



## Legislation Text

File #: 17-1282, Version: 1

An Ordinance to Amend Section 9:70 of Chapter 108 (Disorderly Conduct) of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-17-16)

Attached is a proposed ordinance amendment to subsection 5 of the City's aggressive panhandling ordinance, which prohibits soliciting money "[f]rom a person who is in any vehicle on the street." The ordinance amendment is necessary to comply with an amendment to the Michigan vehicle code, which makes it lawful to solicit contributions for a charitable organization from persons in motor vehicles, subject to the following conditions: (a) the activity must be during daylight hours, (b) the organization must have at least \$500,000.00 in liability insurance, (c) the person must be at least 18 years old, (d) the person must wear high-visibility safety apparel; and (e) the activity must not be in a work zone and must be within an intersection where traffic control devices are present. The legislation requires a city that has an ordinance like section 9:70, which prohibits any type of solicitations from persons in motor vehicles, to amend its ordinance so that it complies with the new state law within 60 days after the effective date of the legislative amendment.

It is recommended that City Council pass this ordinance amendment.

Prepared by: Kristen Larcom, Senior Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

ORDINANCE NO. ORD-17-16

First Reading: September 7, 2017  
Public Hearing: September 18, 2017

Approved: September 18, 2017  
Published: September 19, 2017  
Effective: September 29, 2017

### DISORDERLY CONDUCT

AN ORDINANCE TO AMEND SECTION 9:70 OF CHAPTER 108 (DISORDERLY CONDUCT) OF TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1. That Section 9:70 of Chapter 108 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:70. - Solicitation.

Except as otherwise provided in Chapters 79 and 81 of this Code, it shall be unlawful for any person to solicit 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:

1. On private property, except as otherwise permitted by Chapters 79 and 81, unless the solicitor has permission from the owner or occupant;

2. In any public transportation vehicle or public transportation facility;
3. In any public parking structure and within 12 feet of any entrance or exit to any public parking structure;
4. In any public alley and within 12 feet of any entrance or exit to any public alley, as that term is defined in Title I, Chapter 1, section 1:8 of the Ann Arbor City Code;
5. From a person who is in any vehicle on the street, except as otherwise allowed under the Michigan vehicle code, MCL 257.676b;
6. By obstructing the free passage of pedestrian or vehicle traffic;
7. Within 12 feet of a bank or automated teller machine;
8. By moving to within 2 feet of the person solicited, unless that person has indicated that he/she wishes to be solicited;
9. By following and continuing to solicit a person who walks away from the solicitor;
10. By knowingly making a false or misleading representation in the course of a solicitation;
11. In a manner that appears likely to cause a reasonable person of ordinary sensibilities to feel intimidated, threatened or harassed;
12. Within 12 feet of the entrance to or exit from the Nickels Arcade, located between State Street and Maynard Street; the Galleria, located between S. University and the Forest Street parking structure; and the Pratt Building, located between Main Street and the Ashley parking lot; the Ann Arbor District Library, located at the corner of 5th Avenue and William Street; or
13. From a person who is a patron at any outdoor cafe or restaurant.

Section 2. Severability. In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 3: Effective Date. This Ordinance shall take effect on the tenth day following legal publication.

#### CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of September 18, 2017.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on September 19, 2017.

Jacqueline Beaudry, Ann Arbor City Clerk