



Date: November 26, 2012

To: Mayor and City Council
From: Thomas J. Bonfield, City Manager
Subject: Ordinance Revising Restrictions on Soliciting Motor Vehicles in Roadways

Executive Summary

The proposed ordinance clarifies and revises locations in which roadside solicitation is permitted on all roadways within the city limits. Roadside solicitation includes actions to attract attention and response from the motoring public for purposes of sales of goods and services, charitable contributions, advertising, panhandling, electioneering, and other similar activities. The proposed ordinance revisions continue to permit these activities under specified conditions; however provide additional restrictions and prohibitions to conduct said activities in medians or other road solicitation restricted right-of-ways.

Recommendation

The Administration recommends that City Council approve the ordinance revising restrictions on soliciting motor vehicles in roadways and medians.

Background

For many years the City of Durham has ordained rules, regulations, and conditions by which persons can conduct activities to attract attention and response from the motoring public along roadways within the city limits. These solicitation activities include the advertising and/or sale of goods and services, charitable contributions, panhandling, political or other electioneering campaigning, and other similar activities. When conducted appropriately these activities are minor distractions to the safety of the participants and motoring public, however over the last several years some of these actions have created the potential for increasingly unsafe conditions and distractions, have become difficult to enforce, create unsightly littering along roadways, and generate complaints from the public. As a result, over the last several months the administration has reviewed best practices and comparative restrictions and regulations from the Triangle region cities and around the country and developed several recommended changes to the conditions and locations by which these roadside solicitation activities can continue.

A summary of the recommended revisions include:

- Eliminating requirements for annual registration for persons or organizations engaging in said activities.
- Retaining requirements for wearing safety vests.
- Prohibiting solicitation on or within medians.
- Allowing solicitation on roadsides that are not medians or otherwise restricted rights-of-way.

Issues and Analysis

The Administration believes these proposed changes to the roadside solicitation ordinance will improve solicitor and motoring public safety, make enforcement much easier, reduce unsightly litter conditions in medians, and reduce complaints from the public.

Alternatives

The current ordinance could remain in place and the existing conditions and activities would remain or the City Council could direct different revisions be implemented such as eliminating roadside solicitation completely.

Financial Impact

The City would forego approximately \$2,000.00 it collects per year on 100 permits. Workload cost savings were not measured.

SDBE Summary

Not applicable.

Attachments

1. Proposed Ordinance
2. Comparative analysis