

1 ORDINANCE NO. 2018-394

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE October 15, 2018

COMMITTEE Rules

6  
7 **An Ordinance repealing Section 537.15 of the Codified Ordinances of the County of**  
8 **Summit, entitled “Panhandling,” for the Executive, and declaring an emergency.**

9  
10 WHEREAS, County Council previously adopted Ordinance No. 2013-331, which  
11 enacted Section 537.15 of the Codified Ordinances of the County of Summit, entitled  
12 “Panhandling,” to address an increase in panhandling activity in the County’s townships by  
13 regulating panhandling or prohibiting certain types or acts of panhandling;

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15 WHEREAS, the United States Supreme Court subsequently decided Reed v. Gilbert,  
16 Arizona, 135 S.Ct. 2218 (2015), which struck down as unconstitutional a city sign ordinance  
17 which impermissibly regulated the content of some signs in violation of the First Amendment;  
18 and

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20 WHEREAS, subsequent to the Reed v. Gilbert, Arizona decision, many municipal  
21 ordinances restricting panhandling have been held to be unconstitutional; and

22  
23 WHEREAS, after reviewing Section 537.15, the County Prosecutor has advised the  
24 County Executive that Section 537.15 may be held to be an unconstitutional regulation of free  
25 speech based upon content and accordingly, should be repealed; and

26  
27 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
28 that it is necessary and in the best interest of the County of Summit to repeal Section 537.15 as  
29 advised by the County Prosecutor;

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31 NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit,  
32 State of Ohio, that:

33  
34 SECTION 1

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36 Section 537.15 of the Codified Ordinances of the County of Summit, entitled  
37 “Panhandling,” is hereby repealed.

38  
39 SECTION 2

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41 This Ordinance is hereby declared an emergency in the interest of the health, safety and  
42 welfare of the residents of the County of Summit and for the further reason to immediately repeal  
43 Section 537.15 due to the concerns expressed by the Prosecutor about its constitutionality.

44  
45 SECTION 3

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

3  
4 SECTION 4

5  
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 deliberations of this Council and of any of its committees that resulted in such formal action,  
9 were in meetings open to the public, in compliance with all legal requirements, including Section  
10 121.22 of the Ohio Revised Code.

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12 INTRODUCED September 24, 2018

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14 ADOPTED October 15, 2018

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18 CLERK OF COUNCIL

  
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PRESIDENT OF COUNCIL

19  
20 APPROVED October 16, 2018

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23 \_\_\_\_\_

24 EXECUTIVE

25  
26 ENACTED EFFECTIVE October 16, 2018

Voice Vote: YES 11-0 - Dickinson, Donofrio, Feeman, Hamilton,  
Koehler, Prentice, Rodgers, Schmidt, Soyars, Walters, Wilhite