8.28.12 of the Jonesboro Municipal Code of Ordinances, Title 8 Vehicles and Traffic Section, is requested to further outline safety measures for public solicitation utilizing public rights-of-way and

SECTION 2: The entire four sections of the existing Section 8.28.12 of the Jonesboro Municipal Code of Ordinances will be revised and amended as outlined below after Section 4 and

SECTION 3: Safety of persons and property is utmost in the minds of the City of Jonesboro, Arkansas with

SECTION 4: A spirit of public mindedness and desire to give aid and support. The following Ordinance outlines the use of public rights-of way for charitable collections. The revisions as follows will be found in the Jonesboro Municipal Code of Ordinances

Title 8 Chapter 8.28.12 of the Jonesboro Municipal Code Section A – D are hereby revised as follows and Title 8 Chapter 8.28.12 of the Jonesboro Municipal Code is amended by the additions of Section F-I thereof as follows:

SECTION:

8.28.12 ROADBLOCKS FOR SOLICITATIONS

8.28.12 (A) “It shall be unlawful for any person from any organization, club or corporation to sell, solicit and/or collect gifts, donations or contributions of money or goods of any kind for any purpose whereby roadblocks of traffic are utilized.”

Is hereby amended and replaced with the following:

8.28.12 A. Except as provided below, no person shall enter into, extend any device into or otherwise encroach upon any public right- of way within the corporate limits of the city for the purpose of soliciting a contribution, offering a gift of any item or offering the sale

of any item to any pedestrian or occupant of any motor vehicle being operated on such public right-of-way, unless a permit has been obtained from the City of Jonesboro.

8.28.12 (B) “It shall be further prohibited and shall constitute a violation of this ordinance for any person, organization, firm, club or corporation to enter into or upon said roadway or intersection for the purpose of selling, soliciting and/or collecting gifts, donations or contributions of goods or monies of any kind for any purpose.”

Is hereby amended and replaced with the following:

8.28.12 B. The City shall issue a permit to solicit contributions in the public right-of way or sidewalk organization that are valid 501 (c) charitable organizations under the Internal Revenue Service Code. Proof of the valid 501 (c) status must be provided with the application for a permit, to the city.

8.28.12 (C) “For purpose of this ordinance entry into or upon the roadway or intersection shall include specifically the traveled portion of said roadway or intersection together with the adjacent right-of-way.”

Is hereby amended and replaced with the following:

8.28.12 C. Permit applications must be accompanied by a fee of \$25.00 and a certificate of insurance signed by an agent authorized to bind coverage indicating that the applicant has obtained, at their sole expense, insurance coverage:

- 1.) That is written by an insurance company with an A- or better rating and is admitted and licensed to do business in the state:*
- 2.) That is in full force and effect for the duration of the permit period:*
- 3.) That provided two million dollars (\$2,000,000.00) of liability coverage per occurrence with no deductible:*
- 4.) That insures the applicant and all persons who will be soliciting:*
- 5.) That names the City of Jonesboro, its officers, employees, and elected representatives as additional insured; and*
- 6.) That is written on an occurrence basis.*

8.28.12 (D) “Any violation of this city ordinance shall be termed a violation in keeping with the provision A.C.A. 5-1-105 and shall be punishable by a fine of Fifty Dollars (\$50.00). (Ord. No. 3370, Sec. 1.)”

Is hereby amended and replaced with the following:

8.28.12 D. *Permits issued under this ordinance shall only be issued for the days of Friday and/or Saturday. And for no hours other than those between 9:00 A.M. and one hour before sunset. Only one permit shall be issued by the City for any particular two day period. Permits may be issued to no organization more than twice per calendar year. Permits may be issued for a maximum of four separate locations under one permit. An additional permit will be issued if a scheduled event is rained out. Permit applications must be received at least 30 days and no more than 180 days prior to any date in which the applicant is applying to solicit in the right-of-way or sidewalk.*

The following sections are additions to Title 8.28 Subsection 12 of the Jonesboro Code of Ordinances:

8.28.12 (E). *The sanctioned intersections for solicitation are as follows:*

- a. *Nettleton Avenue and Stadium Boulevard*
- b. *Caraway Road and Highland Drive*
- c. *Southwest Drive and Culberhouse Street*
- d. *Johnson Avenue and Caraway Road*

8.28.12 (F). *The City of Jonesboro may only issue 12 total permits a year on a first come basis. If a permit has to be reissued due to inclement weather it will still be considered as the original permit but this permit will not be issued for a time period that has already been assigned to another applicant.*

8.28.12 (G). *Any person who is soliciting contributions from a motor vehicle while in the roadway must be 21 years of age or older and must wear a fluorescent orange or chartreuse visibility vest or shirt that is not obstructed by other objects of clothing. No solicitor shall impede traffic or make physical contact with any motor vehicle (such as tapping on the window or door).*

8.28.12 (H). *The organization obtaining a permit shall provide an at least eight square foot sign, posted at least 100 feet and not more than 300 feet from the point of solicitation, which states the name of the organization which is soliciting contributions. The signs shall be on both sides of the street and all approaches the intersection from which solicitation is being conducted. These signs must be placed where they do not impede traffic. These signs must be in place only during the times of active solicitation and must be removed during non-solicitation times of the permit period.*

8.28.12 (I). *Any violation of this city ordinance shall be termed a violation in keeping with the provision A.C.A. 5-1-105 and shall be punishable by a fine of Fifty dollars (\$50). (Ord. No. 3370, Sec.1) Failure to follow the guidelines of this ordinance will result in a permit not being issued or a permit being revoked.*