

## ORDINANCE NO. 859

### "AN ORDINANCE TO AMEND CITY OF EAST RIDGE TITLE 20 OF THE EAST RIDGE CITY CODE TO ADD CHAPTER 3, TO REGULATE PANHANDLING IN THE CITY OF EAST RIDGE"

**WHEREAS**, there have been increasing incidents of panhandling which threaten the security of the Citizens of East Ridge;

**WHEREAS**, it is necessary and desirable to amend the City Code of the City of East Ridge to add Chapter 3 to Title 20 to regulate panhandling in the City of East Ridge;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of East Ridge, Tennessee that Title 20 be amended to add Chapter 3, Panhandling, by adding the following:

### CHAPTER 3

### PANHANDLING

#### Section 20-301 Panhandling.

- (a) Definitions.
  - (1) "Panhandling" means any solicitation made in person requesting an immediate donation of money or other thing of value for oneself or another person or entity. Purchase of an item for an amount far exceeding its value, under circumstances in which a reasonable person would understand that the purchase is, in substance, a donation is a donation for the purpose of this section. Panhandling shall not include the act of passively standing or sitting, performing music, or singing with a sign or other indication that a donation is being sought but without any vocal request other than a response to an inquiry by another person.
  - (2) "Prohibited zone" means any of the following designated areas or rights-of-way (including sidewalks):
    - a. Within a 500-foot radius of the intersection of Ringgold Road with I-75 as determined by the Chief Building Official for the City;
    - b. Anywhere within Camp Jordan;
    - c. Within 500 feet of East Ridge City Hall;
    - d. Within 500 feet of East Ridge Youth Foundation Pool located at located at 4150 Monroe Street, East Ridge, Tennessee 37412;

- e. Within a 500-foot radius of the end of the Missionary Ridge Tunnel on Ringgold Road as determined by the Chief Building Official for the City;
- f. Within a 500-foot radius of the center of any intersection on Ringgold Road which has a traffic light as determined by the Chief Building Official of the City;
- g. Anywhere along Moore Road;
- h. Within 500 feet of South Terrace Road as determined by the Chief Building Official of the City.

(3) "Aggressive panhandling" means:

- a. To approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:
  - 1. Imminent bodily injury; or
  - 2. The commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;
- b. To persist in panhandling after the person solicited has given a negative response;
- c. To block, either individually or as a part of a group of persons, the passage of a solicited person;
- d. To touch a solicited person without the person's consent;
- e. To render any service to a motor vehicle, including but not limited to any cleaning, washing, protecting, guarding or repairing of said vehicle or any portion thereof, without the prior consent of the owner, operator or occupant of such vehicle, and thereafter asking, begging or soliciting alms or payment for the performance of such service, regardless of whether such vehicle is stopped, standing or parked on a public street or upon other public or private property; or
- f. To engage in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to make a donation.

(b) It shall be unlawful for any person to engage in an act of panhandling when either the panhandler or the person being solicited is located in, on, or at any of the following locations:

- (1) Any right-of-way, sidewalk or other location within the prohibited zone;
- (2) Any bus stop;
- (3) Any sidewalk café;

- (4) Any area within twenty-five (25) feet (in any direction) of an automatic teller machine or entrance to a bank; or
- (5) Any public or private school.
  
- (c) It shall be unlawful to engage in an act of panhandling on any day after sunset or before sunrise.
  
- (d) It shall be unlawful for any person to engage in an act of aggressive panhandling.

**BE IT FURTHER ORDAINED** that this Ordinance take effect from and after its passage, the public welfare of the City requiring it.

Passed first reading \_\_\_\_\_, 2009.

Passed second reading \_\_\_\_\_, 2009.

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Mike Steele, Mayor

Attest:

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William R. Whitson, City Manager

Approved to form:

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John R. Anderson, City Attorney