

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

CITY OF BELPRE
ORDINANCE NO. 13 (2022-23)

**AN ORDINANCE TO AMEND CHAPTER 717
OF THE BELPRE CITY CODE**

WHEREAS, the Belpre City Council Police and Fire Committee has held numerous committee meetings to consider whether the City of Belpre needs to enact new Code sections involving "Panhandling"; and

WHEREAS, the Belpre City Police Department has advised Council of issues involving the ability to cite Panhandlers under the current nuisance section of Belpre City Code; and

WHEREAS, the Belpre City Police Department and the Belpre City Council have been aware of problems in the cities of Marietta, Ohio, Vienna and Parkersburg, West Virginia regarding panhandlers within their jurisdiction.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL
OF THE CITY OF BELPRE, OHIO, THAT:**

SECTION I

The title of Chapter 717 shall be changed from "Peddlers and Solicitors" to Peddlers and Solicitors: Panhandling.

SECTION II

The table of contents for Chapter 717 shall be amended to include:

717.11 Unlawful panhandling and fraudulent solicitation; and
717.12 Aggressive Panhandling

SECTION III

New sections 717.11 and 717.12 shall be adopted and enacted as follows:

717.11 UNLAWFUL PANHANDLING AND FRAUDULENT SOLICITATIONS

(a) For purposes of this section, "panhandling" means any solicitation made in person requesting an immediate donation of money. A donation shall be considered as the purchase of an item for an amount exceeding its value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation. "Panhandling" does not include passively standing or sitting with a sign or other nonverbal indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

(b) No person shall panhandle at any of the following locations:

- (1) At any bus stop;
- (2) In a public transportation vehicle or facility;
- (3) In a vehicle on the street;
- (4) On private property, unless the panhandler has written permission from the owner or occupant; or
- (5) At any ATM machine.

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(c) No person shall panhandle on any street, sidewalk, public right of way, or public property by:

- (1) Blocking the path of the person asking for the donation;
- (2) Following a person who walks away from the panhandler; or

(3) Making any statement, gesture or other communication by which the panhandler knowingly causes another to believe that the panhandler will cause or threaten to cause harm to the person or their property.

(d) No person shall 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 a 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 make-up or any device to simulate any deformity; or

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

(e) No person shall panhandle stating that the donation is needed for a specific purpose and then spend the donation received for a different purpose.

(f) This section shall in no way be interpreted to prohibit the solicitation of donations by members of any schools, civic organizations or other nonprofit organizations soliciting donations by legitimate means and for legitimate purposes.

717.12 AGGRESSIVE PANHANDLING

It shall be unlawful to engage in the act of aggressive panhandling, by acting in a manner that a reasonable person would find intimidating, including any of the following actions:

(a) Touching the person being panhandled without the person's consent;

(b) Blocking the path of a person being panhandled, or blocking the continuous flow of traffic on the public right-of-way or entrance to or from the public right-of-way;

(c) Following behind, ahead or alongside a person who walks away from the panhandler after being panhandled;

(d) Making 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; or

(e) Panhandling in a group of two or more persons.

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SECTION IV

New section 721.99 PENALTY shall be amended and enacted as follows:

(a) Whoever violates any provisions of 717.01 through 717.10, inclusive, shall be fined not more than one hundred dollars (\$100.00). Each day's violation shall constitute a separate offense.

(b) Whoever violates any provision of Section 717.11 or Section 717.12 shall be guilty of a minor misdemeanor and may be fined up to one hundred fifty dollars (\$150.00) and costs for each occurrence.

Violation of Section 717.11 or 717.12 for a second time or additional violations of these sections shall constitute a misdemeanor of the fourth degree.

SECTION V

The Ordinance is shall take effect at the earliest date allowed by law.

PASSED: September 25, 2023

ATTEST: Kimberly S. Meredith

PRESENTED TO MAYOR: 9/25/23

APPROVED BY MAYOR: 9/25/23

James H. [Signature]
PRESIDENT OF COUNCIL

Michael R. [Signature]
MAYOR

CLERK'S CERTIFICATION OF PUBLICATION

The undersigned Clerk of the Council of the City of Belpre, Ohio, does hereby certify that on September 25, 2023, this Ordinance was published by posting a copy of the same at the five public places designated by the City Council in Ordinance No. 18 (2006-07).

September 25, 2023
Date

Kimberly S. Meredith
CLERK