

ORDINANCE NO. 15,537

AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE
OF THE CITY OF PEORIA, ILLINOIS RELATING TO PANHANDLING

WHEREAS, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970; and

WHEREAS, the City Council of the City of Peoria recognizes that panhandling is a First Amendment protected activity; and

WHEREAS, the City Council of the City of Peoria finds that aggressive panhandling constitutes a threat to the public safety which requires a reasonable response;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

Section 1. The Code of the City of Peoria is hereby amended by adding the following

Section 20-108:

Sec. 20-108. Panhandling.

(a) Definitions.

1. *Panhandling*: Any solicitation made in person upon any street, public way, 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.

a. By vocal appeal ~~or for music, singing, or other street performance~~; and

b. 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.

However, *panhandling* shall not include 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.

Performing music, singing or other street performance does not constitute *panhandling* even if the performer verbally requests money.

2. *Aggressive panhandling*: *Panhandling* which is accompanied by one or more of the following:

a. *Panhandling* while at any time before, during or after the solicitation touching the solicited person without the solicited person's consent;

- b. *Panhandling* a person while such person is standing in line and waiting to be admitted to a commercial establishment;
- c. *Panhandling* while blocking the path of the person solicited or blocking the entrance to any building or vehicle;
- d. *Panhandling* while following behind, alongside, or ahead of a person who walks away from the panhandler after being solicited;
- e. *Panhandling* while 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 of his safety or to feel compelled to make a donation;
- f. *Panhandling* in a group of two or more persons.

(b) It shall be unlawful to engage in an act of *panhandling* on any day after sunset or before sunrise.

(c) It shall be unlawful to engage in an act of *panhandling* when either the panhandler or the person being solicited is located at any of the following locations: At a bus stop, in any public transportation vehicle or public transportation facility; in a vehicle which is parked or stopped on a public street or alley; in a sidewalk café, or within 20 feet in any direction from an automatic teller machine or entrance to a bank.


(d) It shall be unlawful to engage in *aggressive panhandling*.

(e) Any person who shall violate any provision of this section shall be fined as provided in Section 1-5 of this Code for each offense, and the circuit court may enjoin the person from committing further violations of this chapter. Each act of *panhandling* prohibited by this section shall constitute a separate offense.

Section 2. This ordinance shall be in full force and effect 10 days after publication according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this 7th day of OCTOBER, 2003.

APPROVED:



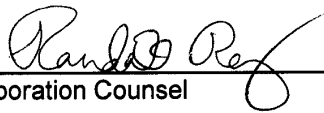
Mayor

ATTEST:



City Clerk

EXAMINED AND APPROVED:



Corporation Counsel