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Title: To amend Chapters 902, 2309, 2317, 2329, and 2333 and to enact new sections 2317.031 and 2317.14 of the Columbus City Codes, 1959, to clarify language and improve enforcement of Quality of Life Crimes.

Sponsors: Michael C. Mentel

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/9/2005	1	ACTING MAYOR	Signed	
2/9/2005	1	CITY CLERK	Attest	
2/7/2005	1	Columbus City Council	Approved	Pass
2/7/2005	1	COUNCIL PRESIDENT PRO-TEM	Signed	
1/31/2005	1	Columbus City Council	Read for the First Time	
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1/18/2005	1	CITY ATTORNEY	Reviewed and Approved	
1/18/2005	1	Atty Drafter	Sent to Clerk's Office for Council	

This legislation will amend Chapters 902, 2309, 2317, 2329 and 2333 of the Columbus City Codes, 1959 by amending sections 902.01, 2309.01, 2309.27, 2317.04, 2317.11, 2317.13, 2317.41, 2329.01, 2333.01, 2333.02, 2333.04, and 2333.99 and enacting new sections 2317.031 and 2317.14 in order to clarify language and improve enforcement of Quality of Life Crimes. In particular, this legislation increases the penalties for certain acts of disorderly conduct, misconduct at an emergency, and aggressive panhandling. This legislation also adds clarifying language to the littering ordinances so as to prohibit the unlawful discarding of human excreta and cigar/cigarette butts and to the aggravated panhandling ordinance so as to discourage aggressive panhandling tactics in bus shelters. The legislation also improves upon the language of the graffiti ordinance and creates the new offense of public urination/defecation. Finally, this legislation makes changes to existing city ordinances to conform to recent amendments to Ohio Revised Code offenses pertaining to conduct at the scene of a fire, accident, disaster, riot, or emergency of any kind.

To amend Chapters 902, 2309, 2317, 2329, and 2333 and to enact new sections 2317.031 and 2317.14 of the Columbus City Codes, 1959, to clarify language and improve enforcement of Quality of Life Crimes.

Whereas, the City of Columbus has the ability to enforce all local police, sanitary, and other similar regulations as are not in conflict with the general laws of the State of Ohio pursuant to Article XVIII, Section 3 of the Ohio Constitution; and

Whereas, the City of Columbus has seen a rise in downtown development and growth culminating in a period of urban renewal which has drawn both Central Ohioans and tourists into downtown areas such as the Brewery District, the Arena District and the Short North, but, by contrast, the length of High Street bounded from the north by the Short North and from the south by the Brewery

District has been in a state of decline; and

Whereas, public drunkenness, public urination, aggressive panhandling, pervasive littering, and graffitiism have combined to create fear and disenchantment among and within the residents who live and work in and around the said length of High Street, contributing to businesses leaving, storefronts being vacant, and the commercial corridor shutting down after 6 p.m.; and

Whereas, enforcement of criminal offenses coupled with a judicial commitment to the goals of the CCSID, commercial investment in the urban landscape and housing, and the cooperation of community social services organizations will decrease the incidence of "quality of life" crimes; and

Whereas, the existence of quality of life crimes can have a deleterious effect on any neighborhood in the City of Columbus where such incidents may occur; and

Whereas, currently one such quality of life concern -- public urination/defecation -- is proscribed only by the public indecency ordinance which constitutes a sexual offense; and

Whereas, the Ohio General Assembly has enacted Senate Bill 57 which contains revisions to two state code violations (Misconduct at an Emergency and Failure to Disperse) that can effect quality of life; and

Whereas, the enactment of Senate Bill 57 has created disparity between existing city ordinances and general laws of the State of Ohio; and

Whereas, it is desirable to have consistency between the Columbus City Code and the Ohio Revised Code pertaining to offenses committed at the scene of a fire, accident, disaster, riot, or emergency of any kind; and

Whereas, it is deemed necessary and advisable to enact "quality of life" legislation for preservation of the public health, peace, and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

