



## Legislation Text

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**File #:** 22-147, **Version:** 1

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### **ACTION REQUESTED:**

Communication from the City Manager and Interim Corporation Counsel with a Request to RECEIVE and FILE a DISCUSSION on PANHANDLING.

**BACKGROUND:** On October 7, 2003 the City adopted Ordinance No. 15537 amending its regulation of panhandling. It generally defined panhandling as "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." It did not include the act of passively standing with a sign. It also excluded the performance of music, singing or street performance. It defined aggressive panhandling as someone who is panhandling and touches another person, while in line waiting to be admitted to a business, blocking the path of another person or blocking an entrance to a building, following a person, using profane or abusive language or panhandling in a group of two or more persons. Panhandling was prohibited after sunset and before sunrise and at certain locations in the city including bus stops, in a sidewalk cafe or within 20' of an ATM machine.

The City's panhandling ordinance excluded individuals who were passively standing with a sign from the definition of panhandling. In 2015, the Supreme Court changed the scope of municipal sign regulation which affected how Illinois courts ruled on existing panhandling ordinances. *Reed v. Town of Gilbert*, 576 U.S. 155 (2015).

Between 2015 and 2017 the Seventh Circuit Court of Appeals issued a series of opinions in *Norton v. City of Springfield*, 2018 WL 3964800 (C.D. 11. 2018). Norton involved a challenge to Springfield's panhandling ordinance, which prohibited panhandling in the downtown historic district (less than 2% of the City's area but containing principal shopping, entertainment and government areas). The ordinance defined "panhandling" as "an oral request for an immediate donation of money." Although the ordinance prohibited panhandling, it allowed oral pleas for deferred donations and signs requesting money. Following the Supreme Court's decision in *Reed*, the Seventh Circuit granted a petition for rehearing and ruled the Springfield ordinance unconstitutional.

In 2018, the ACLU began lobbying 15 municipalities throughout Illinois that had panhandling ordinances on their books. The ACLU reported delivering letters to Aurora, Carbondale, Champaign, Chicago, Cicero, Danville, Decatur, East St. Louis, Elgin, Joliet, Moline, Oak Park, Peoria, Rockford and Urbana. Across the country, the ACLU demanded over 240 cities in more than 12 states repeal their panhandling ordinances based on the ruling in *Reed*. We have confirmed that Aurora, Carbondale, Champaign, Chicago, Decatur, Elgin, Moline, Oak Park and Urbana swiftly repealed their panhandling ordinances. The City of Peoria repealed its panhandling ordinance on September 11, 2018 via Ordinance 17,610.

Council has requested that the City address the safety concerns of individuals soliciting in the middle of intersections. Safety of drivers and solicitors is a valid concern when a solicitor steps into or blocks traffic. The City currently has an ordinance prohibiting vehicles from obstruction traffic. Section 28-169 reads "no vehicle shall be operated or allowed to remain upon any street in such a manner as to form an unreasonable obstruction to traffic thereon." The City could amend the ordinance to also include a prohibition against a person remaining upon a street and obstructing traffic. Keep in mind that this would have to be enforced against all persons who are obstructing traffic, it could not solely or only be targeted against panhandlers. It would include other individuals or groups who may be performing charitable fundraising and obstruct traffic (St.

Jude can shakers, MDA fill the boot campaigns, little league tag days, etc.).

Staff is recommending that Section 28-169 be amended to prohibit a person remaining upon a street and median and obstructing traffic.

**FINANCIAL IMPACT:** Financials

**NEIGHBORHOOD CONCERNS:** Residents have expressed concerns about panhandling throughout the City.

**IMPACT IF APPROVED:** NA

**IMPACT IF DENIED:** NA

**ALTERNATIVES:** NA

**EEO CERTIFICATION NUMBER:** NA

**WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL'S 2017 - 2032 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?**

1. Safe Peoria

**WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?**

1. Reduce crime.
2. Reinvest in neighborhoods.

**DEPARTMENT:** City Manager's Office