

1 ORDINANCE NO. 2012-244

2

3 SPONSOR Mr. Pry and Mr. Kostandaras

4

5 DATE _____ COMMITTEE Rules

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7 **An Ordinance enacting Chapter 778 of the Codified Ordinances of the County of Summit,**
8 **entitled, “Registration of Credentials for Panhandling; Application Fee,” to establish a**
9 **procedure for the registration of panhandlers in the County’s townships, for the Executive,**
10 **and declaring an emergency.**

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12 WHEREAS, the County of Summit derives its home rule powers from Section 3, Article
13 X, of the Ohio Constitution, which allows a county to adopt a charter which may provide for the
14 "concurrent or exclusive exercise by the county, in all or part of its area, of all or any designated
15 powers vested by the constitution or laws of Ohio in municipalities"; and

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17 WHEREAS, Article I, Section 1.01 of the County Charter authorizes the County to
18 concurrently exercise municipal powers as well as any powers granted to counties under the
19 Ohio Revised Code, therefore providing the county the ability to exercise the home rule powers
20 of a municipality within its territory where there is no conflict with a municipality or township's
21 exercise of the powers granted to them by the Ohio Constitution or general law;

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23 WHEREAS, to address an increase in panhandling activity, several Summit County
24 municipalities have enacted ordinances regulating panhandling within their jurisdictions; and

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26 WHEREAS, because townships do not have the authority pursuant to the Ohio Revised
27 Code to enact similar laws, the County wishes to enact Chapter 778 of the Codified Ordinances
28 of the County of Summit, entitled “Registration of Credentials for Panhandling; Application
29 Fee,” to establish a procedure for the registration of panhandlers in the County’s townships; and

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31 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
32 that it is necessary and in the best interest of the County of Summit to enact Chapter 778 of the
33 Codified Ordinances of the County of Summit, entitled “Registration of Credentials for
34 Panhandling; Application Fee,” for the aforementioned reasons;

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36 NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council of the County of
37 Summit, State of Ohio, that:

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39 SECTION 1

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41 Chapter 778 of the Codified Ordinances of the County of Summit, entitled ““Registration
42 of Credentials for Panhandling; Application Fee,” is hereby enacted as follows:

43

44 **“CHAPTER 778**
45 **Registration of Credentials for Panhandling; Application Fee**

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47 **SECTION 778.01 APPLICABILITY.**

48 This chapter shall be applicable only to townships located in the County of Summit,
49 Ohio.

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4 SECTION 1 (Cont.)

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6 **SECTION 778.02 REGISTRATION PROCEDURE.**

7 (a) Information required. Whoever desires to panhandle as defined in Section
8 537.15(b) of these Codified Ordinances shall register with the Office of Consumer Affairs,
9 during normal business hours, by filing a written application, on a form to be provided by the
10 Office of Consumer Affairs, correctly setting forth the following information:

11 (1) The full name of the applicant and any aliases used by the applicant within
12 the immediate prior 2 years;

13 (2) The applicant's current address and all residences used by the applicant
14 within the immediate prior 2 years;

15 (3) The applicant's date of birth, supported by any governmental issued photo
16 identification card indicating that the applicant is at least 18 years of age, height, weight
17 and color of eyes and hair;

18 (4) A statement whether or not the applicant uses a motor vehicle, and if so,
19 the make, model, year and current registration number thereof;

20 (5) Provide 2 passport size black and white photographs of applicant's head,
21 face and shoulders;

22 (6) The name, address and phone number of a person to contact in case of an
23 emergency; and

24 (7) A statement whether or not the applicant has ever been convicted of any
25 crime, other than a minor misdemeanor traffic offense, and if so, listing the convictions
26 including the offense, the date of the conviction, place of the conviction and the penalty
27 imposed;

28 (8) The applicant's social security number.

29 (b) Registration fee. A registration fee of \$10.00 shall accompany the application
30 required in division (a) of this section.

31 (c) Mandatory rejection of application. An application for credentials shall be
32 rejected if:

33 (1) The applicant has omitted information in the application that is required
34 by division (a) of this section;

35 (1) Within the past two years, the applicant has pleaded guilty to or has been
36 convicted of two or more violations of divisions (c), (d) or (e) of section 537.15 of these
37 Codified Ordinances;

38 (2) Within the past two years, the applicant has pleaded guilty to or been
39 convicted of one or more violations of division (f) of section 537.15 of these Codified
40 Ordinances;

41 (3) Within the past two years, the applicant has had their credentials revoked
42 pursuant to division (b) of section 778.03 of these Codified Ordinances; or

43 (4) The applicant has ever been convicted of or has pleaded guilty to any
44 criminal offense of the Ohio Revised Code, United States Code, or any other
45 substantially similar federal, state or local code provisions that constitutes any felony
46 theft offense, any offenses of violence as defined by Section 2901.01(A)(9)(a) of the
47 Ohio Revised Code, any drug related offense, including offenses of drug abuse or any
48 offenses of a sexual nature.