Section 1. That Chapter 902 of the Columbus City Codes, 1959, shall be amended to read as follows:

902.01 Littering.

(a) No person, regardless of intent, shall deposit litter, cause litter to be deposited, or allow litter to accumulate in an unsightly, unsanitary, or unsafe manner on any public property, on any private property, or in or on waters of the city, or convey or carry through any street, square, court, lane, avenue, alley, or other public place, any liquid refuse matter or slops of any kind, unless such liquid refuse matter is conveyed in watertight wagons, carts, vehicles, or vessels.

(b) Persons engaged in the repair or construction of any building in the city may occupy certain portions of a street or sidewalk as authorized by the transportation administrator as required by Chapter 903 of the Columbus City Code.

(c) In the event any person causes or permits the littering of streets or alleys with dirt, mud, debris or excavating or building materials, such person shall clean and/or remove such litter.

(1) Upon failure of any person to remove such dirt, mud, debris or excavating or building materials, then cleaning service shall be rendered by the division of transportation and the person billed at the current hourly rates of the division's equipment and personnel.

(2) Failure to pay such bill within ten (10) days shall be grounds for revocation of any and all city permits, licenses, performance bonds, and letters of credit issued to or posted by such person and for refusal to issue any new permits or licenses for so long as the bill remains unpaid.

(d) The littering of streets adjacent to any project for which a city permit or license was issued shall be deemed to have been caused or permitted by the permittee or licensee in the absence of proof to the contrary.

(e) As used in this section:

(1) "Litter" means garbage, trash, waste, rubbish, ashes, cigarette butts, cigar butts, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, debris, leaves, dead and decaying material, human excreta, or any refuse of any description or any other thing, matter, or substance which may accumulate in an unsightly, unsanitary, or unsafe manner.

Section 2. That Chapter 2309 of the Columbus City Codes, 1959, shall be amended to read as follows:

2309.01 Definitions.

As used in Title 23 of the Columbus City Codes:

(A) To "create a substantial risk of serious physical harm to any person" includes the creation of a substantial risk of serious physical harm to any emergency personnel.

(B) "Emergency personnel" means any of the following persons:

- (1) A peace officer, as defined in Section 2935.01 of the Revised Code;
- (2) A member of a fire department or other fire-fighting agency of a municipal corporation, township, township fire district, joint fire district, other political subdivision, or combination of political subdivisions;
- (3) A member of a private fire company, as defined in Section 9.60 of the Revised Code, or a volunteer firefighter;
- (4) A member of a joint ambulance district;
- (5) An emergency medical technician-ambulance, advanced emergency medical technician-ambulance, emergency medical technician-paramedic, ambulance operator, or other member of an emergency medical service that is owned or operated by a political subdivision or a private entity;
- (6) The state fire marshal, an assistant state marshal, or an arson investigator of the office of the state fire marshal;
- (7) A fire prevention officer of a political subdivision or an arson investigator or similar inspector of a political subdivision.

(C) "Occupied structure" means any house, building, outbuilding, watercraft, aircraft, railroad car, truck, trailer, tent, or other structure, vehicle, or shelter, or any portion thereof, to which any of the following applies:

- (1) It is maintained as a permanent or temporary dwelling, even though it is temporarily unoccupied and whether or not any person is actually present.
- (2) At the time, it is occupied as the permanent or temporary habitation of any person, whether or not any person is actually present.
- (3) At the time, it is specially adapted for the overnight accommodation of any person, whether or not any person is actually present.
- (4) At the time, any person is present or likely to be present in it.

(D) "Political subdivision" and "state" have the same meanings as in Section 2744.01 of the Revised Code. (ORC 2909.01; Ord. 2535-94.)

(E) "Graffiti" means any inscription, design, word, figure or mark of any type drawn, marked, painted, tagged, etched, scratched, or written upon any building, bridge, fence, gate, rock, structure, tree, wall or other property visible to the public that defaces, damages or destroys any public or private, real or personal property, without the privilege to do so.

