

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

- 11-101. Misdemeanors of the state adopted.
 11-102. Adoption of state traffic statutes.

11-101. Misdemeanors of the state adopted. All offenses against the state which are defined by state law to be misdemeanors are hereby designated and declared to be the laws and ordinances of the city and any violation of any such state law within the corporate limits is also a violation of this section. (1973 Code, § 12-1)

11-102. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated §16-18-302, the City of Newport, Tennessee adopts by reference as if fully set §§55-8-101 through 55-8-131, and §§55-8-133 through 55-8-180. Additionally, the City of Newport, Tennessee adopts Tennessee Code Annotated §§55-8-181 through 55-8-193, §§55-9-601 through 55-9-606, §55-12-139 and §55-50-351 by reference as if fully set forth in this section. (Ordinance #2013-02, March 2013)

¹ Municipal code references ₁

Animal control: title 10.

Housing and utility codes: title 12.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

CHAPTER 2

ALCOHOL¹

SECTION

11-201. Public drinking and public display of alcoholic beverage prohibited.

11-201. Public drinking and public display of alcoholic beverage prohibited. It shall be unlawful for any person to drink any alcoholic beverage or visibly and openly possess, display, exhibit, or show an unsealed bottle containing any alcoholic beverage in any restaurant, eating place or tavern, or in the parking area of any drive-in restaurant, or on any public street, or sidewalk, or in any public park, playground, auditorium, theater, stadium, school, or school ground or in any other public place. (Ord. #__, 1983)

¹ Municipal code references ¹

Sale of alcoholic beverage, including beer: title 8.

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-303. Engine compression braking devices prohibited in city.

11-304. Fireworks restrictions.

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1973 Code, § 12-2)

11-302. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise within the city is unlawful. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is unlawful.

(1) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(a) **Blowing horns.** The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) **Radios and phonographs.** The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) **Yelling and shouting.** Yelling, shouting, hooting, whistling, or singing on the public street, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any persons in the vicinity.

(d) **Pets.** The keeping of any animal, bird, or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity.

(e) **Use of vehicle.** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of the proper city authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection, including excavation, and the demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the recorder which permit may be granted for a period not to exceed thirty (30) days while the while the emergency continues. If the recorder should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, and similar institutions. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while it is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise.

(l) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) None of the terms or prohibitions of this section shall apply to or be enforced against:

(a) City vehicles. Any vehicle of the city while engaged upon necessary public business.

(b) Public improvements. Excavations or repairs of bridges, streets, or highways, by or on behalf of the city, the county, or the state, during the night when the public welfare and convenience renders it impossible to perform such work during the day.

(c) Noncommercial use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefore is secured from the recorder. Hours for the use of an amplifier or public address system shall be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1973 Code, § 12-21)

11-303. Engine compression braking devices prohibited in city.

(1) All truck tractor and semi-trailers operating within the City of Newport shall conform to the visual exhaust system inspection requirements, 40 C.F.R 202.22, of the Interstate Motor Carriers Noise Emission Standards.

(2) A motor vehicle does not conform to the visual exhaust system inspection requirements referenced in subsection (1) of this section if inspection of the exhaust system of the motor carrier vehicle discloses that the system:

(a) Has a defect that adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements (small traces of soot on flexible exhaust pipe sections shall not constitute a violation); or

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust by gases); or

(c) Is equipped with a cut out, bypass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

(3) Violations of this section shall subject the offender to a fine of fifty dollars (\$50.00) per offense.

(4) This section shall be supplemental to other noise control ordinances and regulations of the city, and shall be effective upon its final passage. (Ord. #2006-16, Jan. 2007)

11-304. Fireworks Restrictions. Definition. Fireworks means and shall include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.

Use restricted. The following restrictions shall apply for the use of fireworks within the corporate limits of the City of Newport:

- 1) It shall be unlawful to use or explode any fireworks within the corporate limits of the City of Newport except from July 3rd thru July 5th on which the time shall be no later than 11:00 PM and from December 31st New Year's Eve on which the time shall be no later than January 1st 12:30 AM.
- 2) It shall be unlawful to explode or ignite fireworks on or onto another person's property unless permission is obtained from the owner or occupant of said property.
- 3) It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, funeral home, public or private school, or within two-hundred (200) feet of where fireworks are stored, sold, or offered for sale.
- 4) It shall be unlawful to ignite or discharge fireworks from or within a motor vehicle. It shall be unlawful for any person to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons. (Ordinance #2018-16, November 2018)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-401. False emergency alarms.

