

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 14-51

**AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 6, ARTICLE 10, TO ADD
SECTION 6-352 PANHANDLING**

WHEREAS, Ind. Code § 36-8-2-4 provide the City with the power to regulate conduct endangering the public health, safety, and welfare;

WHEREAS, persons engaged in panhandling within the City of Greenwood endanger the public health, safety, and welfare of the citizens of Greenwood by obstructing pedestrian and vehicular traffic within the City;

WHEREAS, persons engaged in panhandling within the City of Greenwood endanger the public health, safety, and welfare of the citizens of Greenwood by harassing citizens;

WHEREAS, the City of Greenwood may institute reasonable time, place, and manner restrictions on expressive conduct, including expressive conduct involving solicitations for money, under the First Amendment of the United States Constitution;

WHEREAS, it is in the best interests of the public health, safety, and welfare of the citizens of the City of Greenwood to regulate panhandling.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. Greenwood Municipal Code (1993), Chapter 6, Article 10 is hereby amended to add Section 6-352 to read as follows:

Sec. 6-352 Panhandling.

(a) *“Panhandling” Defined.* As used in this section, “panhandling” means any solicitation made in person upon any street, public place or park in the city, 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:

- (1) By 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.

(b) *Prohibited Panhandling Times.* It shall be unlawful to engage in an act of panhandling on any day after sunset or before sunrise.

(c) *Prohibited Panhandling Locations.* It shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations:

- (1) At a bus stop;
- (2) In any public transportation vehicle or public transportation facility;
- (3) In a vehicle which is parked or stopped on a public street or alley;
- (4) In a sidewalk café or other outdoor restaurant seating area;
- (5) Within twenty (20) feet in any direction from an automatic teller machine or entrance to a bank;

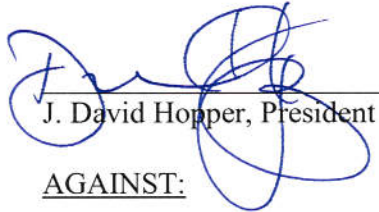
- (6) On privately owned property without the permission of the property owner;
 - (7) On City-owned property;
 - (8) In the medians or right of ways where such behavior causes a safety issue or threat to public health; or
 - (9) In any location whereby said activity causes a right of way, sidewalk, or public street to become obstructed, blocked, or impeded.
- (d) *Aggressive Panhandling Prohibited; Examples.* It shall be unlawful to engage in an act of panhandling in an aggressive manner, including any of the following actions:
- (1) Touching the solicited person without the solicited person's consent;
 - (2) Panhandling a person while such person is standing in line and waiting to be admitted to or to enter a commercial establishment;
 - (3) Blocking the path of a person being solicited or the entrance to any building or vehicle;
 - (4) Following behind, ahead, or alongside a person who walks or otherwise moves away from the panhandler after being solicited;
 - (5) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled to make a donation; or
 - (6) Panhandling in a group of two (2) or more persons.
- (e) *Penalty.*
- (1) Any person who commits an act in violation of this section shall, upon conviction thereof, be fined in an amount not less than One Hundred Twenty and no/100 Dollars (\$120.00) and not to exceed Two Thousand Five Hundred and no/100 Dollars (\$2,500.00), and the court shall enjoin any such violator from committing further violations of this section.
 - (2) Each act of panhandling prohibited by this section shall constitute a separate violation of this Code.
 - (3) Citations for violation of this Section may be issued by any sworn member of the Greenwood Police Department.
 - (4) The Greenwood City Court shall be the court of proper venue and jurisdiction for the enforcement of this ordinance.

Section 2. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

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PASSED and ADOPTED by the Common Council of the City of Greenwood, Indiana, this 27th
day of October, 2014.


J. David Hopper, President

FOR:

AGAINST:

Linda S. Gibson

Linda S. Gibson

Ezra J. Hill

Ezra J. Hill

Bruce Armstrong

Bruce Armstrong

Ronald Bates

Ronald Bates

J. David Hopper

J. David Hopper

Thom Hord

Thom Hord

Michael Campbell

Michael Campbell

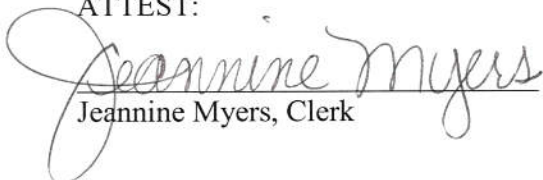
Brent Corey

Brent Corey

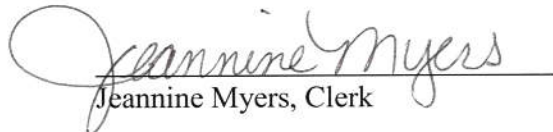
Tim McLaughlin

Tim McLaughlin

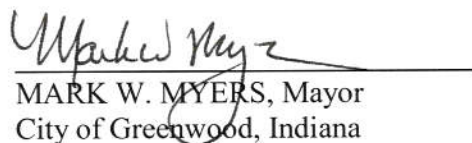
ATTEST:


Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 27th day of October, 2014, is presented by me this 27th day of October, 2014, at 7:50 O'Clock P.M. to the Mayor of the City of Greenwood, Indiana.


Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 27th day of October, 2014, is signed and approved by me this 27th day of October, 2014, at 8:00 O'Clock P.M.


MARK W. MYERS, Mayor
City of Greenwood, Indiana