

GENERAL ORDINANCE NO. 97-1215

AN ORDINANCE REGULATING DOOR-TO-DOOR
SOLICITATION, AND REPEALING GENERAL ORDINANCE
NO. 713

THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Purpose. The City Council finds it necessary and desirable to regulate door-to-door solicitation in order to provide an effective opportunity for the occupants of residential property to protect themselves from the unwanted disruption of the peaceful and quiet enjoyment of their property and right to privacy caused by solicitors, to protect the rights to free speech guaranteed by the Oregon and Federal Constitutions for lawful solicitors, and to provide a means by which those solicitors who choose to intrude upon and disrupt an occupant's quiet enjoyment of property can be held accountable for such violations.

Section 2. Definitions. For purposes of this ordinance, the terms "solicit" and "solicitation" shall mean the entry onto real property used for residential purposes by a person or persons with the intent of communicating with an occupant of the property, in verbal, visual or written form, concerning a potential sale of goods or services or the distribution of information.

Section 3. Prohibited Acts, Penalties. It shall be unlawful for any person to:

- A. Solicit before 9:00 AM or after 9:00 PM when the local time is daylight savings time or after 8:00 PM when the local time is standard time, without the consent of the occupant to do so.
- B. Allow, suffer or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section.
- C. Leave written materials upon real property where a sign conforming to the requirements of Section 5 is posted.
- D. Solicit upon real property where a sign conforming to the requirements of Section 5 is posted.
- E. A violation of Section 3(1) through (4) is punishable by a fine not to exceed \$250.00. A violation of Section 3(4) may also be punishable as a criminal trespass in the second degree, pursuant to ORS 164.245.

Section 4. Consent to Enter onto Real Property, Exemptions.

A. It shall be an affirmative defense to an alleged violation of Section 3(1), (3), or (4) that the person charged with the violation or crime had received actual or constructive consent of the occupant prior to entering the real property. Constructive consent to enter real property may be implied from the circumstances of each instance, the relationship of the parties and actual or implied contractual relationships.

B. The occupant of real property shall be considered to have given constructive consent to enter real property for the purpose of solicitation between the hours of 9:00 AM and 9:00 PM, when the local time is daylight savings time or after 8:00 PM when the local time is standard time, if they have not posted a "No Solicitation" sign, pursuant to Section 5.

C. Nothing in this section shall be construed to authorize the entry into a structure located on real property. The right to enter any structure must be otherwise provided for by law.

D. Officers, employees or agents of a governmental entity while performing activities within the scope of their office, employment or agency are exempt from the requirements of this ordinance.

E. No person may be charged with a violation of any subsection of Section 3 in connection with an act committed between 4:00 PM and 9:00 PM on each October 31.

Section 5. No Solicitation Sign.

A. If an occupant of real property chooses to not invite solicitors onto their property the occupant may post a "No Solicitation" sign pursuant to this section. The effect of the posting of such a sign is to express the refusal of the occupant to grant consent to any person to enter their real property to solicit, except to those persons exempt from these provisions by Section 4(D) and (E).

B. Signs posted pursuant to this section shall be posted on or near the boundaries of the property at the normal points of entry, and,

1. Signs must be no smaller than 6" in height by 8" in width; and,

2. Signs must contain wording sufficient to notify potential solicitors that solicitation is not allowed upon the property.

For real property possessing no apparent barriers to entry at the boundaries of the property which limit access to the primary entrance of a structure located on the property, placement of the sign at the primary entrance to the structure constitutes compliance with this section.

Section 6. Evidentiary Matters.

A. It shall be prima facie evidence of a violation of Section 3(3) if written material is found on real property upon which a sign conforming to the requirements of Section 5 has been posted. The person responsible for such written material shall be the person identified in the written material as its proponent, sponsor, distributor or potential beneficiary of the communication conveyed.

Section 7. Severability. The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 8. Repeal. General Ordinance No. 713, amended by General Ordinances No. 758 and 1042, is hereby repealed.

Passed by the City Council and approved by the Mayor December 8, 1997.