11-402. Escape from jail.

11-401. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1973 Code, § 12-9)

11-402. Escape from jail.¹ It shall be unlawful for any person, while 1 a prisoner in the city jail or otherwise in custody of and confined by the city, to escape or attempt to escape or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1973 Code, § 12-10)

¹State law reference

Escape: Tennessee Code Annotated, § 39-16-605.

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Assault and battery; assault with a weapon.

11-502. Throwing missiles.

11-503. Weapons.

11-501. Assault and battery; assault with a weapon.¹ It shall be 1 unlawful for any person to maliciously beat, strike, wound or otherwise inflict violence on another or to assault another with a lethal weapon, instrument or thing with intent to commit upon the person of another any bodily injury. (1973 Code, § 12-3)

11-502. Throwing missiles.² It shall be unlawful for any person to 2 maliciously throw any stone, snowball, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person in any public or private way or place or enclosed or unenclosed ground.(1973 Code, § 12-8)

11-503. Weapons.³ (1) It shall be unlawful for any person in the city to 3 carry in any manner on or about his person or in his portfolio or purse, with the intent of going armed, any razor, dagger, slingshot, black jack, chain, nightstick, pipe, stick, sword, cane, ice pick, spear, knuckles made of any metal or any hard substance, Bowie knife, switchblade knife, spring knife, throw blade knife, knife with a blade over four (4) inches in length or with an overall length of eight (8) inches, pistol, gun, revolver, or any like instrument unless the person is performing the official duties of a duly appointed police officer for the city, county, state or federal governments, or the armed forces of the United States, or is authorized by law to go armed.

(2) It shall be unlawful for any person in the city to discharge or fire a firearm unless the person is performing an official duty as a duly appointed police officer for the city, county, state or federal governments, or the armed forces of the United States. (1973 Code, § 12-19)

¹State law reference

Assaults: Tennessee Code Annotated, § 39-13-101 and § 39-13-102.

²State law reference

Throwing or casting missiles: Tennessee Code Annotated, § 39-14-413.

³State law reference

Weapons: Tennessee Code Annotated, § 39-13-1302.

CHAPTER 6**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

11-601. Trespassing.

11-601. Trespassing. It shall be unlawful for any person to willfully, maliciously, wantonly or negligently injure, deface, destroy or remove real property or improvements thereto or movable or personal property, belonging to the city or to any person in the city. (1973 Code, § 12-4)

CHAPTER 7

MISCELLANEOUS

SECTION

11-701. Spitting.

11-702. Conspiracy.

11-703. Posting notices, etc.

11-704. Curfew on persons under eighteen.

11-705. Disturbing the recorder's court.

11-706. Burials in other than cemeteries prohibited; establishment of new cemeteries.

11-701. Spitting. It shall be unlawful for any person to spit or expectorate on any sidewalk within the city. (1973 Code, § 12-17)

11-702. Conspiracy. It shall be unlawful for any persons within the city to assemble together and agree or conspire to do any unlawful act, with force or violence, against the property or person of another or against the peace of the city. (1973 Code, § 12-18)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property in the city unless legally authorized to do so. (1973 Code, § 12-5)

11-704. Curfew on persons under eighteen. (1) It shall be unlawful for any person under the age of eighteen (18) years to be upon or remain on any street or other public place of the city after the hour of 12:00 midnight, unless accompanied by a parent, guardian, legal custodian or other person having the custody of the minor, or unless the person shall be a member of the armed forces.

(2) It shall be unlawful for any person under the age of fifteen (15) years to be upon or remain upon any street or public place of the city after the hour of 10:00 P.M., unless accompanied by a parent, guardian or legal custodian.

(3) No child or minor person shall be placed in confinement for a violation of this section until the child or minor person shall have first been taken to his home or place of residence to ascertain whether the parent, guardian or other legal custodian wishes to either refuse or accept responsibility for the child or minor.

(4) It shall be the duty of the recorder to determine the proper steps to be taken after the refusal or acceptance by the parent, guardian or legal custodian of minor thus charged, pursuant to subsection (3). (1973 Code, § 12-16)

11-705. Disturbing the recorder's court. It shall be unlawful for any person to create a disturbance of any trial before the recorder's court by any loud or unusual noise or any indecorous, profane or blasphemous language. (1973 Code, § 12-20)

11-706. Burials in other than cemeteries prohibited; establishment of new cemeteries. It shall be unlawful for any person to establish any graveyard or cemetery, public or private, or to bury any dead body within the city except within cemeteries already lawfully in existence or hereafter created or established by the board of mayor and aldermen. (1973 Code, § 12-22)

CHAPTER 8

OBSCENITY, MORALS

SECTION

11-801. Disorderly houses.

