



August 31, 2018

Alexandra Wilson
Wild Willpower
4505 SW Sawgrass Pkwy
Ankeny, IA 50023

Alexandra:

I am writing in response to your letter dated August 22, 2018, which was sent to Mayor Haila, the Ames City Council and selected City staff, and to follow up on our conversation in the City Clerk's office on August 28.

As you have been informed, the City of Ames has an ordinance which requires that if anyone is going to set up an obstruction "within the limits of streets, alleys, public parking lots or sidewalks in the city" the person must obtain a Temporary Obstruction Permit from the City. (Ames Municipal Code Section 22.4). "Within the limits of streets" would include the City's right of way.

Most cities prohibit obstructions, such as a table, from being placed on the streets, rights of way or sidewalks. Ames also prohibits this, but does allow it if a person obtains a Temporary Obstruction Permit from the City.

The Temporary Obstruction Permit process is a reasonable time, place or manner restriction. The City streets, sidewalks and rights of way must remain clear of obstructions. The relevant ordinances are lawful, and it is not unconstitutional for the City to require a permit to for someone to temporarily obstruct these areas that the City owns or controls. Please be aware that setting up a table or other obstruction without approval on a City right of way, sidewalk or street is an unlawful act.

Anyone is free to walk along any city sidewalk with a clipboard and engage in advocacy. There is an absolute right under the First Amendment to do so. But setting up a table on a street, sidewalk or right of way, requires the City's permission, and the way to get that permission is to file an application for a Temporary Obstruction Permit. I note that you can set up a table on private property anywhere in the City, with the property owner's permission, to engage in advocacy.

The letter you sent encouraging the Council to change the ordinance was provided to the City Council before its August 28, 2018 meeting. The Council voted to take no action regarding the contents of your letter, and therefore I see no further benefit to debating the merits of the City's ordinance. You are still welcome to apply for the permit if you choose, of course.

Sincerely,

A handwritten signature in blue ink that reads "Mark O. Lambert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark O. Lambert
City Attorney

cc: Mayor John Haila
Steve Schainker, City Manager
Diane Voss, City Clerk