

# CITY OF MOMENCE

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ORDINANCE NO. \_\_\_\_\_ 835\_

AN ORDINANCE AMENDING THE CITY CODE  
TO REGULATE PANHANDLING

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ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
OF THE  
CITY OF MOMENCE  
THIS \_\_20<sup>th</sup>\_\_ DAY OF NOVEMBER, 2017.

Published in pamphlet form by  
authority of the Mayor and City Council of the  
City of Momence, Kankakee County, Illinois this \_\_20<sup>TH</sup>\_\_  
day of November, 2017.

**ORDINANCE NO. \_\_\_\_\_ 835 \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CITY CODE  
TO REGULATE PANHANDLING**

WHEREAS, the City Council of the City of Momence, Illinois (“the City”) finds that aggressive panhandling degrades the quality of life within the City by contributing to an enhanced sense of fear or by creating a threatening environment for the general population; and

WHEREAS, the City finds that aggressive panhandling jeopardizes the City’s legitimate interests in fostering a safe and harassment-free climate for its citizens and in preserving its public places as areas where citizens may be free of intimidation or coercion; and

WHEREAS, the City may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City finds that amending Title 5, Chapter 1 of the City Code to regulate aggressive panhandling as hereinafter defined will protect the health, safety, and welfare of the citizens of the City; and

WHEREAS, in promulgating this Ordinance, the City Council’s intent is not to impermissibly limit an individual’s exercise of free speech but to impose narrowly tailored restrictions on aggressive panhandling to protect citizens from the fear and intimidation accompanying certain kinds of solicitations, while leaving open ample alternative channels of communication.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOMENCE, KANKAKEE COUNTY, ILLINOIS, as follows:

SECTION 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2: Momence City Code Title 5, Chapter 1, “Crimes and Unlawful Conduct,” is hereby amended by adding the following section thereto:

5-1-30 Panhandling.

(A) Definitions. For the purposes of this Section, the following definitions shall apply:

Panhandling means panhandling in a group of two or more persons or panhandling accompanied by any of the following actions:

- (1) Touching another person without that person’s consent;

- (2) Blocking the path of the person solicited or blocking the entrance to any building or vehicle;
- (3) Continuing to solicit or to request a donation from a person after that person has refused an earlier request;
- (4) Following or remaining alongside a person who walks away from the panhandler after being solicited;
- (5) Making any statement, gesture, or other communication that would cause a reasonable person to feel threatened or to feel compelled to make a donation; or
- (6) Using profane or abusive language during the solicitation or following a refusal to make a donation.

Automated teller machine means any automated teller machine as defined by the Automated Teller Machine Security Act, 205 ILCS 695/1 *et seq.*, as amended.

Bank means any bank or financial institution as defined by the Illinois Banking Act, 205 ILCS 5/1 *et seq.*, as amended.

Panhandling means a verbal request made in person upon any street, public place, or park in the city for an immediate donation of money or other thing of value, including a request to purchase an item or service of little or no monetary value in circumstances where a reasonable person would understand that the purchase is in substance a donation. Panhandling does not include the act of passively standing, sitting, or engaging in a musical performance or other street performance with a sign or other indication that donations are being sought, without any verbal request for a donation other than in response to an inquiry by another person. Nothing in this section shall be construed to permit any loud and raucous noise currently prohibited by chapter 16 of this Code.

(B) Prohibitions. No person shall engage in aggressive panhandling. No person shall engage in panhandling when the person solicited is located:

- (1) Within twenty feet (20') of an automated teller machine (ATM) or entrance to a bank, other financial institution, or check cashing business; or
- (2) On private property, if the owner, tenant, or occupant has asked the person not to panhandle on the property or has posted a sign prohibiting soliciting.

(C) Penalty. Any person who commits an act prohibited by this section shall be subject to a fine as provided in the minimum fine schedule for certain violations adopted by the city council by ordinance. The circuit court may enjoin the person from committing further violations of this section. Each violation of this section shall constitute a separate offense.

SECTION 3: Mومence City Code Title 1, Chapter 4, Section “General Penalty,” Section 1-18, is hereby amended by adding the following minimum fine thereto:

Fines				
Violations	Code Book	Payment	Payment	Payment

	Location	0 - 14 Days	15 - 30 Days	After 30 Days
Panhandling	<a href="#">5-1-30</a>	\$75.00	\$100 .00	\$125.00

SECTION 4: This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

SECTION 5: This Ordinance shall be included within the Code of Ordinances of the City of Mومence. The effective date of this Ordinance shall be the date upon which it is passed, approved and published in pamphlet form.

APPROVED and ADOPTED by the Mayor and City Council of the City of Mومence this 20<sup>th</sup>      day of   November, 2017, pursuant to roll call vote, as follows:

INTRODUCED this   6<sup>th</sup>    day of   November, 2017.

PASSED this   20<sup>th</sup>    day of   November, 2017.

APPROVED this   20<sup>th</sup>    day of   November, 2017.

AYES: 8

NAYS: 0

ABSENT: 0

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Mayor

ATTEST:

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City Clerk