

## 537.15 PANHANDLING

- a) Applicability. This section shall be operative in any unincorporated area of Summit County.
- b) Definitions. For purposes of this section:
  - i. Aggressive Panhandling: Any panhandling by a panhandler in which the panhandler blocks the path of the person being panhandled; touches the person 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.
  - ii. Automated Teller Machine: Any money transmission device owned, leased, or operated by a bank as defined by Section. 1101.01 of the Ohio Revised Code, as amended.
  - iii. Bank: 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.
  - iv. Panhandler: The person who is in the act of panhandling.
  - v. Panhandling: Any solicitation made in person upon any street, public right-of-way, 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 (i) by vocal appeal, (ii) by displaying a sign, placard, banner or similar item, or (iii) 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.
  - vi. Public Place: Any area to which the public is invited or permitted including the public right-of-way.
- c) Panhandling. It shall be unlawful to engage in an act of panhandling:
  - i. When either the panhandler or the person being solicited is located within twenty-five (25) feet of any of the following locations:
    - a. Of any intersecting streets or crosswalks or intersecting streets and crosswalks.

- b. Of any 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.
  - c. Of any bus stop.
  - d. Of any automatic teller machines or banking institutions.
  - e. Of any sidewalk cafe or outdoor cafe or restaurant.
  - f. Of any driveway entrance to or exits from an automobile service station.
- ii. When the person being panhandled is in any public transportation vehicle or public transportation facility.
- d) It shall be unlawful to engage in the act of aggressive panhandling:
- i. 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;
    - e. Panhandling in a group of two or more persons.
- e) Any person who violates any provision of subsection (c) shall be guilty of a minor misdemeanor and shall be subject to a fine of not more than \$100.00 for each offense. Any person who violates any provision of subsection (d) shall be guilty of a misdemeanor in the fourth degree and shall be subject to a fine of not more than \$250.00, or imprisoned not more than thirty (30) days, or both, for each offense.
- f) 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.