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

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

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

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

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

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

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

SECTION 1

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

“CHAPTER 778
Registration of Credentials for Panhandling; Application Fee

SECTION 778.01 APPLICABILITY.
This chapter shall be applicable only to townships located in the County of Summit, Ohio.
SECTION 778.02 REGISTRATION PROCEDURE.

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

- The full name of the applicant and any aliases used by the applicant within the immediate prior 2 years;
- The applicant's current address and all residences used by the applicant within the immediate prior 2 years;
- The applicant's date of birth, supported by any governmental issued photo identification card indicating that the applicant is at least 18 years of age, height, weight and color of eyes and hair;
- A statement whether or not the applicant uses a motor vehicle, and if so, the make, model, year and current registration number thereof;
- Provide 2 passport size black and white photographs of applicant's head, face and shoulders;
- The name, address and phone number of a person to contact in case of an emergency; and
- A statement whether or not the applicant has ever been convicted of any crime, other than a minor misdemeanor traffic offense, and if so, listing the convictions including the offense, the date of the conviction, place of the conviction and the penalty imposed;

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

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

- The applicant has omitted information in the application that is required by division (a) of this section;
- Within the past two years, the applicant has pleaded guilty to or has been convicted of two or more violations of divisions (c), (d) or (e) of section 537.15 of these Codified Ordinances;
- Within the past two years, the applicant has had their credentials revoked pursuant to division (b) of section 778.03 of these Codified Ordinances; or
- The applicant has ever been convicted of or has pleaded guilty to any criminal offense of the Ohio Revised Code, United States Code, or any other substantially similar federal, state or local code provisions that constitutes any felony theft offense, any offenses of violence as defined by Section 2901.01(A)(9)(a) of the Ohio Revised Code, any drug related offense, including offenses of drug abuse or any offenses of a sexual nature.

(d) Decision on credentials. Within twenty days of submittal of the application and registration fee required under divisions (a) and (b) of this section, the Office of Consumer Affairs shall stamp the original of the application as "Rejected" or "Approved" and inform the applicant by first class mail at the address appearing on the application or in person. If approved,
the applicant shall further be informed to pick up the approved credentials from the Office of Consumer Affairs during regular business hours. The application shall also be stamped with the date of expiration of the registration which in each case shall be shall be one year from the date of issuance.

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

SECTION 778.03 REVOCATION OF CREDENTIALS.

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

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

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

SECTION 778.04 APPEALS.

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

SECTION 2

This Ordinance is hereby declared to be an emergency measure in the interest of the health, safety and welfare of the citizens of the County of Summit, Ohio, and for the further reason that it is necessary in order to immediately enact Chapter 778 of the Codified Ordinances to establish a procedure for the registration of panhandlers in the County’s townships.
SECTION 3

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.

SECTION 4

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

INTRODUCED __June 4, 2012________

ADOPTED _________________________

APPROVED _______________________

ENACTED EFFECTIVE _________________________

CLERK OF COUNCIL   PRESIDENT OF COUNCIL

EXECUTIVE
