

1 ORDINANCE NO. 2012-245

2

3 SPONSOR Mr. Pry and Mr. Kostandaras

4

5 DATE \_\_\_\_\_ COMMITTEE Rules

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7 **An Ordinance enacting Section 537.15 of the Codified Ordinances of the County of**  
8 **Summit, entitled, “Unlawful Panhandling; Fraudulent Solicitation,” to prohibit certain**  
9 **types of panhandling in the County’s townships, for the Executive, and declaring an**  
10 **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 to prohibit certain types of panhandling within their  
25 jurisdictions; and

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27 WHEREAS, because townships do not have the authority pursuant to the Ohio Revised  
28 Code to enact similar laws, the County wishes to enact Chapter 778 of the Codified Ordinances  
29 of the County of Summit, entitled “Registration of Credentials for Panhandling; Application  
30 Fee,” to prohibit certain types of panhandling in the County’s townships; and

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32 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
33 that it is necessary and in the best interest of the County of Summit to enact Section 537.15 of  
34 the Codified Ordinances of the County of Summit, entitled, “Unlawful Panhandling; Fraudulent  
35 Solicitation,” for the aforementioned reasons;

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

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40 SECTION 1

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42 Section 537.15 of the Codified Ordinances of the County of Summit, entitled, “Unlawful  
43 Panhandling; Fraudulent Solicitation,” is hereby enacted as follows:

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45 **“SECTION 537.15 UNLAWFUL PANHANDLING; FRAUDULENT**  
46 **SOLICITATION.**

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48 (a) Applicability. This section shall be applicable only to townships located in the

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50 County of Summit, Ohio.

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52 (b) Definitions. For the purpose of this section, the following definitions shall apply

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54 unless the context clearly indicates or requires a different meaning:  
55 (1) “Aggressive Panhandling” shall mean any panhandling by a panhandler in  
which the panhandler blocks the path of the person being panhandled; touches the person

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4 SECTION 1 (Cont.)

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6 being panhandled without the person's consent; follows a person who walks away from  
7 the panhandler; makes a statement, gesture, or other communication which would cause a  
8 reasonable person to believe that the panhandler will cause physical harm to the person or  
9 the property of the person being panhandled or feel compelled to donate to the  
10 panhandler; or blocks the continuous flow of traffic on the public right-of-way or  
11 entrance to or from the public right-of-way; or panhandling in groups of two or more  
12 individuals.

13 (2) "Automated Teller Machine" shall mean any money transmission device  
14 owned, leased, or operated by a bank as defined by Section 1101.01 of the Ohio Revised  
15 Code, as amended.

16 (3) "Bank" shall mean any bank, banking office, branch office, federal  
17 savings association, national bank, savings association, savings bank, state bank, trust  
18 company, or other financial institution or subsidiary thereof as defined by Section  
19 1101.01 of the Ohio Revised Code, as amended.

20 (4) "Panhandler" shall mean a person who is in the act of panhandling.

21 (5) "Panhandling" shall mean any solicitation made in person upon any street,  
22 public right-of-way, public place or park in a township, in which a person requests an  
23 immediate donation of money or other gratuity from another person, and includes, but is  
24 not limited to, seeking donations:

25 A. By vocal appeal; or

26 B. By displaying a sign, placard, banner or similar item; or

27 C. By giving or offering an item or service of little or no monetary  
28 value in exchange for cash, under circumstances in which a reasonable person  
29 would understand or form the belief that the cash transaction is in substance a  
30 donation.

31 (c) Time of panhandling. It shall be unlawful to engage in an act of panhandling on  
32 any street, sidewalk, public right-of-way or other public property or private property between the  
33 hours of sunset and 9:00 a.m.

34 (d) Place and manner of panhandling. It shall be unlawful to engage in an act of  
35 panhandling:

36 (1) When either the panhandler or the person being solicited is located within  
37 25 feet of any of the following locations:

38 A. Any intersecting roads, streets or crosswalks or intersecting roads,  
39 streets and crosswalks within a township.

