

CITY OF PARCHMENT
KALAMAZOO COUNTY, MICHIGAN

ORDINANCE __206____

AN ORDINANCE TO AMEND CHAPTER 30 OF THE PARCHMENT CITY CODE OF ORDINANCES TO ADD A NEW ARTICLE V (PANHANDLING); TO ADD A NEW ARTICLE VI (IMPEDING PEDESTRIAN OR VEHICULAR PASSAGE); TO REPEAL ALL OTHER ORDINANCES OR PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

THE CITY OF PARCHMENT ORDAINS:

ARTICLE I

Chapter 30, Article V, Sections 30-35 to 30-40, are hereby reserved.

ARTICLE II

Chapter 30, Article V, PANHANDLING, is hereby added and shall now read:

ARTICLE V

Sec. 30-41. PANHANDLING.

A. The following words and phrases apply to this Article:

Private Place: Any place owned, lawfully controlled by a person or entity other than the person panhandling.

Public Place: Any place where the public has access, including, but not limited to, any sidewalk, street, highway, parking lot, plaza, transportation facility, school, place of amusement, park or playground.

Panhandling: Any solicitation made in person upon, in or at any public place in the City, in which a person requests an immediate donation of money or other gratuity from another person in violation of Section 30-42 or 30-43.

Panhandling shall include:

(1) Vocal appeal or for music, singing or other street performance;
and

(2) Where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

However, panhandling shall not include the act of passively standing or sitting nor performing music, singing or other street performance with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

Sec. 30-42. PANHANDLING – PRIVATE PROPERTY.

No person shall panhandle on private property without first obtaining the permission from the owner or person in lawful control or possession of such property.

Sec. 30-43. PANHANDLING – PUBLIC PLACE.

It shall be unlawful to panhandle in or on a public place in any of the following circumstances or situations:

- (1) While under the influence of or impaired by alcohol (PBT .06 or above) or a controlled substance;
- (2) In any public transportation vehicle, such as a bus or train, or within 20 feet of where such a vehicle takes on or releases passengers, or within 20 feet of any bus stop;
- (3) In any public parking lot, parking ramp or public building, including under any open-air structure such as a canopy;
- (4) Within 20 feet of a public toilet;
- (5) Within 20 feet in any direction of an entrance to a bank, credit union or an automated teller machine;
- (6) From an operator of or occupant within or exiting or entering a motor vehicle;
- (7) By stating that funds are needed to meet a specific need, when the panhandler has the funds to meet that need, does

not intend to use funds to meet that need or does not have that need;

- (8) As part of a group of two or more persons;
- (9) After sunset and before sunrise;
- (10) Within 10 feet of an entrance to a building;
- (11) From a child whom the solicitor knows or reasonably should know is under the age of 16 years;
- (12) In an aggressive manner, which includes:
 - (a) Approaching or speaking to a person, or following a person before, during or after panhandling, in a manner that is likely to cause a reasonable person to fear bodily harm to himself or herself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;
 - (b) Continuing to panhandle from a person after the person has given a negative response to such panhandling;
 - (c) Intentionally touching or causing physical contact with another person without that person's consent;
 - (d) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
 - (e) Using violent, profane or threatening gestures or language toward a person solicited before, during or after the act of panhandling;
 - (f) Conspicuously following the person who has been solicited;
 - (g) Speaking in a volume unreasonably loud under the circumstances;
 - (h) Panhandling money from anyone who is waiting in line for entry to a commercial building; or

- (i) Panhandling anyone who is within an enclosed area, defined by fencing, gates, bollards or other means of separation, where food and/or beverages are being served for immediate consumption in a public place.

Sec. 30-44. VIOLATION.

Each violation of this Section shall constitute a municipal civil infraction. Each violation shall be punishable by a fine set, from time-to-time, by the City Commission and/or an injunction against further violations of this Article. Each violation of this Ordinance shall constitute a separate offense.

ARTICLE III

Chapter 30, Article VI, Impeding Pedestrian or Vehicular Passage, is hereby added and shall now read:

ARTICLE VI

Sec. 30-45. IMPEDING PEDESTRIAN OR VEHICULAR PASSAGE.

Any person who does or persons who do, on any street, sidewalk or any other place open to the public, any act which hinders or impedes, or tends to hinder or impede, the passage of pedestrians or vehicles and refuse(s) to cease and desist such acts when ordered to do by a police officer, public safety officer or other person in charge of the property shall be guilty of a municipal civil infraction.

Sec. 30-46. VIOLATION.

Each violation of this Section shall constitute a municipal civil infraction. Each violation shall be punishable by a fine set, from time-to-time, by the City Commission and/or an injunction against further violations of this Article. Each violation of this Ordinance shall constitute a separate offense.

ARTICLE IV

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE V

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any

section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE VI

This Ordinance shall take force and effect on July 18, 2016.

CERTIFICATE

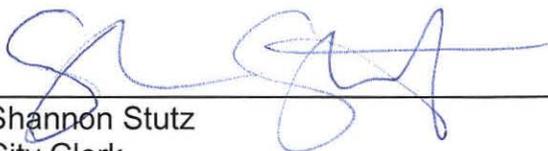
I, Shannon Stutz, City of Parchment Clerk, do hereby certify that the foregoing City of Parchment Ordinance Number 206 was adopted by the City Commission at a regular meeting held on July 18, 2016, and that the following is a record of the vote of the members of said City Commission on said Ordinance:

AYES: Britigan, Fooy, Hageman, J Heasley, R Heasley

NAYS: None

ABSENT: Kinsey

ABSTAIN: None



Shannon Stutz
City Clerk

1st Reading 6/20/16
2nd Reading 7/18/16
Adopted 7/18/16
Effective 7/18/16