

**ORDINANCE NO. 702**

**AN ORDINANCE REPEALING WILSONVILLE CODE CHAPTER 10, SECTION 10.310 AND REPLACING IT WITH NEW SECTION 10.310 RESTRICTING PANHANDLING ACTIVITIES.**

WHEREAS, individuals exposed to aggressive panhandling activities feel harassed, less secure in their surroundings, threatened, scared, or inhibited in their free travels thereby making them less likely to travel in areas of the City or at certain times of night where aggressive panhandling is occurring; and

WHEREAS, the City of Wilsonville wishes to protect individuals from aggressive or harassing actions that can accompany panhandling activities; and

WHEREAS, the City of Wilsonville also wishes to protect the rights of free speech and expression of all citizens as well as the right to use public spaces for communication and dissemination of information; and

WHEREAS, the City believes that it can adequately balance its interest in individual safety and comfort with individual rights of free expression by imposing reasonable time, place, and manner restrictions on panhandling.

NOW, THEREFORE, THE WILSONVILLE CITY COUNCIL ORDAINS AS FOLLOWS:

1. Chapter 10, Sections 10.310 is repealed. A new section 10.310 is adopted to replace it. Section 10.310 will henceforth read as follows:

**10.310 Panhandling**

(1) Panhandling Defined. “Panhandling” means any solicitation made in person upon any street, public place, or park in the City, in which a person requests an immediate donation of money or any other gratuity from another person, and includes seeking donations:

- (a) By vocal appeal or for music, singing, or other street performance; and
- (b) When 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 nor 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.

(2) Panhandling at Night. It shall be unlawful to engage in an act of panhandling between sunset and sunrise.

(3) Geographic Restrictions on Panhandling. 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:

- (a) At a bus shelter;
- (b) In a public transportation vehicle or public transportation facility;
- (c) In a sidewalk café; or
- (d) Within twenty (20) feet in any direction of an automatic teller machine (ATM) or entrance to a bank.

(4) Aggressive Panhandling. It shall be unlawful to engage in an act of panhandling in an aggressive manner. Aggressive panhandling involves any of the following actions:

- (a) Touching the solicited person without consent;
- (b) Blocking the walking path or the entrance or access to a building or vehicle of a person being solicited;
- (c) Following behind, ahead, or alongside a person who walks away from the panhandler after being solicited with the purpose of continuing to request donations; or
- (d) Using profane or abusive language, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled.

SUBMITTED to the Wilsonville City Council and read the first time at a special meeting thereof on the 23<sup>rd</sup> day of February, 2012, and scheduled for second reading at a regular meeting thereof on the 5<sup>th</sup> day of March 2012, commencing at the hour of 7 p.m. at the Wilsonville City Hall.

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Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the \_\_\_\_ day of March, 2012 by the following votes:

YEAS: \_\_\_\_\_ NAYS: \_\_\_\_\_

\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this \_\_\_\_ day of March, 2012.

\_\_\_\_\_  
TIM KNAPP, MAYOR

Summary of Votes:

Mayor Knapp

Council President Nunez

Councilor Hurst

Councilor Goddard

Councilor Starr