

ORDINANCE NO. 03-14

**CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 58 - OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE II - OFFENSES AGAINST PUBLIC PEACE, SECTION 58-77 - BEGGING, IN ORDER TO REVISE EXISTING REGULATIONS RELATING TO BEGGING AND TO PROVIDE A SPECIFIC PROHIBITION AGAINST AGGRESSIVE BEGGING.

THE CITY OF SOUTH LYON ORDAINS:

PART I. Amendment of Section 58-77 - Begging.

Section 58-77 "Begging," Article II, "Offenses Against Public Peace," Chapter 58 "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to read as follows in its entirety:

Section 58-77 - Begging.

- (a) Except as otherwise provided in this Code of Ordinances, or authorized by law, it shall be unlawful for a person to beg or solicit for immediate payment of money or goods from another person under any of the following circumstances:
- (1) On property of, or in a building containing, a bank, credit union, or other financial institution that as a principal business, maintains accounts for on-site deposits and withdrawals of cash by customers.
 - (2) Within 20 feet of an automated teller (ATM) machine.
 - (3) On an area of private property that is physically or visually separated and distinguishable from all public sidewalks where begging is prohibited by a posted sign that is visible to a reasonably observant person.
 - (4) In a manner which includes any of the following:
 - (i) Touching the solicited person without that person's consent.
 - (ii) Blocking the path of the person being solicited, or the entrance to any building, facility, or vehicle, in a manner that hinders or impedes free and uninterrupted movement.
 - (iii) Making additional requests after a refusal by the person being solicited.
 - (iv) With the intent to continue to solicit, following behind, alongside or ahead of a person who walks away from the solicitor after having been solicited.

- (v) Using abusive language during or following refusal of a solicitation.
- (vi) Making any statement, threat, or gesture, or engaging in any conduct that would cause a reasonable person to feel intimidated, fearful, or compelled to make a donation.

(b) This provision is intended to protect persons from threatening, intimidating, or harassing behavior; to keep public places safe for use by all members of the community; and to maintain and preserve public places as places where all members of the community can interact in a peaceful manner. This provision is also intended to facilitate the free flow of pedestrian and vehicular traffic on streets and sidewalks in the City. It is not the City's intent to limit people from exercising their constitutional rights to solicit funds or engage in other constitutionally-protected activities. Rather, this provision is intended to protect the First Amendment rights of all people within the City, as well as the rights of non-participating people and their property, and to ensure they will be free from duress, threats, or intimidation to the extent possible.

PART II. Severability.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause.

The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the South Lyon Code of Ordinances set forth in this Ordinance.

PART IV. Repealer.

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V. Effective Date: Publication.

The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the South Lyon City Council this 12 day of May, 2014.