

ORDINANCE No. 1421

An ordinance amending Chapter 22 of the Code of the City of Jamestown, North Dakota by repealing and reenacting section 22-2 which sets forth regulations concerning begging and panhandling.

WHEREAS, concerns have been raised regarding begging and panhandling within the City of Jamestown;

WHEREAS, to reduce safety concerns and the potential of citizens being intimidated by solicitors the City Code of the City of Jamestown requires updating.

NOW, THEREFORE, be it ordered by the City Council of the City of Jamestown, North Dakota that Chapter 22, section 22-2 be repealed and reenacted as follows:

**Sec. 22-2. Begging and Soliciting.**

(1) For the purposes of this section:

(a) "Panhandling" or "Panhandle" shall mean:

- i. Begging, soliciting, or requesting an immediate donation of money or for any item of value; or
- ii. Attempting to sell or obtain compensation for an item or a service for an amount that is at least twice its value; attempting to sell or obtain compensation for an item or a service that is already offered or available at no charge to the general public; or attempting to sell or obtain compensation for an item or a service that would leave a reasonable person to conclude that the payment is in substance a donation, will be deemed a donation for the purpose of this section.
- iii. It is not panhandling if the panhandler is passively standing or sitting with a sign or other 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) "Aggressive panhandling" shall mean:

- i. Engaging in any conduct that intimidates another person into giving away money or goods;
- ii. Coming within three (3) feet of the person solicited until that person has indicated he does wish to make a donation;
- iii. Approaching, speaking, or following a person in a manner that would cause a reasonable person to fear imminent physical injury or the imminent commission of a criminal act upon the person or property in the person's immediate possession;
- iv. Using profane or abusive language, either during the solicitation or following a refusal;
- v. Touching another person without consent;
- vi. Blocking or interfering with the free passage of a person;
- vii. Making any statement, gesture or other communication which a reasonable person, in the situation of the person solicited, would perceive to be a threat;
- viii. Continuing to solicit a person who has expressed a desire not to donate; or
- ix. Panhandling in a group of two (2) or more persons.

- (2) It shall be unlawful for any person to:
- (a) Aggressively panhandle in any area within the city;
  - (b) Solicit after sunset and before sunrise;
  - (c) Solicit in any public transportation vehicle or facility, or within twenty (20) feet of any transportation facility;
  - (d) Solicit any operator or occupant of a motor vehicle or any person entering or exiting a motor vehicle;
  - (e) Solicit in any parking lot owned or operated by the city, including entryways or exits;
  - (f) Solicit on private property, unless the panhandler has permission from the owner or occupant; or
  - (g) Solicit within twenty (20) feet of any entrance or exit of any financial institution or any automated teller machine.

(3) It is unlawful for any person to make a false or misleading representation in the course of soliciting a donation. It shall be unlawful for any person to solicit a donation stating that the funds are needed for a specific purpose and then spend the funds received for a different purpose. False or misleading representations include, but are not limited to, the following:

- (a) Stating the donation is needed to meet a specific need, when the panhandler already has sufficient funds to meet that need and does not disclose that fact;
- (b) Stating the donation is needed to meet a need which does not exist;
- (c) Stating the person panhandling is from out of town and stranded, or that he or she is homeless, when such is not true;
- (d) Stating or representing, by use of a uniform or otherwise, that the person panhandling is a member of a military service when the panhandler is neither a present nor a former member of a military service;
- (e) Wearing or displaying an indication of physical disability, when the person panhandling does not suffer the disability indicated; or
- (f) Use of any makeup or device to simulate any deformity.

(4) This ordinance does not apply to a person representing a bona fide charitable organization.

ATTEST:

Jeff Fuchs, City Administrator

APPROVED:

Katie Andersen, Mayor

Introduced by Council Member Kourajian

Seconded by Council Member Gumke

First Reading: September 3, 2013

Second Reading: October 7, 2013

Final Passage: October 7, 2013

Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent.