An Ordinance enacting Section 537.15 of the Codified Ordinances of the County of Summit, entitled, “Unlawful Panhandling; Fraudulent Solicitation,” to prohibit certain types of panhandling 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 to prohibit certain types of 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 prohibit certain types of panhandling 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 Section 537.15 of the Codified Ordinances of the County of Summit, entitled, “Unlawful Panhandling; Fraudulent Solicitation,” for the aforementioned reasons;

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

SECTION 1

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

“SECTION 537.15 UNLAWFUL PANHANDLING; FRAUDULENT SOLICITATION.

(a) Applicability. This section shall be applicable only to townships located in the County of Summit, Ohio.

(b) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(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
SECTION 1 (Cont.)

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

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

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

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

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

A. By vocal appeal; or
B. By displaying a sign, placard, banner or similar item; or
C. By giving or offering an item or service of little or no monetary
value in exchange for cash, under circumstances in which a reasonable person
would understand or form the belief that the cash transaction is in substance a
donation.

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

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

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

A. Any intersecting roads, streets or crosswalks or intersecting roads,
streets and crosswalks within a township.
B. Any road, street or driveway entrance to or exit from shopping
plazas, shopping districts, any commercial or business establishments, churches or
public or private schools or libraries within a township.
C. Any bus stop.
D. Any automatic teller machines or banks.
E. Any sidewalk cafe or outdoor cafe or restaurant.
F. Any driveway entrance to or exit from an automobile or gas
service station.
G. Any public restroom.
H. Any liquor store.
I. Any convenience store
J. Any check cashing business.
K. Any self-service car wash.
SECTION 1 (Cont.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 Section 537.15 of the Codified Ordinances to prohibit certain types of panhandling 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 _________________________

___________________________________

PRESIDENT OF COUNCIL

APPROVED _______________________

___________________________________

EXECUTIVE

ENACTED EFFECTIVE _________________________