1	ORDINANCE NO.
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3	AN ORDINANCE TO IMPOSE AN ABSOLUTE BAN ON THE
4	SOLICITATION OF ANY ITEM WITHIN STREETS OR FROM
5	MEDIANS LOCATED WITHIN STREETS, OF WHATEVER THE
6	CLASSIFICATION, WITHIN THE CITY OF LITTLE ROCK,
7	ARKANSAS; TO DECLARE AN EMERGENCY; AND, FOR OTHER
8	PURPOSES.
9	
10	WHEREAS, the City currently as a codified ordinance that prohibits solicitation on or along any major
11	or minor arterial street of the City, as set forth in Little Rock, Ark., Rev. Code § 17-129 (1988), as a part of
12	Article V of the Chapter 17 of the Code of Ordinances which deals with peddlers, solicitors and canvassers;
13	and,
14	WHEREAS, the Board of Directors of the City of Little Rock has expressed a desire to deal with
15	Article V to assure that it complies with all rights guaranteed to individuals by the First Amendment to the
16	U.S. Constitution, and by Article II of the Arkansas Constitution; and,
17	WHEREAS, while this investigation is ongoing the City has ceased enforcement of the entire article,
18	and as a result there has been an increase in the number of persons who solicit for contributions, donations,
19	money, and other matters, along various streets within the City; and,
20	WHEREAS, the persons who solicit these funds not only request assistance, but also walk from car to
21	car, ask people to roll down their windows, and to provide funds, and in this process have included young
22	children among those who solicit funds; and,
23	WHEREAS, such activity as walking into traffic, provides a significant safety hazard to the persons
24	who solicit the funds, as well as to drivers of automobiles who may not see the persons who are soliciting
25	the funds; and,
26	WHEREAS, after review of studies from other areas such as Montgomery County, Maryland, and
27	Austin, Texas, it has been determined that there is indeed a major safety hazard that the City has the ability
28	to address with appropriate legislation;
29	NOW, THEREORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY
30	OF LITTLE ROCK, ARKANSAS:
31	Section 1. No person shall stand in or enter upon a roadway, median, or portion of a public street, for
32	the purpose of distributing anything to the occupant of any vehicle.

Section 2. No person shall stand in or enter upon a roadway, median, or portion of a public street, for
 the purpose of soliciting any item, including but not limited to money, from the occupant of any vehicle.

Section 3. The prohibition on the distribution of anything contained in Section 1 of this ordinance does not apply to distribution to the occupant of a non-moving vehicle on a roadway adjacent to a sidewalk if the person who makes the distribution remains on the sidewalk, and if the occupant of the non-moving vehicle voluntarily accepts the distribution.

Section 4. Nothing contained in this ordinance is intended to prohibit solicitation or distribution by
any person on a sidewalk to another person on the same sidewalk.

9 Section 5. Penalty. Violation of this ordinance shall be subject to the penalties set forth in Section 110 9 of the Little Rock Revised Code.

11 Section 5. *Repealer*. All laws, ordinances, resolutions, or parts of the same, that are inconsistent with 12 the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

Section 6. *Severability*. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the ordinance.

**Section 7.** *Emergency Clause.* The ability to maintain safe streets and roadways from pedestrian traffic when automobiles have the right of way is essential to the public health, safety, and welfare; however, the proliferation of persons and entities that use streets, walk between cars, stand on medians, and approach vehicles, as shown in the attached photographs, has created a major public safety hazard that must be stopped without the violation of anyone's right to solicit donations and distribute materials on public property; an emergency is, therefore, declared to exist and this ordinance shall be in full force and effect from and after the date of its passage.

25 **PASSED: July 7, 2015** 

26 **ATTEST:** 

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29 Susan Langley, City Clerk

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Mark Stodola, Mayor

**APPROVED:** 

30 APPROVED AS TO LEGAL FORM:

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**Thomas M. Carpenter, City Attorney** //

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