

Section 19-42 is hereby added as follows:

Sec. 19-42 Aggressive Panhandling.

- (a) 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.
 - (3) However, panhandling *shall not* include charitable solicitations permitted under Section 25-43, the act of passively standing or sitting or 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) It shall be unlawful to engage in an act of panhandling during the evening hours after sunset or before sunrise.
- (c) During daylight hours, it shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is present 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 cafe;
 - (5) in any public parking garage;
 - (6) within twenty (20) feet of a residential living facility where persons over the age of sixty-five (65) are the primary residential population; or
 - (7) within twenty (20) feet in any direction from an automatic teller machine or entrance to a bank.

- (8) within twenty (20) feet of a residential living facility where persons with physical or developmental disabilities are the primary residential population.
- (9) within twenty (20) feet of a church or other place of worship;
- (d) 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 a commercial establishment;
 - (3) Blocking the path of a person being solicited, or otherwise blocking a persons ability to enter or exit any building or vehicle;
 - (4) Following behind, ahead or alongside a person who walks 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; or
 - (6) Panhandling in a group of two (2) or more persons.
- (e) Each act of panhandling is prohibited by this section shall constitute a public nuisance and a separate violation of this Code.

A person convicted of violating the ordinance will be fined not more than \$750.00 for each violation. The court shall enjoin any such violator from committing further violations of this section. A repeat offender who violates the mandatory injunction provided in Paragraph (e) of this Section could be jailed for contempt of court.

Section 19-13 is amended as follows:

Sec. 19-13. Disorderly conduct.

A person commits disorderly conduct when he knowingly:

- (a) Does any act in such unreasonable manner as to provoke, make or aid in making a breach of peace; or
- (b) Does or makes any unreasonable or offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of peace or imminent threat of violence; or
- (c) Refuses or fails to cease and desist any peaceful conduct or activity likely to produce a breach of peace where there is an imminent threat of violence, and where the police have made all reasonable efforts to protect the otherwise peaceful conduct and activity, and have requested that said conduct and activity be stopped and explained the request if there is time; or
- (d) Fails to obey a lawful order of dispersal by a person known by him to be a peace officer under circumstances where three (3) or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm; or
- (e) Assembles with three (3) or more persons for the purpose of using force or violence to disturb the public peace; or
- (f) Appears in any public place manifestly under the influence of alcohol, narcotics or other drug, not therapeutically administered, to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity; or
- (g) Carries in a threatening or menacing manner, without authority of law, any pistol, revolver, dagger, razor, dangerous knife, stiletto, knuckles, slingshot, an object containing noxious or deleterious liquid, gas or substance or other dangerous weapon or conceals said weapon on or about the person or vehicle; or
- (h) Pickets or demonstrates on a public way within one hundred and fifty (150) feet of any primary or secondary school building while the school is in session and one-half hour before the school is in session and one-half hour after the school session has been concluded.
- (i) Pickets or demonstrates on a public way within one hundred and fifty (150) feet of any church, temple, synagogue or other place of worship while services are being conducted and one-half hour before services are to be conducted and one-half hour after services have been concluded.

(j) With intent to annoy another, makes a telephone call, whether or not the conversation thereby ensues; or

(k) Transmits in any manner to the fire department of any city, town or village a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(l) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such a bomb or explosive is concealed in such place; or

(m) Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed.

(n) A person commits disorderly conduct when he transmits in any manner to any peace officer, public officer, or public employee a false statement about an offense which has been committed knowing at the time of such transmission that there is no reasonable grounds for believing the content of that statement.

(o) Appears on any public property or right-of-way in possession of or keeping a dog, which dog acts in a manner that, under the circumstances, creates a clear and present danger of a breach of the peace or creates an imminent threat of harm to other persons or pets in the vicinity. Any person in possession of or keeping a dog that engages in activity that meets the definition of a dangerous dog under state law commits a violation of this section.