

**BUSINESS OF THE CITY COUNCIL
WINDSOR HEIGHTS, IOWA
AGENDA STATEMENT**

Item No. 14
For Meeting of 07/12/2010


ITEM TITLE: Consideration of Ordinance 10-09 amending provisions on the existing panhandling regulations in City Code Chapter 40.03.10 –Final Reading

CONTACT PERSON(S): Marketa George Oliver, City Administrator
Dennis McDaniel, Police Captain

SUMMARY EXPLANATION

The attached ordinance removes wording from the definition section of what is not considered panhandling, that otherwise may open up legal argument against its intended purpose to prohibit panhandlers on or near public roadways from creating safety concerns and traffic management issues.

The Public Safety Committee has discussed this ordinance and recommends removing the wording specific to the use of signage to seek donations.

Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Contract <input type="checkbox"/> Other (Specify) _____
Funding Source _____
APPROVED FOR SUBMITTAL _____ <div style="text-align: right;"> City Administrator</div>

RECOMMENDATION: Pass final reading on a roll call vote.

COUNCIL ACTION:

ORDINANCE NO. 10-09

AN ORDINANCE TO AMEND PROVISIONS OF EXISTING PANHANDLING REGULATIONS

BE IT ENACTED by the City Council of the City of Windsor Heights, Polk County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to amend the definition section of panhandling.

SECTION 2. Amendment. Section 40.03.10 is amended to read as follows:

40.03.10 PANHANDLING.

1. Definition. "Panhandling," for the purpose of this section, is any solicitation made in person requesting an immediate donation of money or other thing of value. 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 donation, is a donation for the purpose of this section. However, panhandling does not include passively standing or sitting ~~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.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 5. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication by posting as provided by law.

Passed by the City Council this 21st Day of June, 2010 and approved this 12th day of July, 2010.

Jerry Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk

Ordinance 10-09: CLERK'S CERTIFICATE

I, Marketa George Oliver, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Windsor Heights, Iowa, and that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Windsor Heights, Iowa, as provided by law on the 21st Day of June, 2010 approved as provided by law on the 21st Day of June, 2010, and published as provided by law on the 12th Day of July, 2010.

Marketa George Oliver, City Administrator/Clerk

PUBLICATION VERSION

City of Windsor Heights
ORDINANCE NO. 10-09

AMENDING SECTIONS OF CHAPTER 40

This ordinance amends the definition section of panhandling (40.03.10).

This ordinance was passed by the City Council on July 12, 2010.

Additional information is available at City Hall, 1133 66th Street, Windsor Heights, IA 50324; 515/279-3662.