(F) "Graffitiism" means the act of defacing, damaging or destroying any public or private, real or personal property, without the privilege to do so, by drawing, marking, painting, tagging, etching, scratching, or writing any inscription, design, word, figure, or mark of any type on any building, bridge, fence, gate, rock, structure, tree, wall or other property visible to the public.

(G) "Graffitiist" means a person who commits graffitiism.

(H) "Spray paint" means any paint packaged in an aerosol container.

(I) "Wide-tipped marker" means any indelible marker or similar implement with a tip which, at its broadest width, is quarter inch or greater. (Ord. 1862-95.)

2309.27 Graffitiism.

(A) No person, without privilege to do so, shall commit graffitiism upon any public or private, real or personal property.

(B) Every person who operates a retail commercial establishment that sells spray paint or wide-tipped markers shall place a sign in clear public view at or near the display of such products that states: "Graffiti application is against the law. Any person who defaces real or personal property with paint or any other liquid or device is guilty of a crime punishable by imprisonment for up to six months and/or a fine of up to \$1000." After thirty days from the effective date of this section, no person shall sell, or offer for sale, any spray paint or wide-tipped marker without conspicuously displaying a sign near such merchandise containing the following statement: "GRAFFITI APPLICATION IS A CRIME PUNISHABLE BY A \$1000 FINE AND/OR 6 MONTHS IMPRISONMENT," in bold dark letters each at least one (1) inch high on a white background.

(C) Whoever violates subsection (A) of this section is guilty of graffitiism, a misdemeanor of the first degree.

(D) Whoever violates subsection (B) of this section is guilty of failing to warn potential graffitiists, a minor misdemeanor, and shall be fined not less than one hundred dollars (\$100.00). Each day that such failure to warn continues shall be treated as a separate offense.

(E) In addition to any other punishment imposed, the court shall, as a separate and independent penalty for such an offense, order any person convicted of graffitiism to make restitution by monetary payment for the loss or damage incurred, directly or indirectly, or restoration by physical labor to the property's former condition; and to perform one hundred hours of community service removing graffiti from public or private real or personal property. If a convicted minor defendant and his parents establish indigency at a hearing, the court shall require the convicted defendant to perform public work under the terms of Section 2309.27(G) as part of the sentence, the imposition of which, or the execution of such part of the sentence, shall not be suspended by the court.

(F) In the event a minor convicted of graffitiism establishes indigency at a hearing, the court may order his or her parent or legal guardian to pay the fine and any restitution required up to the sum of three thousand dollars (\$3,000). If a convicted minor defendant is unable to pay the fine and restitution due to indigency, and that minor's parents or legal guardian either refuse or are unable due to indigency to pay the fine and restitution, then the court shall require the convicted minor defendant to perform public work under the terms of Section 2309.27(G) as part of the sentence, the imposition of which, or execution of such part of the sentence, shall not be suspended by the court.

(G) Any person who violates subsection (A) or (B) hereof, on application to, and approval by, the judge hearing such complaint, in lieu of paying the fine, restitution or restoration imposed, may remove graffiti other than that at that location identifiably linked to the violator for which he or she is to make restitution or restoration under (E) above, and the judge shall require; and upon completion of such public work, the fine, restitution or restoration, shall be reduced by an amount equal to the federal minimum hourly wage then in

effect for each such hour of service to the extent of such fine, restitution or restoration.

(H) Possession of all rights to any paint, brush, spray paint, wide-tipped marker or other material or tool used in the commission of the offense of graffiti shall be forfeited and disposition thereof made as provided in Section 2329.07, Columbus City Codes.

(I) The provisions of this section shall be in addition to the provisions of any other law concerning offenses against property rights and shall in no way limit such other provisions.

