

RESTRICTIONS ON SOLICITATION AND SITTING/LYING ON SIDEWALKS IN IOWA CITY

This is to summarize Ordinance No. 08-4300 that limits the solicitation for the immediate donation of money and Ordinance No. 08-4301 that limits sitting and lying, which are effective on April 23, 2008 and which will be codified at Sections 8-5-2 and 8-5-10.

Solicitation

Under the new ordinance, it is illegal to solicit in certain places and in a certain manner.

Definition of "Solicit"

To solicit means "to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written or printed word or by other means of communication." Examples of illegal activities include holding a sign that requests a cash donation or playing music with a donation bucket.

Restrictions on Soliciting in the "Downtown"

Except for soliciting in an aggressive manner (see below) or in a way that affects traffic, the limitations on soliciting apply just to the "downtown" area. The "downtown" is shown on the attached map and includes city plaza (i.e., the ped mall).

In the downtown, it is illegal to solicit within 10 feet of:

- the anchored or temporary fencing to a sidewalk café.
- an entrance to or exit from any building.
- the concrete border to the playground equipment located south of the public library in city plaza.
- a mobile vendor.

In the downtown, it is also illegal to solicit within 20 feet of:

- an automated teller machine.

Restrictions on Soliciting throughout the City

It is illegal to solicit in an "aggressive manner" in any place in the City. "Aggressive manner" means any of the following behaviors:

1. Touching or causing physical contact with the person solicited.
2. Blocking the passage of the person solicited.
3. Continuing to solicit after a refusal by the person solicited.
4. Following behind, ahead or alongside a person who walks away from the solicitor after being solicited.
5. Using obscene, profane or abusive language or gestures toward the person solicited.

Also, throughout the City it is illegal to solicit in a manner that interferes with orderly movement of pedestrian or vehicular traffic or otherwise creates unreasonable health and safety concerns.

Warning Required

Except for soliciting in an "aggressive manner" or in a way that affects traffic, no person can be cited unless the person is first notified by a peace officer that the behavior is illegal.

Sitting/Lying

Under the new ordinance, it is illegal to sit and lie down in certain places in the "downtown."

Prohibition against "Sitting/Lying"

Specifically, "no person shall sit or lie down upon a public sidewalk in the downtown or in Zone 1 of city plaza or on a blanket, chair, stool, or any other object placed on a public sidewalk in the downtown or in Zone 1 of city plaza."

Prohibition Applies only in "Zone 1" and on Sidewalks in the "Downtown"

The sitting/lying prohibitions apply only to:

- a) Zone 1 in city plaza. "Zone 1" is the 10 foot strip that abuts the private property line (which generally is the front of the building) in city plaza.
- b) Public sidewalks that are in the "downtown" but outside of city plaza. "Downtown" is shown on the attached map.

Exceptions

The prohibitions against sitting and lying do not apply to:

- a. A person attending, viewing, or participating in any of the following events: Friday Night Concert Series, Arts Fest, Jazz Fest, University of Iowa Homecoming parade, University of Iowa River Run, Old Capitol Criterium Bicycle Race or any parade, public assembly, festival, performance or similar event co-sponsored or permitted by the City of Iowa City, where crowds of people gather.
- b. A person sitting or lying down due to a medical emergency.
- c. A person with disabilities using a wheelchair or similar device designed for a person with disabilities.
- d. A person sitting at a sidewalk café.
- e. A person sitting or lying on a bench or planter affixed to the public sidewalk.
- f. A person who has a temporary use of sidewalk permit, a mobile vending permit, or other permit issued by the City.

Warning Required

No person can be cited unless the person is first notified by a peace officer that the behavior is illegal.

Downtown

