



CITY OF SHERIDAN

City Hall • 120 SW Mill Street • Sheridan, OR 97378

Phone 503-843-2347 • Fax 503-843-3661

www.cityofsheridanor.com

City Council Agenda Special Session

June 3, 2024, at 7:00 PM

120 SW Mill Street, Sheridan OR 97378

The public is welcome to attend Work Sessions; however, the public may only participate if asked. Work Sessions provide an opportunity for discussion by the City Council in preparation for Regular City Council Meetings. Capacity is limited, and seats are offered on a first-come, first-serve basis. Public attendance is also available via Zoom, by Phone or Computer except for Executive Sessions.

Join with your computer here: <https://us06web.zoom.us/j/3873025522>

Join by telephone: Dial in the US: 1-346-248-7799 or 1-669-900-9128 or 1-253-215-8782

Meeting ID: 387 302 5522

Call to Order, Roll Call

A. Presentation:

- 1) West Coast Solar, Renee Jetton
- 2) Rotary Events, Donations, & Sponsorship

Pgs. 1-2

B. Public Comment Period:

The Public Comment portion of the agenda is the opportunity for the Council to listen to the public, but not for dialogue. The public is allowed up to 3 minutes to present information relevant to the City. The topic/issue brought up may be referred by the Council to the City Manager for inclusion on a subsequent Council agenda. Council has the discretion to ask questions after comments are concluded. Please note: Complaints should first be addressed to the appropriate City department and/or the City Manager prior to directly addressing the Council.

C. Business Items

- 1) Vote: Resolution 2024-L, A Resolution to Approve a Sidewalk Improvement Plan to Implement Safe Routes to School Plan

Pgs. 3-8

D. Work Session Topics/Discussion

- 1) Discussion: Language Updates to the Sheridan Municipal Code Chapter 5.32 Solicitors
- 2) City Council Meeting Start Time

Pgs. 9-20

E. Mayor and Councilor Discussion

F. Public Comment Period: *Rules same as above*

G. Adjournment



Here's an opportunity to help Rotary sponsor family fun and the community

Council Packet Page 1 of 20

Rotary uses the funds raised to promote and advertise your business at the events and to put these mostly free, fun events on for the community's enjoyment. The funds are also used for scholarships; Rotary gives two one thousand dollar scholarships each year—one to a student from Sheridan and one to a student from Willamina. Rotary also provides a community grant program to support parks, high school projects, or any other project that benefits the community. Rotary provides insurance to help support such events as Sheridan Hometown Days and the Wet Season Music Series held in Willamina. Thank you for considering donating to help fund these programs and others.



Choose the level of support you are willing to give. See back of page for event calendar.



Event Supporter \$100 – Your company logo will be on our sponsor board near the cart at every event.



Community Contributor \$200 – Your company logo will be on our sponsor board near the cart at every event and your company logo will be on the big screen at every event that uses the screen.



Overachiever \$500 – Your company logo will be on our sponsor board near the cart at every event and your company logo will be on the big screen at every event that uses the screen. Your company will get a shout-out at every event that has a microphone.



Community All Star \$1000 – Your company logo will be on our sponsor board near the cart at every event and your company logo will be on the big screen at every event that uses the screen. Your company will get a shout-out at every event that has a microphone. One of the food items that are sold in the cart will be named after you.

Thank you for supporting family friendly activities in the West Valley!

Business name _____
Contact Person _____
Phone _____
Email _____

Sponsorship Level
Event Supporter
Community Contributor
Overachiever
Community All Star

Scheduled events in 2024-2025

Council Packet Page 2 of 20

June 2024

Hometown Days

The Rotary Food Cart supplies pulled pork sandwiches. Volunteers from Rotary drive the hayrides around giving people a lift to all the fun. Rotary also provides insurance for the event.

July 2024

Willamina's Old fashioned 4th of July Spectacular

The Rotary Food Cart keeps the fun rolling providing snacks and refreshments near the fireworks, after rolling in the parade. Rotary also provides insurance for the event.

August 2024

Mog Fest

The Rotary Food Cart serves dinner and breakfast to the hungry off-road enthusiasts.

September 2024

Esports

Video game competitions are huge among the youth in the community. Rotary, with help from George Fox University are hosting a tournament in the West Valley. The Rotary Food Cart will provide snacks and refreshments, and Rotary insures the event.

October 2024

Halloween Experience

Details have not been finalized. In the past Rotary has put on a spooky haunted house, this year if location and volunteers can be secured we may bring it back. There has also been talk of a dress up movie experience. Either way we are sure to have a howling good time.

November 2024

Blast from the past movie night

Double feature
Goonies
Back to the Future

December 2024

Santa calls, Willamina Christmas Parade, Sheridan Christmas Parade, Handing out presents with Santa

The Rotary cart can be seen decorated in both the Willamina and Sheridan Christmas parades, as well as handing out hot chocolate during Santa's Visit to Sheridan.

January 2025

Blast from the past movie night

Double feature
Grease
Labyrinth

February 2025

Blast from the past movie night

Double feature
Wizard of Oz
Princess Bride

March 2025

Blast from the past movie night

Double feature
Neverending Story
Harry and the Henderson's

April 2025

Spring Sheridan City-wide clean-up

The Rotary cart serves pizza to all who participate in this awesome Earth Day Event.

May 2025

Saturday Market at the Sheridan Mercantile

The Rotary cart serves food and beverages in support of local business.

Rotary usually participates in more events that are not on the calendar. We will most likely be at National Night Out in Willamina passing out free popcorn, giving out candy at a trunk or treat and possibly other events. Your support of Rotary will be displayed at every event we appear at!

Please choose a sponsorship level from the other side, and make checks payable to Sheridan Rotary. The mailing address is Sheridan Rotary PO Box 322, Sheridan, OR 97378, or drop at the West Valley Bulletin Board Office.

I would prefer to make a monetary donation in the amount of \$_____ (Enter any amount) to help the Rotary put together fun community events!

We thank you, in advance for your consideration!

If you have question you can call or text Matt Huegli 971-237-9837 or email matt.huegli@comcast.net

To: Sheridan Mayor and City Council
From: Gary Mathis & Kenny Peterson
Date: June 3, 2024
RE: Sidewalk Project

Greetings Mayor & Council,

It is our understanding that the City of Sheridan historically uses a portion of our State gas tax revenue to fund the installation of new or to replace old sidewalks. In accordance with our Safe Routes to school map we have decided that we should start Faulconer-Chapman school and work North. Our goal with this project is to provide save travel to and from schools for the members of our community! The first spot for the fiscal year 23-24 we selected was the corner of SW Jefferson & SW 4th Street we will be tying into the new sidewalk poured by the homeowner and connecting to the ADA ramp. The second spot we selected is the continuation of the sidewalk on SW 3rd Street to Chapman Street. This would complete this section of the sidewalk. I have attached 4 pictures showing a student using the sidewalk then, moving into the street with multiple cars present then, when available, moving back on to the sidewalk.

To get the best value for our projects, we will be doing all the dig-out work and hauling off all the spoils. This allows for all our money to be spent on actual sidewalk work, not prep work. Please be on the lookout for another memo from us in the near future (The beginning of July-ish) for our fiscal year 24-25 project. Thank you for your consideration, please see the pictures below!

Respectfully,

Gary Mathis,
Acting Public Works Director



The attachment for the Sidewalk Resolution was emailed to you on May 29, 2024, at 2:40pm by Heidi. If you want a printed copy, please contact Yvonne. The resolution does state that the Safe Routes to School Plan is attached, but what that means is that it will be attached when the Resolution is adopted and filed into the City's official record.

RESOLUTION 2024-L

A RESOLUTION TO APPROVE A SIDEWALK IMPROVEMENT PLAN TO IMPLEMENT SAFE ROUTES TO SCHOOL PLAN

WHEREAS, local school, community, and city leaders conducted a walking audit to observe the patterns that students and families used to commute home from the Sheridan Schools, which supported the development of the Sheridan Safe Routes to School (SRTS) Plan, attached as Exhibit A; and

WHEREAS, the Community Vision for SRTS is “The Sheridan community envisions a future where students and their families safely, comfortably, and conveniently walk and bicycle as part of the daily school commute and a healthy lifestyle”; and

WHEREAS, the SRTS Implementation Plan provides direction on the implementation of building infrastructure to enact the Community Vision of the SRTS Plan; and

WHEREAS, it is a statutory requirement of the City to use not less than 1% of its State Highway Fund shared revenue to fund sidewalks to serve its residents and community members, and the City Council and staff desires to prioritize installation or replacement of sidewalks on the SRTS Implementation Plan; and

WHEREAS, for the next ten years the City of Sheridan is committed to funding the amounts toward the SRTS Sidewalk Implementation Plan, as per SRTS Sidewalk Funding Schedule, attached as Exhibit B; and

WHEREAS, the SRTS Sidewalk Implementation Plan will begin at Falconer Chapman (K-8) and continue northward; since the most concentrated pedestrian traffic is closest to the school and the most vulnerable population is the youngest youth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERIDAN, AS FOLLOWS

Section 1. The Sheridan City Council adopts the September 2023 Safe Routes to School Plan, as attached as Exhibit A, and the proposed funding schedule, as attached as Exhibit B.

Section 2. This Resolution is effective upon passage.

PASSED AND ADOPTED by the City Council this 3rd day of June, 2024.

AYES: _____

ABSENT: _____

NAYES: _____

ABSTAIN: _____

DATED this 20th day of May, 2024.

Cale A George, Mayor

ATTEST: _____

Yvonne Hamilton, CMC, City Recorder

Exhibit B	
Sidewalk Funding Schedule	
Fiscal Year	Amount
2024-2025	\$15,000
2025-2026	\$20,000
2025-2026	\$20,000
2026-2027	\$25,000
2026-2027	\$30,000
2027-2028	\$30,000

Chapter 5.32 SOLICITORS

5.32.010 Purpose.

The city council finds it necessary and desirable to regulate 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. ~~The city council has also been advised that based upon actual experiences in Sheridan and in the opinion of crime prevention specialists nationwide, there is a direct connection between residential burglaries and unscrupulous solicitors.~~ The creation of a registration requirement will enable city officials and citizens of the city to become informed concerning the individuals and organizations who choose to solicit in the city. This chapter also provides a mechanism for discouraging, through the civil infraction process, those solicitors who avoid registration and provides a mechanism to identify and discourage those who would use solicitation as a front for criminal activity.

5.32.020 Definition.

~~A. For the purposes of this chapter, the terms "solicit" and "solicitation" mean the entry onto real property used for residential purposes by a person to communicate, whether verbally, visually, or in writing, with an occupant of the property for the following purposes:~~

- ~~1. purpose of To sell, offer to sell, or in furtherance of facilitating the sale of any goods or services;~~
- ~~2. To distribute or disseminate literature, books, booklets, pamphlets, flyers, or similar items, whether or not such items are exchanged for value; and~~
- ~~3. To discuss or provide information on any topic, idea, belief, or any set of topics, ideas, or beliefs, communicating with an occupant of the property, whether the communication is verbal, visual or in writing.~~
- ~~4. This definition shall expressly exclude communications made for a purely social purpose.~~

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B. "Abusive solicitation" means intentionally, recklessly or knowingly, with the effect of either placing the solicited person in reasonable apprehension of imminent physical harm, or with the effect of provoking or likely to provoke an imminent violent or disorderly response from the person being solicited:

- ~~1. Continuing to solicit once the person being solicited has declined the request;~~
- ~~2. Blocking or impeding the passage of the person solicited;~~
- ~~3. Following the person solicited by proceeding behind, ahead or alongside of him or her after the person solicited has declined the request;~~
- ~~4. Touching the solicited person without the solicited person's consent; or~~
- ~~5. Using words, gestures, and/or actions which are offensive or threatening.~~

5.32.030 Registration statement required—Contents.

All persons desiring to solicit at ~~five-one~~ or more dwelling units in the city during any ~~eight-twenty-four~~ hour period shall file with the city recorder a registration statement, on forms provided by the city recorder, containing the following information:

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- A. The name of the person registering and desiring to solicit;
 - B. Whether the person registering is a natural person, partnership, corporation or association, and
 - 1. If a natural person, the business or residence address and telephone number of the person,
 - 2. If a partnership, the names of all partners and the principal business address and telephone number of each partner,
 - 3. If a corporation, the person registering must state whether it is organized under the laws of Oregon or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the individual in charge of the ~~Portland-area~~ nearest office of such corporation and the registered agent of the corporation, and the names of all officers and directors or trustees of said corporation, and, if a foreign corporation, the place of incorporation,
 - 4. If an association, the registration statement shall show the association's principal business address and telephone number, if any, and shall show names and principal business or residence addresses and telephone numbers of all members of the association, unless they exceed ten (10) in number, in which case the application shall so state and the person registering may alternatively list the names and principal business or residence addresses and telephone numbers of the officers and directors or trustees of the association. If the association is part of a multistate organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its Portland-area office;
 - C. A brief description of the nature of the organization if the person registering is a partnership, association or corporation, and an explanation from all persons of the intended purpose of the solicitation;
 - D. The names, mailing address and telephone number of all individuals who will be in direct charge or control of the solicitation and the number of persons who will be actually involved in the solicitation activity. One of the named individuals shall be designated to receive any notice or communication from the city or the public concerning the solicitation activities;
 - E. The time period within which the solicitation is to be made, giving the date of the beginning of solicitation and its projected conclusion;
 - F. A description of the methods and means by which the solicitation is to be accomplished and the approximate locations and dates on which those locations will be visited;
 - G. The names of any other cities in which the person registering has solicited within the past five years, but in the event that the person registering has solicited in more than five other cities, the person registering may list the five cities located closest to Sheridan;
 - H. A statement that if a certificate of registration is granted, such certificate will not be used as or represented to be an endorsement by the city or any of its officers or employees;
 - I. The names of any ~~individuals who will be engaged in the solicitation~~ ~~officer, director, trustee, partners, corporation, or any current agent or employee engaging in the solicitation~~ who has:
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~~1. signed a consent decree or order in the last five years or who has been convicted of, or plead no contest to, a felony or a misdemeanor involving moral turpitude within the past five years;~~

~~2. Been convicted of or plead no contest to any felony within the past five years; and/or~~

~~3. Been found to be in violation of any municipal code provisions relating to solicitation, in any jurisdiction, within the past five years.~~

~~4. In addition to the names of the individuals, and the registered person shall also provide the nature of the offense, or consent decree or order, the state where the conviction offense or consent decree or order occurred, and the year of such conviction offense, or consent decree, or order;~~

J. An explanation of the reasons, if the person registering is unable to provide any of the foregoing information, why such information is not available;

K. The registration statement must be signed by the applicant, if the person registering is an individual; if the person registering is a partnership, by a partner; if a person registering is a corporation or an association, by an officer. The individual signing the registration statement shall sign the statement and swear or affirm before an Oregon notary that he or she has carefully read the registration statement and that all the information contained therein is true and correct.

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5.32.040 Public inspection of registration information.

The registration statement and information submitted with the registration statement are public records available for public inspection during normal city business hours.

5.32.050 Registration fee.

A. Except as provided in subsection B of this section, every registration statement shall be accompanied by a registration fee of fifteen dollars (\$15.00) to compensate the city for the cost of administering this registration program, and such fee will not be refunded if a certificate or registration is not issued.

B. The city recorder ~~may shall~~ waive the registration ~~and~~ fee requirements if ~~a person is indigent and~~ the purpose of the solicitation is ~~either~~: (1) in connection with the assembling of people, instruction ~~or~~ to their political representatives, or application to the legislature as protected by Article I, Section 26 of the Oregon Constitution; ~~or~~ (2) in connection with their freedom of religion as protected by Article I, Section 3 of the Oregon Constitution; ~~(3) For any other constitutionally-protected activity; or (4) Fundraising for a local non-profit or not-for-profit organization, such as public or private schools and associated organizations, service clubs, or similar entities.~~

5.32.060 Issuance of certificate of registration—Revocation.

A. After a review of the registration statement to determine its compliance with Section 5.32.030, and, within ten (10) working days of the receipt of the registration statement, the city recorder shall either issue a certificate of registration, in the form provided by Section 5.32.070, or notify the person registering that the registration statement does not comply with the requirements of Section 5.32.030, and specifically point out what information or explanation has not been furnished that is required before a certificate of registration can be issued. ~~If the person registering is engaged in an activity for which a business license is required by this chapter, proof of a valid business license shall be furnished prior to the issuance of the certificate.~~

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- B. A certificate of registration shall be revoked by the city recorder if a registered person, or one or more solicitors engaged on behalf of that person, ~~are~~ are convicted or plead guilty or no contest to ~~a one or more violations cumulative minimum of three violations~~ of Section 5.32.080(A) ~~occurring within any thirty (30) calendar day period~~ in connection with or on behalf of the solicitation of the registered person. ~~A certified copy of the municipal court record of plea or conviction is conclusive proof that a violation has occurred.~~
- C. The period of revocation ~~is indefinite, shall be for sixty (60) calendar days, during which the person may not receive a certificate of registration.~~ Within five working days of receipt of notification that a registered person ~~or someone engaged on their behalf~~ has been convicted, plead guilty or no contest to ~~the third~~ a violation, the city recorder shall notify, in writing, the person designated in the registration statement to receive notice of the action to revoke, ~~in writing, five days prior to the effective date of the revocation.~~ The person may appeal the recorder's decision to the city council by filing a notice of appeal with the city recorder within ~~ten five (105)~~ days of the effective date of the revocation. During the pendency of ~~the any~~ appeal, ~~the order to revoke is stayed~~ the determination of the city recorder shall stand.
- D. Any person or entity who has been found in violation of the provisions of this section on two or more occasions shall not be eligible to solicit within the City of Sheridan.

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5.32.070 Form of certificate of registration—Term.

- A. The city recorder shall prescribe the form of the certificate of registration. Each such certificate shall have the following printed prominently thereon: "THE ISSUANCE OF THIS CERTIFICATE OF REGISTRATION IS NOT AN ENDORSEMENT BY THE CITY OF SHERIDAN OR ANY OF ITS OFFICERS OR EMPLOYEES." Each certificate of registration shall bear a registration number which is the same as the file containing the registration statement filed by the registrant.
- B. Every certificate of registration issued by the city recorder shall contain a termination date upon which the certificate shall expire, which date shall be the termination of the solicitation period specified in the registration statement or one year from the date of issuance, whichever is less.
- C. The certificate of registration shall contain a list of the acts prohibited by Section 5.32.080.

5.32.080 Prohibited acts—Penalties.

- A. It is unlawful for any person to:
1. Solicit before nine a.m. or after ~~nine seven~~ nine p.m. ~~when the local time is daylight savings time or after eight p.m. when the local time is standard time~~, without the consent of the occupant to do so;
 2. Solicit without first having obtained a registration certificate pursuant to Section 5.32.060, if required by that section;
 3. Violate the terms of a registration certificate issued pursuant to Section 5.32.060;
 4. Solicit after a registration certificate has been revoked, pursuant to Section 5.32.060;
 5. Allow, suffer or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section;

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6. Provide false or fraudulent information on a registration statement;
 7. Leave written materials upon real property where a sign conforming to the requirements of Section 5.32.090 is posted;
 8. Engage in abusive solicitation, as defined in Section 5.32.020.
 89. Solicit upon real property where a sign conforming to the requirements of Section 5.32.090 is posted;
 109. Allow, suffer or permit any person to solicit on their behalf after a registration certificate has been revoked, pursuant to Section 5.32.060.
- B. Violation of subsection (A)(1) through (78) of this section is punishable as a civil infraction.
 - C. Violation of subsection (A)(98) of this section is punishable as a Class C misdemeanor under state law.
 - D. Violation of subsection (A)(109) of this section is a Class C misdemeanor under state law. See Section 5.32.110.

5.32.090 "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 Sections 5.32.030 and 5.32.120(D).
- B. Signs posted pursuant to this section shall be posted on or near the boundaries of the property at the normal point of entry, and
 1. Signs must be no smaller than six inches in height by eight inches in width; and
 2. Signs must contain the words "NO SOLICITATION" and the reference to Section 5.32.080 of this chapter in characters no less than one-half inch in height.
- C. 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.

5.32.100 Evidence of violations.

- A. It shall be prima facie evidence of a violation of Section 5.32.080(A)(7) if written material is found on real property upon which a sign conforming to the requirements of Section 5.32.090 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.
- B. For the purposes of Section 5.32.080(A)(5) and (910), if a person solicits on behalf of a person registered pursuant to Section 5.32.030, it is presumed that the person registered allowed, suffered or permitted solicitation.

5.32.110 Violation after registration is revoked.

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- A. No person shall allow, suffer or permit any person to solicit on their behalf after a registration certificate has been revoked, pursuant to Section 5.32.060.
 - B. For purposes of subsection A of this section, the term "solicit" is defined in Section 5.32.020.
 - C. A violation of this section is a Class C misdemeanor under state law.

5.32.120 Defense to violations—Exemptions.

- A. It is an affirmative defense to an alleged violation of Section 5.32.080(A)(1), (7) or (8) 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 nine a.m. and ~~nine-seven~~ p.m. ~~when the local time is daylight savings time, or before eight p.m. when the local time is standard time~~, if they have not posted a "No Solicitation" sign pursuant to Section 5.32.090.
- 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 chapter.
- E. No person may be charged with a violation of any subsection of Section 5.32.080 or Section 5.32.110 in connection with an act committed between four p.m. and nine p.m. on each October 31st.

Chapter 5.32 SOLICITORS

5.32.010 Purpose.

The city council finds it necessary and desirable to regulate 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. The creation of a registration requirement will enable city officials and citizens of the city to become informed concerning the individuals and organizations who choose to solicit in the city. This chapter also provides a mechanism for discouraging, through the civil infraction process, those solicitors who avoid registration and provides a mechanism to identify and discourage those who would use solicitation as a front for criminal activity.

5.32.020 Definition.

A. "Solicit" and "solicitation" mean the entry onto real property used for residential purposes by a person to communicate, whether verbally, visually, or in writing, with an occupant of the property for the following purposes:

1. To sell, offer to sell, or in furtherance of facilitating the sale of any goods or services;
2. To distribute or disseminate literature, books, booklets, pamphlets, flyers, or similar items, whether or not such items are exchanged for value; and
3. To discuss or provide information on any topic, idea, belief, or any set of topics, ideas, or beliefs.
4. This definition shall expressly exclude communications made for a purely social purpose.

B. "Abusive solicitation" means intentionally, recklessly or knowingly, with the effect of either placing the solicited person in reasonable apprehension of imminent physical harm, or with the effect of provoking or likely to provoke an imminent violent or disorderly response from the person being solicited:

1. Continuing to solicit once the person being solicited has declined the request;
2. Blocking or impeding the passage of the person solicited;
3. Following the person solicited by proceeding behind, ahead or alongside of him or her after the person solicited has declined the request;
4. Touching the solicited person without the solicited person's consent; or
5. Using words, gestures, and/or actions which are offensive or threatening.

5.32.030 Registration statement required—Contents.

All persons desiring to solicit at one or more dwelling units in the city during any twenty-four hour period shall file with the city recorder a registration statement, on forms provided by the city recorder, containing the following information:

- A. The name of the person registering and desiring to solicit;
- B. Whether the person registering is a natural person, partnership, corporation or association, and

1. If a natural person, the business or residence address and telephone number of the person,
 2. If a partnership, the names of all partners and the principal business address and telephone number of each partner,
 3. If a corporation, the person registering must state whether it is organized under the laws of Oregon or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the individual in charge of the nearest office of such corporation and the registered agent of the corporation, and the names of all officers and directors or trustees of said corporation, and, if a foreign corporation, the place of incorporation,
 4. If an association, the registration statement shall show the association's principal business address and telephone number, if any, and shall show names and principal business or residence addresses and telephone numbers of all members of the association, unless they exceed ten (10) in number, in which case the application shall so state and the person registering may alternatively list the names and principal business or residence addresses and telephone numbers of the officers and directors or trustees of the association. If the association is part of a multistate organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its Portland-area office;
- C. A brief description of the nature of the organization if the person registering is a partnership, association or corporation, and an explanation from all persons of the intended purpose of the solicitation;
- D. The names, mailing address and telephone number of all individuals who will be in direct charge or control of the solicitation and the number of persons who will be actually involved in the solicitation activity. One of the named individuals shall be designated to receive any notice or communication from the city or the public concerning the solicitation activities;
- E. The time period within which the solicitation is to be made, giving the date of the beginning of solicitation and its projected conclusion;
- F. A description of the methods and means by which the solicitation is to be accomplished and the approximate locations and dates on which those locations will be visited;
- G. The names of any other cities in which the person registering has solicited within the past five years, but in the event that the person registering has solicited in more than five other cities, the person registering may list the five cities located closest to Sheridan;
- H. A statement that if a certificate of registration is granted, such certificate will not be used as or represented to be an endorsement by the city or any of its officers or employees;
- I. The names of any individuals who will be engaged in the solicitation who has:
1. Been convicted of, or plead no contest to, a misdemeanor involving moral turpitude within the past five years;
 2. Been convicted of or plead no contest to any felony within the past five years; and/or
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3. Been found to be in violation of any municipal code provisions relating to solicitation, in any jurisdiction, within the past five years.
4. In addition to the names of the individuals, the registered person shall also provide the nature of the offense, the state where the offense occurred, and the year of such offense;
- J. An explanation of the reasons, if the person registering is unable to provide any of the foregoing information, why such information is not available;
- K. The registration statement must be signed by the applicant, if the person registering is an individual; if the person registering is a partnership, by a partner; if a person registering is a corporation or an association, by an officer. The individual signing the registration statement shall sign the statement and swear or affirm before an Oregon notary that he or she has carefully read the registration statement and that all the information contained therein is true and correct.

5.32.040 Public inspection of registration information.

The registration statement and information submitted with the registration statement are public records available for public inspection during normal city business hours.

5.32.050 Registration fee.

- A. Except as provided in subsection B of this section, every registration statement shall be accompanied by a registration fee of fifteen dollars (\$15.00) to compensate the city for the cost of administering this registration program, and such fee will not be refunded if a certificate or registration is not issued.
- B. The city recorder shall waive the registration and fee requirements if the purpose of the solicitation is: (1) in connection with the assembling of people, instruction to their political representatives, or application to the legislature as protected by Article I, Section 26 of the Oregon Constitution; (2) in connection with their freedom of religion as protected by Article I, Section 3 of the Oregon Constitution; (3) For any other constitutionally-protected activity; or (4) Fundraising for a local non-profit or not-for-profit organization, such as public or private schools and associated organizations, service clubs, or similar entities.

5.32.060 Issuance of certificate of registration—Revocation.

- A. After a review of the registration statement to determine its compliance with Section 5.32.030, and, within ten (10) working days of the receipt of the registration statement, the city recorder shall either issue a certificate of registration, in the form provided by Section 5.32.070, or notify the person registering that the registration statement does not comply with the requirements of Section 5.32.030, and specifically point out what information or explanation has not been furnished that is required before a certificate of registration can be issued.
- B. A certificate of registration shall be revoked by the city recorder if a registered person, or one or more solicitors engaged on behalf of that person, are convicted or plead guilty or no contest to one or more violations of Section 5.32.080(A) in connection with or on behalf of the solicitation of the registered person.
- C. The period of revocation is indefinite. Within five working days of receipt of notification that a registered person or someone engaged on their behalf has been convicted, plead guilty or no contest

to a violation, the city recorder shall notify, in writing, the person designated in the registration statement to receive notice of the action to revoke. The person may appeal the recorder's decision to the city council by filing a notice of appeal with the city recorder within five (5) days of the effective date of the revocation. During the pendency of any appeal, the determination of the city recorder shall stand.

- D. Any person or entity who has been found in violation of the provisions of this section on two or more occasions shall not be eligible to solicit within the City of Sheridan.

5.32.070 Form of certificate of registration—Term.

- A. The city recorder shall prescribe the form of the certificate of registration. Each such certificate shall have the following printed prominently thereon: "THE ISSUANCE OF THIS CERTIFICATE OF REGISTRATION IS NOT AN ENDORSEMENT BY THE CITY OF SHERIDAN OR ANY OF ITS OFFICERS OR EMPLOYEES." Each certificate of registration shall bear a registration number which is the same as the file containing the registration statement filed by the registrant.
- B. Every certificate of registration issued by the city recorder shall contain a termination date upon which the certificate shall expire, which date shall be the termination of the solicitation period specified in the registration statement or one year from the date of issuance, whichever is less.
- C. The certificate of registration shall contain a list of the acts prohibited by Section 5.32.080.

5.32.080 Prohibited acts—Penalties.

- A. It is unlawful for any person to:
1. Solicit before nine a.m. or after seven p.m., without the consent of the occupant to do so;
 2. Solicit without first having obtained a registration certificate pursuant to Section 5.32.060, if required by that section;
 3. Violate the terms of a registration certificate issued pursuant to Section 5.32.060;
 4. Solicit after a registration certificate has been revoked, pursuant to Section 5.32.060;
 5. Allow, suffer or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section;
 6. Provide false or fraudulent information on a registration statement;
 7. Leave written materials upon real property where a sign conforming to the requirements of Section 5.32.090 is posted;
 8. Engage in abusive solicitation, as defined in Section 5.32.020.
 9. Solicit upon real property where a sign conforming to the requirements of Section 5.32.090 is posted;
 10. Allow, suffer or permit any person to solicit on their behalf after a registration certificate has been revoked, pursuant to Section 5.32.060.
- B. Violation of subsection (A)(1) through (8) of this section is punishable as a civil infraction.

- C. Violation of subsection (A)(9) of this section is punishable as a Class C misdemeanor under state law.
- D. Violation of subsection (A)(10) of this section is a Class C misdemeanor under state law. See Section 5.32.110.

5.32.090 "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 Sections 5.32.030 and 5.32.120(D).
- B. Signs posted pursuant to this section shall be posted on or near the boundaries of the property at the normal point of entry, and
 1. Signs must be no smaller than six inches in height by eight inches in width; and
 2. Signs must contain the words "NO SOLICITATION" and the reference to Section 5.32.080 of this chapter in characters no less than one-half inch in height.
- C. 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.

5.32.100 Evidence of violations.

- A. It shall be prima facie evidence of a violation of Section 5.32.080(A)(7) if written material is found on real property upon which a sign conforming to the requirements of Section 5.32.090 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.
- B. For the purposes of Section 5.32.080(A)(5) and (10), if a person solicits on behalf of a person registered pursuant to Section 5.32.030, it is presumed that the person registered allowed, suffered or permitted solicitation.

5.32.110 Violation after registration is revoked.

- A. No person shall allow, suffer or permit any person to solicit on their behalf after a registration certificate has been revoked, pursuant to Section 5.32.060.
- B. For purposes of subsection A of this section, the term "solicit" is defined in Section 5.32.020.
- C. A violation of this section is a Class C misdemeanor under state law.

5.32.120 Defense to violations—Exemptions.

- A. It is an affirmative defense to an alleged violation of Section 5.32.080(A)(1), (7) or (8) 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 nine a.m. and seven p.m., if they have not posted a "No Solicitation" sign pursuant to Section 5.32.090.
- 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 chapter.
- E. No person may be charged with a violation of any subsection of Section 5.32.080 or Section 5.32.110 in connection with an act committed between four p.m. and nine p.m. on each October 31st.