

**STATE OF MICHIGAN
COUNTY OF BERRIEN
CITY OF BRIDGMAN**

**AN ORDINANCE REGULATING SOLICITATION AND STANDING IN THE
TRAVELED AREA OF THE ROADWAY IN THE CITY OF BRIDGMAN.**

ORDINANCE 2019-204

Motion by Council Member Fuller, seconded by Council Member Gedeon-Kuhn to adopt the following ordinance:

Purpose. In order to protect the public health, safety, and welfare of the citizens and drivers in the City of Bridgman, and to advance legitimate and rational regulation of conduct within the traveled area of public streets and roads within the City in order to avoid and limit injuries to pedestrians, automobile collisions, injuries to occupants of motor vehicles, to avoid traffic congestion and interruption and to otherwise promote the safe flow of traffic, the City is desirous of regulating of persons who are soliciting and/or standing in the traveled portion of the public roadway.

Section 1. 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.

Charitable organization shall mean a nonprofit 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, or other information as determined acceptable by the city manager demonstrating bona fide charitable purpose, and which has a current policy of Insurance as further defined in this Ordinance.

Civic organization shall mean an organization organized and established as a nonprofit 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, and which has a current policy of Insurance as further defined in this Ordinance.

Insurance shall mean general liability insurance of a minimum of five hundred thousand dollars (\$500,000.00) per person per occurrence issued with the city, its agents and employees as additional named insureds primary and noncontributory with a notice of cancellation or nonrenewal directed to the city, attention city manager, such notice to be furnished at least thirty (30) days prior to any cancellation or nonrenewal.

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.

Solicitation shall mean, by words or other conduct, to request or invite the receipt of money or other personal property.

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.

Section 2. Location restrictions.

Solicitation or standing in the roadway within the city is only permitted within the intersection of Lake Street and Church Street, in any of the four (4) quadrants.

Section 3. Permitted charitable and civic solicitation, frequency of solicitation or standing.

Only charitable and civic organizations which can provide proof of Insurance 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 (2) occasions not more than three (3) consecutive days in each calendar year (three hundred sixty-five (365) days January 1 through December 31).

Section 4. 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 legible from twenty (20) feet.

Section 5. Reflective cones.

Such persons shall attempt to move off the roadway portion of the road when traffic is moving and shall locate two (2) highly reflective orange cones in the center of the roadway and attempt to operate within that area when engaged in activity and return off the traveled portion of the roadway when not engaged in solicitation activity and traffic is not moving.

Section 6. Minors restricted.

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

Section 7. Restrictions on 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.

Section 8. Approval required.

Persons and entities shall obtain the approval of 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.

Section 9. Solicitation prohibited during adverse weather conditions.

Solicitation shall not occur at any time which rain, sleet, hail, snow, and/or precipitation of any type is falling, or when snow or ice are present upon the roadway or shoulders areas.

Section 10. Solicitation during daylight hours only.

Solicitation shall occur only during daylight hours which is defined to mean one-half (1/2) hour after the sunrise and one-half (1/2) hour before sunset based on published sunrise and sunset days on the applicable day where solicitation occurs.

Section 11. Work zone solicitation prohibited.

Solicitation is not permitted within any work or construction zone.

Section 12. Working traffic signals required.

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

Section 13. No solicitation near automatic teller machines or public transportation stops.

It shall be unlawful for any person to solicit donations within 15 feet of an automatic teller machine (ATM) or within 15 feet of any public transportation stop or taxi stand. Such distance from an ATM shall be measured from the entrance or exit of the ATM facility. A public transportation stop or taxi stand shall be measured by the location of the sign announcing the stop or taxi stand.

Section 14. Unlawful Solicitation.

It shall be unlawful for any person to solicit donations by doing the following:

- a. Accosting another; or
- b. Forcing oneself upon the company of another.

Section 15. 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 five hundred dollar (\$500.00) fine plus costs. Each instance of solicitation or standing, is considered a separate offense subject to penalties under the provision of this section.

Section 16. Severability.

If any section, subsection, clause, or phrase of this Ordinance is held to be invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 17. Effective Date.

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman.

AYES: Gedeon-Kuhn, Trapani, Rose, Fuller, Gipson, Buist

NAYS: None

ABSENT: Stine

ORDINANCE DECLARED ADOPTED.

Allyson Holm, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Bridgman, County of Berrien, State of Michigan, at a Regular Meeting, held on the 7th day of October, 2019, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended.

Allyson Holm, City Clerk