

VILLAGE OF LOCKLAND, OHIO

ORDINANCE # 2024 - 17

**AN ORDINANCE AMENDING SECTION 844.14 REGARDING COMMERCIAL SOLICITATION AND SOLICITATION RELATED TO NONCOMMERCIAL SPEECH IN THE PUBLIC RIGHT OF WAY AND DECLARING AN EMERGENCY**

**WHEREAS,** Chapter 844 regulates commercial solicitation and defines additional noncommercial forms of solicitation which are afforded greater protections under the Constitution; and

**WHEREAS,** Chapter 844 primarily addresses the manner in which commercial and noncommercial speech occur on private property, and when and how a license o do so is required; and

**WHEREAS,** Section 844.19 addresses commercial solicitation in the right of way, but is not sufficiently clear on the parameters of allowable commercial and noncommercial solicitation in the right of way and does not consider the consequences of traffic and safety hazards that result from various types of solicitation; and

**WHEREAS,** Council desires to clarify the limits on commercial and noncommercial solicitation within the Village rights-of-way, and to include consideration of safety issues; now, therefore,

**BE IT ORDAINED by the Council of the Village of Lockland, State of Ohio, that:**

**SECTION I** Sections 844.14 is hereby amended as provided in the attached Exhibit A, attached hereto and incorporated by reference herein; and

**SECTION II** The remainder of Chapter 844 shall remain as written; and

**SECTION III** This ordinance is hereby declared to be an emergency measure necessary to preserve the health, safety and general welfare of the Village of Lockland. The reason for said emergency is the necessity for officers to be able to clearly enforce solicitation within the right of way clearly and within the bounds of the constitution, as soon as possible. Therefore, this ordinance shall become effective immediately.

Passed this 11<sup>th</sup> day of March, 2024.

  
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Mayor, Village of Lockland

Attested:   
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Clerk of Council

**EXHIBIT A**

to Ord. # 2024 - 17

**§ 844.14 COMMERCIAL AND NONCOMMERCIAL SOLICITATION IN PUBLIC RIGHTS-OF-WAY SALES ON PUBLIC PROPERTY.**

- (a) No person shall, on any public right-of-way, engage in commercial solicitation, regardless of permit status. street, alley, drive, lane, thoroughfare, public right-of-way, court, highway, and boulevard or on the sidewalks thereof, solicit the sale of any merchandise, wares, goods, foods, periodicals or other articles of value for present or future delivery.
- (b) Nothing in this chapter shall prohibit a person from engaging in any noncommercial solicitation that concerns the dissemination an idea protected by the first amendment of the United States Constitution; provided, however, that such dissemination shall be prohibited directly on public streets, and shall be prohibited on public sidewalks only to the extent that such dissemination directly results in vehicular stopping or other traffic and safety hazards upon adjacent public streets.