

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2017 – OR – 006

AN ORDINANCE MODIFYING § 94.20 AND § 94.21 OF THE CODE OF ORDINANCES FOR THE TOWN OF SELLERSBURG, INDIANA

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, from time to time, this Council desires to amend the Code of Ordinances for the Town of Sellersburg, Indiana; and,

WHEREAS, this Council has considered this ordinance in an open meeting at which the public were invited to attend and participate.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana the following:

1. Sections 94.20 and 94.21 are repealed and replaced by the following in its entirety:

Section 94.20

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHARITABLE OR CIVIC ORGANIZATION. Any person(s)/organization(s) determined by the Internal Revenue Service to be a tax-exempt organization, 501 C (3); or as determined by other Federal Authorities

CHARITABLE OR CIVIC PURPOSE. Any purpose or activity which holds itself out to be benevolent, educational, philanthropic, humane, patriotic, religious, or fraternal or to be established for a social welfare or advocacy, public health, environmental conservation, or civic purpose, or is designed to serve the welfare of society generally or any class or group to which society is morally obligated or a specific community or to preserve or improve the culture

thereof or environment enjoyed thereby; or as may otherwise be defined under applicable federal or Indiana statutes or revenue rulings of the Internal Revenue Service or Indiana Department of Revenue.

CONTRIBUTION. Any grant, promise, or pledge of money, credit, property, financial assistance, or other thing of any kind or value in response to a solicitation for a charitable or civic purpose.

HIGHWAY. Any public road, street, avenue, alley or boulevard, bridge, viaduct, or trestle and the approaches to them include private residential roads and parking lot and off-street parking facilities offered for public use, whether publicly or privately owned.

RELIGIOUS ORGANIZATION. Any organization, the activity of which is protected by the First Amendment of the Constitution of the United States.

SOLICIT AND SOLICITATION. Engaging in or requesting, directly or indirectly, that an addressed person or limited audience or the public generally makes a contribution or contributions. Solicitation shall be deemed to have taken place when the request is made, whether or not the requested contribution is made.

SOLICITOR. A natural person who, by personal contact, transmits by oral communication or writing, which identifies that person, requests a specific person to make a contribution for charitable or civic purposes.

ROADWAY SOLICITATION. Person or person standing on/in the roadway for the purpose of soliciting donations from motorists.

Section 94.21 SOLICITATION ACTIVITY REGULATED.

- a) All persons desiring to conduct roadway solicitations within the town must have a permit issued by the Police Department.
- b) Persons/organizations wishing to solicit donations shall apply for a permit no less than 72 hours prior to the event, and must have their 501(c)(3) tax identification number. 501(c)(3) is defined by Internal Revenue Code.
- c) Persons/organizations wishing to solicit must have liability insurance (minimum \$250,000)
- d) Permittee must provide the dates and times of the proposed solicitations.
- e) Only **one** (1) weekend per calendar year, per organization, allowed within the town boundaries.
- f) Roadblocks can only be conducted on **Saturdays and Sundays. Times are 8:00am to Noon Saturday, Noon to 4:00pm-Sunday.**
- g) No roadblocks on any roadway or intersection in which the speed limit is over 35 miles per hour.
- h) Organization representative/permittee must provide a valid photo ID/ driver's license at the time of applying for the permit.

- i) Only one person or group of persons shall be allowed to solicit charitable contributions on the highways and adjoining intersections thereof at any given time.
- j) Permittee must place at each point of collection, **four (4)** orange traffic cones, **minimum height of 30 inches**, each being 15 feet apart, totaling a distance of 60 feet from the permittee, towards oncoming traffic. These cones shall be placed on the median/center line.
- k) Permittee **MUST** display a two foot by three foot sign at each point of collection, indicating the organization and cause they are soliciting donations for. Letters on the sign shall be a minimum of four (4) inches tall and one-half inch wide. These signs are to be placed a minimum of 60 feet away from each collection point, facing oncoming traffic.
- l) Limit solicitation activity to two persons per lane.
- m) No persons under 18 years of age shall be allowed to participate in the roadblocks.
- n) Inclement weather during which wipers or lights are necessary for safe vehicular travel or in the judgment of any law enforcement officer, existing conditions constitute a traffic hazard to motorist and pedestrians shall cause solicitations to cease. (If such an instance occurs, permittee may petition the Police Department, in writing for an additional makeup date.)
- o) **No solicitation in construction "work zones"**.
- p) Refrain from yelling at or otherwise distracting motorist, and from touching any vehicle.
- q) Permittee must not deliver or receive any tangible thing to or from any occupant of any motor vehicle in a lane that is not contiguous with the median strip or area, which has been cordoned off by traffic cones. For instance, if there are two northbound lanes, you go to the lane next to the median/cordoned area, but you cannot go to the other northbound lane.
- r) Permittee must not stand, sit or walk on a roadway (other than on a grass or raised median strip or area which has been cordoned off by traffic cones) except to travel to or from a motor vehicle whose driver has signaled the permitted to approach.
- s) Permittee must not deliver or receive any tangible thing to or from any occupant, other than the driver or person on the driver's side, of a motor vehicle that is on the roadway.
- t) Permittee may not place any sign or other device in the street right-of-way that is in violation of state, county, or town laws/ordinances.
- u) Permittee **MUST** wear reflective outerwear (ex: orange/yellow traffic vest with reflective strips) while at the collection points.
- v) Permittee shall not litter or leave trash or other objects on the roadway once the solicitation is over.
- w) Permittee shall not stop or attempt to stop a motor vehicle that is approaching a traffic signal unless the traffic signal requires the vehicle to come to a complete stop.
- x) Permittee shall not impede the regular flow of traffic.
- y) Permittee shall not approach a person/vehicle in a manner that appears likely to cause a reasonable person with ordinary sensibilities to feel intimidated, threatened or harassed.
- z) Permittee shall not approach a person/vehicle within one foot, unless that person has indicated that he or she wishes to be solicited.

2. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 27th day of February, 2017

“Aye”

“Nay”

Paul J. Rhodes
Council President

Paul J. Rhodes
Paul J. Rhodes
Council President

Brad J. Amos
Brad Amos
Council Vice President

Brad Amos
Council Vice President

Martina Webster
Martina Webster
Council Member

Martina Webster
Council Member

Jim LaMaster
Jim LaMaster
Council Member

Jim LaMaster
Council Member

William Conlin
Absent ^{1st} reading
William Conlin
Council Member

William Conlin
Council Member

Michelle O. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer