



# **WOODBURN POLICE DEPARTMENT**

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## **CITY of WOODBURN SOLICITORS ORDINANCE FAQs**

### **Why was the new ordinance enacted?**

The new ordinance was enacted so that it would comply with both State and Federal laws that protect free of speech.

### **What is the goal of the new ordinance?**

The new ordinance implements what are called "time, place and manner restrictions;" restrictions that are meant to apply to all solicitor types regardless of whether the conduct of going door-to-door is for commercial, religious, fraternal, civic or other purpose. The goal of the new ordinance is to have reasonable hour restrictions placed on soliciting activity and then to leave to each householder the full right to decide whether he or she will receive strangers as visitors on their property.

### **How does the ordinance define "Solicit" or "Soliciting?"**

Solicit and soliciting are defined in the ordinance as: "the entry onto real property used for residential purposes by a person for the purpose of communicating with an occupant of the property, whether the communication is verbal, visual or in writing."

### **What does this definition include?**

The scope of the definition covers all manner of communication activity, in any medium, including written materials, by any individual, group, company or organization. Soliciting will include entry upon property to communicate about the sale of particular goods or services, religious convictions, political candidates, school fundraisers and community activism.

### **What do I need to do to under the new ordinance at my residence?**

Post a "No Solicitation" sign at the entrance of your property, or beside or on your front door. Make sure the sign is clearly visible.

### **Under the new ordinance, if I don't post a "No Solicitation" sign on my property, can solicitors come to my home at any time?**

If an occupant has not posted a "No Solicitation" sign on their property, under the new ordinance, the occupant may expect solicitors to enter onto their property to solicit between the hours of 9 a.m. and 9 p.m. Solicitors, however, cannot solicit at residences between the hours of 9 p.m. and 9 a.m. unless express consent of the owner has been given.

### **Can my neighbors still visit my home unannounced if I have posted a sign?**

Likely yes. The new ordinance still leaves room for traditional or customary social interactions to occur without violating the ordinance. Meaning, those who have some semblance of a relationship with their neighbors can still visit with one another, go to

discuss important neighborhood-type issues with one another or merely go to ask for a cup of sugar. The purpose of placing a "No Solicitation" sign is to exclude those visitors who the home occupant does not know, not to exclude everyone.

**If I have a previously scheduled appointment with a company representative, may they come to my home?**

Yes. A company that has been invited to your home, even for commercial purposes, would be considered to have consent to solicit at your home whether you have posted a "No Solicitation" sign or not. If, however, you wished to block that company from returning, as the home occupant you always reserve the right to withdraw such consent.

**Where can I get a "No Solicitation" sign?**

The Woodburn Police Department or Woodburn City Hall will have a limited number of free signs available for residents. You can also purchase one at a local hardware store or Walmart.

**What does the sign look like?**

The new ordinance provides that for a "No Solicitation" sign to have effect of excluding solicitors, it must state "No Solicitation" or "similar words to that effect." These guidelines allow for residents to have some flexibility in the specific language they want to use, but the emphasis in the ordinance remains that the sign must be clear to those who will read it and it must clearly indicate that solicitors are not welcome in order to be effective.

Example:



**So if I want to go door-to-door soliciting, do I still need a special permit like before?**

No, the City will no longer be issuing specific permits to those engaged in soliciting activities. Solicitors must, however, comply with the restrictions outlined in the new ordinance (e.g. no soliciting between 9 p.m. and 9 a.m., and no soliciting as homes posted with "No Solicitation" signs), and solicitors that are selling goods or services must still obtain and have in their possession a City of Woodburn Business License.

**What are the penalties for violating the ordinance?**

A first violation by an individual will constitute a Class 5 civil Infraction (up to \$100 fine) and a second violation by the same individual within a 12-month period will constitute a Class 3 civil infraction (up to \$250 fine).

### **As a resident, how can I make a complaint about a solicitor?**

If you believe that a person, company or organization has engaged in soliciting activities in violation of the new ordinance, you may contact the business line for the Police Department (503) 982-2345, walk in to the Woodburn police department and file an in-person complaint, or use the Woodburn Police App.

### **More Situational FAQ's**

#### **Under the new ordinance, can a Girl Scout Troop or School Club go door-to-door selling cookies or magazines, or asking for donations to support their fundraiser?**

Yes; but as discussed above, the definition of "solicitation" includes any activity where someone is going out to communicate with the occupant of a residential property, regardless of what they may be selling or asking for from the occupant, and regardless of who or how old they are. That means that a Girl Scout troop or school club may still conduct their door-to-door activity, but the regulations of the Solicitor's Ordinance will apply to them. That means these groups would need to refrain from soliciting at homes posted with "No Solicitation" signs, or from soliciting between 9 p.m. and 9 a.m. at all other homes.

#### **As a homeowner can I exclude all solicitors except kids, or those raising money for fundraisers?**

Yes. A homeowner may tailor their "No Solicitation" sign to still welcome or invite certain types of groups on their property so long as the sign is clear and the message of who is welcome vs. unwelcome is apparent. A quick internet search will show plenty of these examples:

"No Soliciting Except Kids"

"No Soliciting Unless You're Selling Girl Scout Cookies"

"No Soliciting Except for School Fundraisers"

"No Soliciting, But Children Selling Cookies and Candy Welcome"

#### **Are religious groups or congregations exempt from the regulations of the new Solicitor's Ordinance requiring that they refrain from going on property posted with a "No Solicitation" signs because they are not engaged in selling anything?**

No. The new Solicitors Ordinance was specifically drafted to encompass all types of door-to-door activity, regardless of whether it is for a commercial, religious, not-for-profit, or political purpose. The regulations and restrictions imposed by the ordinance will and should apply equally to all types of individual and group conduct.

#### **Can a cleaning service company or yard service company distribute door hangers as a means to advertise its services and gain new business?**

Yes; but the Solicitor's Ordinance includes within its definition of solicit/solicitation both visual and written communication. That means that the regulations and restrictions imposed by the ordinance will also apply where a person wants to leave door hangers, pamphlets and leaflets on other people's property.

**Can a company be held responsible for the conduct of its employees that conduct door-to-door solicitations at homes posted with "No Solicitation" signs?**

Yes. Any individual that engages in solicitation activity in violation of the ordinance (e.g. soliciting without consent at a home posted "No Solicitation") or allows or permits another person to solicit in violation of the ordinance may be issued a citation. That means a violating employee and the employer could both be cited for the employee's conduct.

**What about Trick-or-Treaters going door-to-door to collect candy on Halloween?**

This example is provided more to remind everyone that social cues and customs have already been adopted by people and communities for years that let others know they are welcome to trick-or-treat at certain homes (e.g. turning the front porch light on, having decorations in the yard, putting a bowl of candy on the front porch, etc.). These types of signals just illuminate the many ways our society, and people in general provide constructive consent to, and invite strangers onto their property.