11-802. Prostitution and lewdness.

11-803. Indecent or improper exposure or dress.

11-804. Window peeping.

11-805. Profanity, etc.

11-801. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others. (1973 Code, § 12-12)

11-802. Prostitution and lewdness. It shall be unlawful for any person to commit or offer or agree to commit or to secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion. No person shall knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act or an act of prostitution or moral perversion, or to knowingly permit any person to remain in any place or building for any such purpose. (1973 Code, § 12-11)

11-803. Indecent or improper exposure or dress. It shall be unlawful for any person to publicly appear naked or in any dress not appropriate to his sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person. (1973 Code, § 12-15)

11-804. Window peeping.¹ It shall be unlawful for any person to look, peer, or peep into or be found loitering around or within view of, any window not on his own property with the intent of watching or looking through the window. (1973 Code, § 12-13)

11-805. Profanity, etc. It shall be unlawful for any person to use any vulgar, profane or indecent language in any public street or other public place or in any place of business open to public patronage. (1973 Code, § 12-14)

¹State law reference

Observation without consent: Tennessee Code Annotated, § 39-13-607.

CHAPTER 9**LOITERING, ETC.****SECTION**

11-901. Loitering.

11-901. Loitering. It shall be unlawful for any person to be found loitering or strolling in, about or upon any street, alley or other public way or public place or at any public gathering or assembly, or in or around any store, shop, or business or commercial establishment, or on any private property or place, without lawful business or while conducting himself in a lewd, wanton or lascivious manner in speech or behavior or while unable to reveal a visible means of support or give a satisfactory account of himself. (1973 Code, § 12-6)

CHAPTER 10**GAMBLING****SECTION**

11-1001. Gambling.

11-1001. Gambling.¹ It shall be unlawful for any person to play at any 1 game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. It shall be unlawful for any person to encourage, promote or assist any other person in gambling. It shall also be unlawful for any person to have in his possession any gambling table or other device whatever for the enticement of any person to gamble. (1973 Code, § 12-7)

¹State law reference

Gaming: Tennessee Code Annotated, § 39-17-501, et seq.

CHAPTER 11

PANHANDLING

SECTION

- 11-1101. Generally.
- 11-1102. Definitions.
- 11-1103. Time of panhandling.
- 11-1104. Place of panhandling.
- 11-1105. Manner of panhandling.
- 11-1106. False or misleading solicitation.
- 11-1107. Accosting persons or obstructing traffic.
- 11-1108. Penalties for violation.

11-1101. Generally. The purpose of this section and legislation is to regulate and punish violations of the act of panhandling, rather than the status of the person and is not intended to restrict the exercise of protected free speech.

Exclusion. The activities of panhandling do not include a person who passively stands or sits with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person. Nothing in this section shall abrogate or abridge provisions of Chapter 11, pertaining to public solicitation, or the laws of state and federal government, or those laws regulating nonprofit, religious, educational, civic or benevolent organizations. (Ordinance #2015-10, October 2015).

11-1102. Definitions. For the purposes of this chapter, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

- 1) Assault means assaultive offenses as set out in T.C.A. §§ 39-13-101, 39-13-102 and 39-13-103, and classed as criminal offenses. For purposes of this City Code section 11-1101, the term "assault" does not apply to manner of panhandling as set out in paragraph (1106) hereunder and classified as a misdemeanor.
- 2) Abusive solicitation means to do one or more of the following while engaging in solicitation or immediately thereafter:
 - a) Coming closer than three (3) feet to the person solicited unless and until the person solicited indicates that he or she wishes to make a donation;
 - b) Blocking or impeding the passage of the person solicited;
 - c) Following the person solicited by proceeding behind, ahead or alongside of him or her so as to continue soliciting after the person solicited declines to make a donation;
 - d) Threatening the person or accompanying person solicited with physical harm by word or gesture and the person would regard the threat as offensive or provocative;
 - e) Abusing the person solicited with words which are offensive and inherently likely to provoke an immediate violent reaction;
 - f) Touching the solicited person without the solicited person's consent and a reasonable person would regard the contact as offensive or provocative;
 - g) Engaging in solicitation activity in any of the prohibited places specified in restricted geographical areas.

