THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: August 22, 2023 (Introduction); September 12, 2023 (Adoption)

Subject: Amendments to the City's Public Solicitation Ordinances

Staff Resource(s): Brad Branham, City Attorney

Action Requested: Adoption of Ordinance Amendments regarding public solicitation

Background:
- The City currently regulates public solicitation in Sec. 11-5 and 11-14 of the Asheville City Code of Ordinances.
- Recent Federal Court decisions have refined the legal framework which municipalities may utilize to regulate this activity.
- In order to remain compliant with existing Federal law, amendments to the City's existing ordinances are necessary.
- The proposed "Technical" amendments are also intended to remove ambiguities and include more detailed descriptions of existing prohibitions in order to enhance public clarity and legal enforceability.
- These proposed amendments do not include any new or enhanced regulation or penalties.

Vendor Outreach Efforts:
- Not Applicable

Council Goal(s):
- A Well Planned and Livable Community
- Clean, Safe, and Healthy Environment

Committee(s):
- Environment and Safety Committee - July 25, 2023 - 3-0 to move forward to Council, with adjustments to define ordinance distance prohibitions at 10 feet, as well as other recommendations which will be analyzed and brought back to Council at a later date.

Pro(s):
- Brings existing City ordinances into compliance with recent Federal Court decisions and replaces ambiguous sections with greater specificity.

Con(s):
- None

Fiscal Impact:
- None

Suggested Motion:
- Motion to adopt the proposed amendments to the City's public solicitation ordinances, specifically Sections 11-5 and 11-14, in accordance with the changes represented in the accompanying staff report.

Attachment(s)
- Ordinance (with changes outlined)