

Request for City Council Action

Date: December 11, 2012

Agenda Section: General Business		Originating Department: Legal Department		
No.5				
Item: Ordinance Amending Title Fourteen of the Carbondale Revised Code as it Relates to Panhandling				
No.5.				
<p>Background and Summary:</p> <p>Title 14, Chapter 4 of the Carbondale Revised Code outlines actions that are considered offenses within the City and assigns the penalties associated with such offenses. Specifically 14-4-10 defines panhandling and aggressive panhandling and outlines those areas where panhandling is prohibited. The City has received numerous complaints by citizens of Carbondale concerning inappropriate panhandling activity in the business community. The Carbondale Chamber of Commerce and the Economic Development office of the City have recently completed the first year of a business retention/expansion visit program and one of the top three concerns voiced by business owners was the issue of panhandling and how it is adversely affecting their businesses, the community, and the perceived safety of citizens. Specifically these panhandling activities have been centered in business districts along the north-south corridor, being US Rte 51, and an east-west corridor, being IL Rte 13. In addition, the actions which historically occurred predominately at night, are now occurring throughout the day. The Board of Directors of the Carbondale Chamber of Commerce voted unanimously at their October 10, 2012 meeting to send a letter to the City recommending these changes be made to the Carbondale Revised Code. A copy of the letter is attached.</p> <p>The City proposes a change by adding two subsections to 14-4-10, B of the Carbondale Revised Code, adding the offenses of unlawful panhandling</p> <ul style="list-style-type: none"> * on any property zoned as BPR, Primary Business; SB, Secondary Business; BPL, Planned Business; PA, Professional Administrative Office; PAR, Professional Administrative Office, Residential; BRD, Business Redevelopment; and BWA, Wholesale Automotive * on any publically owned property <p>A map is attached which identifies the above referenced zoned properties.</p> <p>Recommended Action:</p> <p>It is recommended that the City Council adopt an ordinance amending Title 14 of the Carbondale Revised Code to add subsection h and I of Section 14-4-10 of the Carbondale Revised Code.</p>				
Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
Council Action: Motion by: _____		2nd by: _____		to: _____

**CITY OF CARBONDALE, ILLINOIS
ORDINANCE NO. 2012-**

**AN ORDINANCE AMENDING TITLE FOURTEEN OF THE CARBONDALE REVISED
CODE AS IT RELATES TO PANHANDLING**

**ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CARBONDALE, ILLINOIS
THE 11TH DAY OF DECEMBER, 2012**

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 12th day of December, 2012.

CERTIFICATE OF PUBLICATION

I, Jennifer Sorrell, the duly qualified and acting, Acting City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 12th day of December, 2012.

Jennifer Sorrell, Acting City Clerk

ORDINANCE NO. 2012-

AN ORDINANCE AMENDING TITLE FOURTEEN OF THE CARBONDALE REVISED CODE AS IT RELATES TO PANHANDLING

WHEREAS, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City Code of the City of Carbondale, Illinois, under Title 14, Chapter 4, establishes the offense of panhandling; and

WHEREAS, the City of Carbondale has determined that the current ordinance does not adequately protect the citizens of Carbondale from inappropriate offense behavior; and

WHEREAS, the City Council of the City of Carbondale finds that it is in the best interest of the City of Carbondale to amend Chapter 4 of Title 14 of the Carbondale Revised Code as set out herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

SECTION 1. That Section 10 B. of Chapter 4 of Title 14 of the Revised Code of the City of Carbondale is hereby amended as follows:

B. Unlawful Panhandling:

1. No person shall engage in aggressive panhandling.
2. It is unlawful to panhandle in a group of two (2) or more persons.

3. No person shall engage in panhandling when either the panhandler or the person being solicited is located:

- a. At a bus stop, train station or taxi stand;
- b. In any public transportation vehicle;
- c. In a restroom;
- d. In a vehicle that is parked or stopped on any public street or alley;
- e. Within twenty feet (20') of an automatic teller machine or entrance to a bank, or other financial institution, or check cashing business;
- f. In a line waiting to be admitted to a commercial or government establishment;
- g. On private property or residential property, if the owner, tenant or occupant has asked the person not to panhandle on the property or has posted a sign prohibiting soliciting. (Ord. 2005-69)
- h. On any property zoned BPR, Primary Business; SB, Secondary Business; BPL, Planned Business; PA, Professional Administrative Office; PAR, Professional Administrative Office, Residential; BRD, Business Redevelopment; and BWA, Wholesale Automotive, on State Route 51 on a north-south access, and State Route 13 on an east-west access, and the City Clerk shall maintain a map showing these specific parcels.
- i. On any publicly owned property.

SECTION 2. All of the remaining sections of 14-4-10 of the Carbondale Revised Code shall remain in full force and effect.

SECTION 3. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 4. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The

provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinance.

