

Council Letter

City of Danville, Virginia



CL - 835

NEW BUSINESS I.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject: Consideration of Amending Danville City Code Sections 23-7 and 23-8 Related to Solicitation.

From: W. Clarke Whitfield Jr., City Attorney

COUNCIL ACTION

An Ordinance Repealing and Reordaining in its Entirety Section 7, Entitled "Prohibition Against Certain Forms of Aggressive Solicitation" and Section 8, Entitled "Solicitation on Center Median or Side of Street Prohibited" of Chapter 23, Entitled "Offenses - Miscellaneous", of the Code of the City of Danville, Virginia, 1986, As Amended.

SUMMARY

City Staff is seeking approval from City Council to update the existing City Code sections 23-7 and 23-8 relating to aggressive solicitation and solicitation in center medians and the sides of street to add new definitions, clarify City staff responsibilities and powers, and make additional changes to bring these sections into compliance with recent federal court cases.

BACKGROUND

Section 23-7. (Prohibition against certain forms of aggressive solicitation.) and Section 23-8. (Solicitation on center median or side of street prohibited.) of the City Code have not been updated in several years. With City staff noticing an uptick in incidents and close calls involving vehicles and pedestrians in and along City streets, as well as incidents involving loitering and aggressive solicitation, City staff desire that the law governing such conduct be updated to ensure City staff have adequate tools to address unsafe conditions and that such tools comply with recent federal court cases affecting these powers. The proposed new language has been drafted to update these Sections by creating new definitions, clarifying vague and contradictory language, and narrowly tailoring the City Code to regulate interfering with Constitutional rights. These proposed changes have been crafted in line with recent U.S. Supreme Court and 4th Circuit Court of Appeals decisions affecting solicitation and restrictions on activities in public rights of way.

RECOMMENDATION

City staff recommends approving the proposed rewriting of Section 23-7 and Section 23-8 of the City Code to assist City Staff in the carrying out of their duties on behalf of the City, and ensure compliance with the U.S. Constitution.

Attachments

1. Ordinance
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