49 (d) Decision on credentials. Within twenty days of submittal of the application and
50 registration fee required under divisions (a) and (b) of this section, the Office of Consumer
51 Affairs shall stamp the original of the application as "Rejected" or "Approved" and inform the
52 applicant by first class mail at the address appearing on the application or in person. If approved,
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4 SECTION 1 (Cont.)

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6 the applicant shall further be informed to pick up the approved credentials from the Office of
7 Consumer Affairs during regular business hours. The application shall also be stamped with the
8 date of expiration of the registration which in each case shall be shall be one year from the date
9 of issuance.

10 (e) Surrender of credentials. Upon arrest for any violation of Section 537.15 of these
11 Codified Ordinances, the panhandler shall surrender his or her credentials to the Office of
12 Consumer Affairs. The arrestee may apply to the Office of Consumer Affairs for consecutive
13 thirty-day temporary credentials pending adjudication of the arrest case.

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15 **SECTION 778.03 REVOCATION OF CREDENTIALS.**

16 (a) False and misleading information. Should subsequent information reveal that an
17 applicant has falsified any information required by division (a) of Section 778.02 in the
18 application, the Office of Consumer Affairs shall revoke the applicant's credentials and notify the
19 applicant either in person or by first class mail of the actions so taken whereupon the applicant
20 shall immediately surrender his or her credentials. Such remedy shall be in addition to any
21 criminal penalty provided by law.

22 (b) Subsequent conviction under Section 537.15. An approved applicant who is
23 subsequently convicted of any violation of Section 537.15 of these Codified Ordinances must
24 report the conviction to the Office of Consumer Affairs within thirty days thereof, at which time
25 the Office of Consumer Affairs shall revoke the applicant's credentials. The applicant may not
26 reapply or be reissued credentials for a period of 180 days following said conviction.

27 (c) Subsequent conviction under other laws. An approved applicant subsequently
28 convicted of any felony theft offense, any offenses of violence as defined by Section 2901.01
29 (A)(9)(a) of the Ohio revised Code, any drug related offense including offenses of drug abuse or
30 any offenses of a sexual nature must report the conviction to the Office of Consumer Affairs
31 within thirty days thereof at which time the Office of Consumer Affairs shall revoke the
32 applicant's credentials. Failure to notify the Office of Consumer Affairs of a conviction
33 described herein shall result in automatic revocation of the applicant's credentials.

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35 **SECTION 778.04 APPEALS.**

36 Any person whose application is rejected or whose credentials are revoked may, within
37 ten days after receipt of the rejection or revocation notice, appeal to the Consumer Affairs Board
38 by filing with the Consumer Affairs Board a signed written statement briefly setting forth his or
39 her grounds for appeal. Within a reasonable period of time not to exceed thirty days, the
40 Consumer Affairs Board shall set a time and place for hearing such appeal and give the appellant
41 due notice thereof in person or by first class mail. The appellant may appear before the
42 Consumer Affairs Board in person or by an attorney. The decision of the Consumer Affairs
43 Board thereon shall be final. The applicant or registration holder may appeal the decision of the
44 Consumer Affairs Board to the County of Summit Court of Common Pleas pursuant to Chapter
45 2506 of the Ohio Revised Code."

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47 SECTION 2

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49 This Ordinance is hereby declared to be an emergency measure in the interest of the
50 health, safety and welfare of the citizens of the County of Summit, Ohio, and for the further
51 reason that it is necessary in order to immediately enact Chapter 778 of the Codified Ordinances
52 to establish a procedure for the registration of panhandlers in the County's townships.

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4 SECTION 3

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6 Provided this Ordinance receives the affirmative vote of eight members, it shall take
7 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
8 effect and be in force at the earliest time provided by law.

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10 SECTION 4

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12 It is found and determined that all formal actions of this Council concerning and relating
13 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
14 were in meetings open to the public, in compliance with all legal requirements, including Section
15 121.22 of the Ohio Revised Code.

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18 INTRODUCED June 4, 2012

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20 ADOPTED _____

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25 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

27 APPROVED _____

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31 _____

32 EXECUTIVE

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35 ENACTED EFFECTIVE _____