- 3) Accost means to approach and speak in a challenging and aggressive manner.
- 4) Aggressively beg means to beg with the intent to intimidate another person into giving money or goods with actual or implied threats, or menacing actions.
- 5) ATM or Automated Teller Machine means a device, linked to a financial institution's account records, which is able to carry out cash transactions.
- 6) Bank means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.
- 7) Beg means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.
- 8) Check cashing business means any person duly licensed to engage in the business of cashing checks, drafts or money orders for consideration.
- 9) Coerce means:
 - a) To approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:
 - 1) Imminent bodily injury; or
 - 2) The commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;
 - b) To persist in a solicitation after the person solicited has given a negative response;
 - c) To block, either individually or as part of a group of persons, the passage of a solicited person;
 - d) To engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.
- 10) Credit union means any federal credit union and any state-chartered credit union the accounts of which are insured by the administrator of the National Credit Union Administration.
- 11) Donation means any item of value, monetary or otherwise, accepted by a panhandler and shall also include the purchase of an item for an amount far exceeding its value under circumstances where a reasonable person would understand that the purchase is in substance a gift.
- 12) Exempt organizations means any nonprofit, religious, civic or benevolent organization described in section 501(c) of the Internal Revenue Code of 1986.
- 13) Health care institution means any agency, institution, facility or place, whether publicly or privately owned or operated, that provides health services and that is one of the following: nursing home; recuperation center; hospital; ambulatory surgical treatment center; birthing center; mental health hospital; mental retardation institutional habilitation facility; home care organization or any category of service provided by a home care organization for which authorization is required under this chapter; outpatient diagnostic center; rehabilitation facility; residential hospice; or nonresidential methadone treatment facility as defined in the Tennessee Code.
- 14) Health service means clinically related services such as diagnostic, treatment or rehabilitative services.
- 15) Intimidate means to engage intentionally in conduct which would make a reasonable person fearful or feel compelled.

Also, for purposes of this chapter, a person commits the offense of intimidating others from exercising civil rights who:

- a) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the state; or
- b) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another because that other exercised any right or privilege secured by the Constitution or laws of the United States or the constitution or laws of the state.

16) Panhandler means any person, other than an exempt organization, acting on his/her own behalf or on behalf of another, requesting an immediate donation of money or exchange of any services; or any person, acting on his/her own behalf, attempting to sell an item for an amount far exceeding its value, or where said item is already offered free of charge to the general public, and a reasonable person would understand that the purchase is in substance a donation.

17) Panhandling is the solicitation of any item of value, monetary or otherwise, made by a person, other than an exempt organization, acting on his/her own behalf, requesting an immediate donation of money or exchange of series; or any person, acting on his/her own behalf, attempting to sell an item for an amount far exceeding its value, or an item which is already offered free of charge to the general public, and under circumstances a reasonable person would understand that the purchase is in substance a donation.

18) Pedestrian interference means the obstruction of pedestrian or vehicular traffic by aggressively begging which impedes the passageway or a pedestrian or vehicular traffic.

19) Public place means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

20) Savings and loan association includes a building and loan association, a federal or state savings and loan association, a federal savings bank, and any other financial institution, the accounts of which are insured by the federal savings and loan insurance corporation (FSLIC) or any successor of such corporation (T.C.A. § 1-3-105).

21) Self-service car wash means a structure:

- a) At which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine;
- b) That is accessible and available for use by members of the general public.

22) Self-service fuel pump means a fuel pump:

- a) From which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located;
- b) That is accessible and available for use by members of the general public.

23) Sidewalk means all portions of any public street where the same has no curb line and as to any public street having a curb line includes all portions situated between each curb line and the nearest property line regardless of whether the sidewalk is improved or unimproved.

24) Solicit and Solicitation means to make any request in person while in a public place, for an immediate grant of money, goods or any other form of gratuity from another person(s) when the person making the request is not known to the persons who are the subject of the request, or to engage in such activity on private property.

However, the terms "solicit" and "solicitation" shall not mean the act of passively standing or sitting with a sign or other indicator that a donation of money, goods, or any other form of gratuity is being sought without any vocal request other than a response to an inquiry by another person. (Ordinance #2015-10, October 2015)

11-1103. Time of panhandling. It is unlawful for any person to panhandle between the hours of 7:00 p.m. and 8:00 a.m. (Ordinance #2015-10, October 2015)

11-1104. Place of panhandling. Outside the boundaries of the panhandling prohibited zone, any person who panhandles when the person solicited is in any of the following places is guilty of a misdemeanor:

- 1) Within 50 feet of:
 - a) any entranceway into or exit from any health care institution or health facility;
 - b) any entranceway into or exit from any bank, savings and loan association, credit union, check cashing business or other financial institution buildings;
 - c) an automatic teller machine (ATM), provided that when an automated teller machine is located within an automated teller machine facility; such distance shall be measured from the entrance or exit of the automated teller machine facility;
- 2) Within 25 feet of:
 - a) the entrance to a religious assembly;
 - b) any parking lot;
 - c) any entranceway into or exit from any building open to the public. Where any such entranceway or exit is recessed from the public sidewalk, the 25 feet shall be measured from the point at which the building abuts the sidewalk;
 - d) any marked crosswalk;
 - e) any outdoor dining area or outdoor merchandise area, if such areas are in active use at the time;
 - f) self-service fuel pump;
 - g) a self-service car wash;
- 3) At or within 20 feet of any vendor location;
- 4) While seated on or leaning against any public bench, planter, monument or other public property;
- 5) While seated on or leaning against any privately owned property without the property owner's or tenant's permission;
- 6) In any vehicle on the street;
- 7) On private property, unless the panhandler has permission from the owner or occupant.
(Ordinance #2015-10, October 2015)

11-1105. Manner of panhandling. Any person who in a public place panhandles in any of the following ways or manner is guilty of a misdemeanor:

- 1) By coming within three (3) feet of the person solicited, unless that person has indicated that he/she does wish to make a donation;
- 2) By touching the person being solicited without that person's consent;
- 3) By using profane or abusive language, either during the solicitation or following a refusal;

- 4) By following or walking alongside a person who walks away from the panhandler and a reasonable person would regard this as offensive or provocative;
- 5) By blocking the path of a person who attempts to walk or drive away from the panhandler;
- 6) By panhandling in a group of two or more persons;
- 7) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat;
- 8) By intimidating, obstructing pedestrian or vehicular traffic;
- 9) By assaulting or aggressively begging;
- 10) While under the influence of alcohol, illegal narcotic or a controlled substance.
(Ordinance #2015-10, October 2015)

11-1106. False or misleading solicitation.

- 1) Any person who knowingly makes any false, misuse, or misleading representation in the course of soliciting a donation is guilty of a misdemeanor. False or misleading representations include, but are not limited to, the following:
 - a) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet the need and does not disclose that fact;
 - b) Stating that the donation is needed to meet a need which does not exist;
 - c) Stating that the solicitor is from out of town and stranded, when that is not true;
 - d) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
 - e) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;
 - f) Use of any makeup or device to simulate any deformity;
 - g) Stating that the solicitor is homeless, when he is not;
 - h) Stating the donation is for food but in reality is used for alcohol, "sidewalk" drugs, or illegal contraband;
 - i) Using and exposing minors/children and animals to hazardous conditions (i.e., cold, heat, animals, weather and/or strangers), to solicit funds; or
 - j) To offer to sell newspapers, magazines, periodicals, pamphlets for a price, which are offered free of charge to the general public.
- 2) Any person who solicits a donation stating that the funds are needed for a specific purpose and then spends the funds received for a different purpose is guilty of a misdemeanor.
- 3) This chapter and section establish a single offense. Evidence which establishes beyond a reasonable doubt that the defendant violated this chapter or section is sufficient for conviction and need not establish which section or subsection was violated.
(Ordinance #2015-10, October 2015)

11-1107. Accosting persons or obstructing traffic. Every person who commits any of the following acts is guilty of a misdemeanor:

- 1) Who assaults, aggressively begs, intimidates, or accosts other persons in any public place or in any place open to the public, for the purpose of panhandling or soliciting a donation for immediate payment.
- 2) Who obstructs pedestrian or vehicular traffic, or interferes at a time when a person, or the vehicle, is not in a position to walk or drive away.

3) Who accosts other persons in any public place, or in any place open to the public, for donations if it is a general and known fact to all reasonable people that appropriate institutions, organizations, or charity groups exist who make available the same daily necessities and needs at no cost. (Ordinance #2015-10, October 2015)

11-1108. Penalties for violation. Any person found violating of any one or all of the above subsections of section 11-1101 are deemed guilty of a misdemeanor and upon conviction thereof subject to penalties as set under City Code section 3-202. (Ordinance #2015-10, October 2015)