

ORDINANCE NO. 17-08

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY AMENDING
ORDINANCE 11-03 (SECTION 119.01 OF THE CITY OF RICHMOND, KENTUCKY
CODE OF ORDINANCES)**

WHEREAS, the Board of Commissioners on January 25, 2011 adopted, out of concern for public safety, Ordinance No. 11-03, an ordinance which prohibited persons from standing or entering upon any City street, roadway, or highway for purposes of soliciting, receiving, or obtaining contributions; and

WHEREAS, as the Supreme Court for the Commonwealth has observed in a recent decision, it is not the entering upon a City street for purposes of the solicitation of contributions which causes the safety hazard, but, rather, the entering upon a City street, stepping into traffic, and approaching motor vehicles for whatever purpose; and

WHEREAS, the Board finds it to be in the public interest that the City's ordinance be amended accordingly;

NOW, THEREFORE, BE IT ORDAINED that Ordinance No. 11-03 (codified at Section 119.01 of the City of Richmond, Kentucky Code of Ordinances) be, and hereby is, amended in the following particulars:

SECTION I

Section 119.01. ~~Solicitation Prohibited.~~ Persons Not to Approach Vehicles in Traffic.

~~No person shall stand on or enter upon any street, roadway or highway within the city for purposes of soliciting, receiving, or obtaining contributions.~~ No person, except in an emergency situation, shall approach any motor vehicle, whether moving or stopped, in the travelled portion of any street, roadway, or highway within the City. This prohibition shall not apply to law enforcement personnel or emergency first responders in the performance of their duty or to any motor vehicle in the lawful parking areas of streets, roadways, and highways. Any person violating this provision shall be guilty of a violation punishable by a fine not to exceed the sum of \$100.00.

SECTION II

This Ordinance shall become effective immediately upon its enactment following second reading, and publication in accordance with the requirements of applicable Kentucky law.

DATE OF FIRST READING: March 28, 2017
MOTION BY: Commissioner Morgan
SECONDED BY: Commissioner Blythe

VOTE

Commissioner Blythe
Commissioner Eaves
Commissioner Morgan
Commissioner Newby
Mayor Barnes

YES

x
x
x
x
x

NO

DATE OF SECOND READING:

April 11, 2017

MOTION BY:

Commissioner Newby

SECONDED BY:

Commissioner Morgan

VOTE

Commissioner Blythe
Commissioner Eaves
Commissioner Morgan
Commissioner Newby
Mayor Barnes

YES

x
x
x
x
x

NO



Mayor Barnes

ATTEST:



City Clerk

Approved as to form:



City Attorney, Garrett Fowles