

**CITY COMMISSION
CITY OF OTSEGO
Allegan County, Michigan**

Commissioner Misner, supported by Commissioner Shankle, moved the adoption of the following ordinance:

ORDINANCE NO. 154

**AN ORDINANCE TO AMEND SECTION 46-31 AND TO ADD SECTION 46-32
TO THE CODE OF ORDINANCES OF THE CITY OF OTSEGO TO REGULATE
BEGGING AND SOLICITATION WITHIN THE CITY**

THE CITY OF OTSEGO ORDAINS:

Section 1. Amendment. Chapter 46, "Offenses and Miscellaneous Provisions," Article II, "Offenses Against Persons," Sections 46-31 and 46-32 of the Code of Ordinances of the City of Otsego, Michigan, are hereby amended to read as follows:

Sec. 46-31. General Offenses.

It shall be unlawful for any person to:

- (1) Commit an assault or an assault and battery upon another person, with or without a weapon.
- (2) Verbally, electronically, by use of the mails or by placement in any mailbox, whether public or private, and of whatever nature, communicate a threat of any physical violence or harm to any other person or member of such person's family.
- (3) Recklessly endanger the life, health or well-being of another person.

Sec. 46-32. Begging/Panhandling.

(1) Purpose. It is the intent of the City Commission to improve the quality of life and economic vitality of the City, and to protect the safety of the general public against certain abusive conduct of persons engaged in aggressive begging or panhandling, by imposing reasonable manner and place restrictions on solicitation that respect the constitutional rights of free speech. The City Commission finds that aggressive begging or panhandling includes approaching or following pedestrians, the use of abusive language, unwanted physical contact, the unwanted solicitation of people in or around businesses, restaurants or automated teller machines, or the blocking of pedestrian or vehicular traffic.

(2) General Prohibitions.

Except as otherwise provided by this Code, or as otherwise expressly authorized by law, no person shall beg, panhandle or solicit for the immediate payment of money or goods from another person, whether or not in exchange for goods, services, or other consideration, under any of the following circumstances:

- (a) On private property, unless the solicitor has written permission from the owner or occupant;
- (b) Within the established boundaries of the City's downtown district, unless the solicitor has written permission from the City's Downtown Development Authority;
- (c) In any public transportation vehicle or at any public transportation facility;
- (d) In any public alley and within 12 feet of any entrance or exit to any public alley;

- (e) From a person who is in any vehicle on the street;
- (f) In any manner which obstructs the free passage of pedestrian or vehicle traffic;
- (g) Within 12 feet of a bank or automated teller machine;
- (h) By moving to within 2 feet of the person solicited, unless that person has indicated that he/she wishes to be solicited;
- (i) By following and continuing to solicit a person who walks away from the solicitor;
- (j) By knowingly making a false or misleading representation in the course of a solicitation;
- (k) In a manner that appears likely to cause a reasonable person of ordinary sensibilities to feel intimidated, threatened or harassed;
- (l) Within 12 feet of the entrance to or exit from any public building;
- (m) From a person who is a patron at any outdoor cafe or restaurant.

(3) Penalty. Violations of this section shall be punishable as a municipal civil infraction in accordance with section 1-15 of this Code.

Section 2. Effective Date. This ordinance shall take effect upon the latter of publication or the passage of twenty (20) days time following its final adoption in accordance with the City Charter.

YEAS: Commissioners: Tom Gilmer, Kathleen Misner; Cyndi Trobeck, Ryan Wieber & Matt Shankle. _

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

ORDINANCE ADOPTED.

CERTIFICATION

I certify that this is a true and complete copy of an ordinance adopted by the City Commission of the City of Otsego at a regular meeting held on December 2, 2013.

Dated: December 2, 2013

Angela Cronen, City Clerk

Introduced: November 18, 2013

Adopted: December 2, 2013

Published: November 25, 2013 – (Between Readings)

Effective: December 22, 2013