SECTION 5. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 6. That the City Council of the City of Carbondale finds that the subject matter of this ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

SECTION 7. That this Ordinance shall be known as Ordinance No. 2012- of the City of Carbondale, Illinois, and shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
Joel Fritzler, Mayor

FOR: _____
AGAINST: _____
PASSED: _____
APPROVED: _____
RECORDED: _____
PUBLISHED: _____

ATTEST: _____
Jennifer Sorrell, Acting City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

October 17, 2012

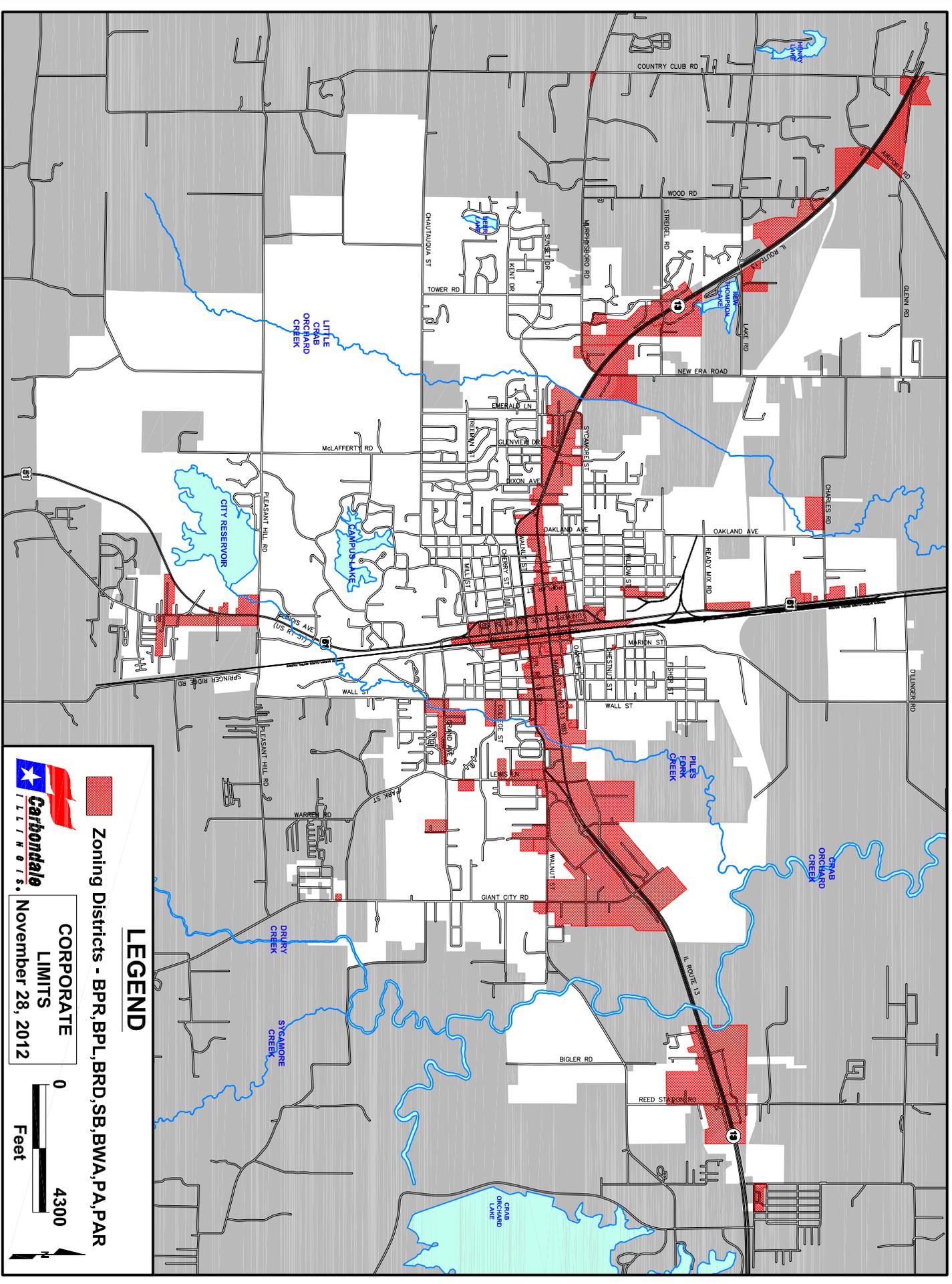
City Manager, Kevin Baity
Carbondale City Hall
200 South Illinois Avenue
Carbondale, IL 62901

Dear Mr. Baity:

The Carbondale Chamber of Commerce Board of Directors urges the issues regarding the panhandling problems in Carbondale be brought to the members of the Carbondale City Council's attention at the October 23rd meeting. As a Board, we are concerned about the perceptions surrounding our community, as well as the safety of our residents and visitors. At the regularly scheduled Carbondale Chamber of Commerce Board of Directors meeting on Wednesday, October 10th, the Board voted unanimously to express the importance of addressing this topic as quickly as possible. It is pertinent for our police force to have the tools necessary to complete their jobs effectively. Members of the Board and the business community have expressed their ability to attend the meeting on October 23rd and look forward to providing additional support. Thank you for your prompt attention to this matter.

Sincerely,

Board of Directors
Carbondale Chamber of Commerce



Zoning Districts - BPR, BPL, BRD, SB, BWA, PA, PAR



CORPORATE LIMITS
November 28, 2012

LEGEND

