



Legislation Details (With Text)

File #: 2043-2018 **Version:** 1

Type: Ordinance **Status:** Passed

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On agenda: 7/23/2018 **Final action:** 7/25/2018

Title: To amend sections 525.01 and 525.24 and repeal section 525.23 of the Columbus City Codes in order to allow all non-profit entities to apply for a permit to engage in distribution in the roadway.

Sponsors: Mitchell Brown

Indexes:

Code sections:

Attachments: 1. Chapter 525 Amendment

Date	Ver.	Action By	Action	Result
7/25/2018	1	CITY CLERK	Attest	
7/24/2018	1	ACTING MAYOR	Signed	
7/23/2018	1	COUNCIL PRESIDENT	Signed	
7/23/2018	1	Columbus City Council	Approved	Pass
7/16/2018	1	Columbus City Council	Read for the First Time	

The purpose of this legislation is to amend various sections in Chapter 525 of the Columbus City Codes that governs charitable solicitations in the City of Columbus. Some sections of this chapter pertain to roadway permits for applicable charitable solicitors. Currently, only charitable organizations are allowed to apply for this permit to solicit money. Solicitation is also the only current type of distribution (the exchange, or attempt to exchange, a physical item between two or more individuals) allowed in a roadway in the City, under this chapter, and the only entities allowed to apply for the permit are certified 501(c)(3) charitable organizations.

In 2015, the United States Supreme Court made a unanimous ruling in *Reed v. Town of Gilbert* that would prevent governments from favoring certain messages on signs from others based on content. This case had far-reaching implications for municipalities across the country in their zoning codes and elsewhere. On advice from the Columbus City Attorney, the City determined that, based on *Reed v. Town of Gilbert*, it could not enforce the aforementioned portions of Chapter 525 as written, given the potential violations of the First Amendment.

These updates to the code will allow for any non-profit entity (individual or organization) to apply for a permit to engage in distribution in the roadway, using current rules already in place governing these actions.

Working in conjunction with the Columbus City Attorney's office, Council will consider these amendments to City Code to ensure the health, safety and welfare of Columbus residents, while also continuing to ensure the ability of all citizens to exercise their First Amendment rights.

To amend sections 525.01 and 525.24 and repeal section 525.23 of the Columbus City Codes in order to allow all non-profit entities to apply for a permit to engage in distribution in the roadway.

WHEREAS, various sections in current Chapter 525 of the Columbus City Codes pertain to permitting for charitable organizations to solicit funds in the roadway; and

WHEREAS, the Columbus City Attorney's office has determined that portions of Chapter 525 pertaining to charitable solicitations in the roadway is too exclusionary under the First Amendment; and

WHEREAS, permits allowing acts of distribution in a roadway are already subject to City provisions; and

WHEREAS, the City of Columbus, in furthering its efforts to promote safe neighborhoods while respecting the rights of residents, finds it necessary to open the roadway permit application to all non-profit distribution, preserving the health, safety, and welfare of Columbus residents; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That sections 525.01 and 525.24 of the Columbus City Codes are hereby amended as follows:

SEE ATTACHMENT

SECTION 2. That existing sections 525.01 and 525.24 of the Columbus City Codes are hereby repealed and replaced as provided herein.

SECTION 3. That section 525.23 of the Columbus City Codes is hereby repealed in its entirety.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest date allowed by law.