

## ORDINANCE NO. **04-5265**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING ARTICLE 18-1000 AND SECTION 18-1001; PROHIBITING AGGRESSIVE SOLICITATION; PROVIDING DEFINITIONS AND A PENALTY.

NOW, WHEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

*Section 1.* That the Billings, Montana City Code be amended by adding Article 18-1000 and a section to be numbered 18-1001, to read as follows:

### **“ARTICLE 18-1000. AGGRESSIVE SOLICIATION**

WHEREAS, the Billings City Council finds that the increase in aggressive solicitation throughout the City has become extremely disturbing, disruptive, and frightening to the citizens of Billings.

WHEREAS, aggressive solicitation has contributed to the loss of enjoyment of public places and to the increased sense of fear, intimidation, and disorder. Aggressive solicitation has become a drain on the Billings Police Department and other City resources.

WHEREAS, this ordinance is timely and appropriate because the current laws of the City of Billings and State of Montana are insufficient to address the above-stated problems.

WHEREAS, the City Council enacts the following ordinance in order to protect citizens from the fear and intimidation accompanying aggressive solicitation that has become an unwelcome and overwhelming presence in the City. This Ordinance is not intended to limit any persons from exercising any constitutionally protected right or activity.

#### **Sec. 18-1001. Aggressive Solicitation and penalty.**

A. **Criminal Offense:** A person commits the offense of Aggressive Solicitation if he knowingly disturbs the peace by aggressively soliciting.

“Aggressively soliciting” means to beg with the intent to intimidate another person into giving money or goods. It shall not include the act of passively standing or sitting with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry to another person.

“*Intimidate*” means to engage in soliciting by following or pursuing a person, to continue to solicit a person who has made a negative response, either verbally or by physical sign, or to engage in other conduct that would cause a reasonable person to feel compelled or to be fearful.

*“Soliciting”* means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.

**B. Penalty.** A person convicted of Aggressive Solicitation shall be fined not to exceed \$100 or be imprisoned in the county jail for a term not to exceed 3 days, or both.”

*Section 2. EFFECTIVE DATE.* This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

*Section 3. REPEALER.* All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

*Section 4. SEVERABILITY.* If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 26th day of January, 2004.

PASSED, ADOPTED and APPROVED on second reading this 9th day of February, 2004.

CITY OF BILLINGS

By \_\_\_\_\_  
Charles F. Tooley Mayor

ATTEST:

By \_\_\_\_\_  
Marita Herold, CMC City Clerk