40 B. Any road, street or driveway entrance to or exit from shopping  
41 plazas, shopping districts, any commercial or business establishments, churches or  
42 public or private schools or libraries within a township.

43 C. Any bus stop.

44 D. Any automatic teller machines or banks.

45 E. Any sidewalk cafe or outdoor cafe or restaurant.

46 F. Any driveway entrance to or exit from an automobile or gas  
47 service station.

48 G. Any public restroom.

49 H. Any liquor store.

50 I. Any convenience store

51 J. Any check cashing business.

52 K. Any self-service car wash.

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4 SECTION 1 (Cont.)

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6 L. Any private property if the owner, tenant or lawful occupant has  
7 asked the person not to solicit on the property or has posted a sign clearly  
8 indicating that solicitations are not welcome on the property;

9 (2) When the person being panhandled is in any public transportation vehicle  
10 or public transportation facility; or

11 (3) When the person engaging in panhandling fails to display his or her  
12 credentials issued by the County of Summit, pursuant to Chapter 778 of these Codified  
13 Ordinances, on the outside of his or her outermost clothing.

14 (4) When the person engaging in panhandling fails to wear a reflective safety  
15 vest on the outside of his or her outermost clothing.

16 (e) False or Misleading Solicitation. It shall be unlawful to knowingly make any  
17 false or misleading representation in the course of panhandling. False or misleading  
18 representations include, but are not limited to, the following:

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20 (1) Stating that the donation is needed to meet a specified need, when the  
21 panhandler already has sufficient funds to meet that need and does not disclose that fact;

22 (2) Stating that the donation is needed to meet a need which does not exist;

23 (3) Stating that the panhandler is from out of town and stranded, when that is  
24 not true;

25 (4) Wearing a military uniform or other indication of military service, when  
26 the panhandler is neither a present nor former member of the service indicated;

27 (5) Wearing or displaying an indication of physical disability, when the  
28 panhandler does not suffer the disability indicated;

29 (6) Use of any makeup or device to simulate any deformity;

30 (7) Use of minors or animals in hazardous conditions (i.e. extreme heat or  
31 cold) in an attempt to encourage donations; or

32 (8) Stating that the panhandler is homeless, when the panhandler is not.

33 (f) Aggressive panhandling. It shall be unlawful to engage in the act of aggressive  
34 panhandling.

35 (g) Penalties. Any person who violates any divisions (c), (d) or (e) of this section  
36 shall be guilty of a minor misdemeanor and shall be subject to the penalty provided in section  
37 501.99 of these Ordinances. Any person who violates any provision of division (f) of this  
38 section shall be guilty of a misdemeanor in the fourth degree and shall be subject to the penalty  
39 provided in section 501.99 of these Ordinances.

40 (h) Severability. The provisions of this section are declared to be separate and  
41 severable. The invalidity of any provision of this section, or the invalidity of the application  
42 thereof to any person or circumstance shall not affect the validity of the remainder of this  
43 section, or the validity of its application to other persons or circumstances.”

44  
45 SECTION 2

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47 This Ordinance is hereby declared to be an emergency measure in the interest of the  
48 health, safety and welfare of the citizens of the County of Summit, Ohio, and for the further  
49 reason that it is necessary in order to immediately enact Section 537.15 of the Codified  
50 Ordinances to prohibit certain types of panhandling in the County’s townships.

1 SECTION 3

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

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4 SECTION 4

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6 It is found and determined that all formal actions of this Council concerning and relating  
7 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all  
8 were in meetings open to the public, in compliance with all legal requirements, including Section  
9 121.22 of the Ohio Revised Code.

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12 INTRODUCED June 4, 2012

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14 ADOPTED \_\_\_\_\_

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19 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

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21 APPROVED \_\_\_\_\_

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26 EXECUTIVE

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29 ENACTED EFFECTIVE \_\_\_\_\_