Section 3. That Chapter 2317 of the Columbus City Codes, 1959, shall be amended to read as follows:

2317.031 Express Agreement Not Required

For the purposes of prosecuting violations of section 2317.03 of the Columbus City Code, the city is not required to allege or prove that the offender expressly agreed with four or more others to commit any act that constitutes a violation the section prior to or while committing those acts.

2317.04 Failure to Disperse.

(A) Where five or more persons are participating in a course of disorderly conduct in violation of Section 2317.11 of the Columbus City Codes, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance, or alarm, a law enforcement officer or other public official may order the participants and such other persons to disperse. No person shall knowingly fail to obey such order.

(B) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

(C) (1) Whoever violates this section is guilty of failure to disperse;

(2) Except as otherwise provided in division (C)(3) of this section, failure to disperse is a minor misdemeanor.

(3) Failure to disperse is a misdemeanor of the fourth degree if the failure to obey the order described in division (A) of this section creates the likelihood of physical harm to persons or is committed at the scene of a fire, accident, riot, or emergency of any kind.

2317.11 Disorderly conduct.

(A) No person shall recklessly cause inconvenience, annoyance, or alarm to another by doing any of the following:

(1) Engaging in fighting, in threatening harm to persons or property, or in violent and turbulent behavior;

(2) Making unreasonable noise or offensively coarse utterance, gesture, or display, or communicating unwarranted and grossly abusive language to any person;

(3) Insulting, taunting, or challenging another, under circumstances in which such conduct is likely to provoke a violent response;

(4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act which serves no lawful and reasonable purpose of the offender;

(5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful and reasonable purpose of the offender.

(B) No person while voluntarily intoxicated shall do either of the following:

(1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if he were not intoxicated, should know is likely to have such effect on others;

(2) Engage in conduct or create a condition which presents a risk of physical harm to himself or another, or to the property of another.

(C) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of division (B) of this section.

(D) When to an ordinary observer, a person appears to be intoxicated, it is probable cause to believe such person is voluntarily intoxicated for purposes of division (B) of this section.

~~(E) Whoever violates Division (A) (1), (3), (4), or (5) or (B) of this section is guilty of disorderly conduct, a misdemeanor of the fourth degree. Whoever violates Division (A)(2), or Division (B) of this section is guilty of disorderly conduct, a minor misdemeanor. If the offender of Division (A)(2) or Division (B) persists in disorderly conduct after reasonable warning or request to desist, disorderly conduct Division (A)(2), or Division (B) is a misdemeanor of the fourth degree.~~

(F) If the offense under Division (A)(1), (3), or (5) occurred on City owned property, in a school building, on school premises, or within 1000 feet of the boundaries of school premises, then the court shall impose a mandatory term of imprisonment of at least ten days which shall not be suspended, shall be a period of consecutive imprisonment, and during which mandatory minimum term of imprisonment the defendant shall not be eligible for probation, house arrest, or work release.

2317.13 Misconduct at an emergency.

(A) No person shall knowingly do any of the following:

(1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person, engaged in his the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;

(2) Fail to obey the lawful order of any law enforcement officer engaged in his the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind;

(B) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of his the news media representative's duties.

(C) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this division, misconduct at an emergency is a minor misdemeanor of the fourth degree. If a violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the fourth first degree.

(D) As used in this section:

(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Ohio Revised Code.

(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Ohio Revised Code.

(3) "Emergency facility" has the same meaning as in section 2909.04 of the Ohio Revised Code.

2317.14 Public Urination/Defecation.

(A) No person shall urinate or defecate on any of the following:

(1) Any sidewalk, street, park, alley, or yard that is publicly owned or that is open to the public for use.

(2) Any wall, floor, doorway, hall, stairway, passageway, or other area not specifically designed for use as a toilet facility of any building, facility, or structure that is publicly owned or that is open to the public for use.

(3) Any portion of any privately owned property, including buildings, facilities and/or structures that is not held open to the public for use and is not specifically designed for use as a toilet facility.

(B) Affirmative Defenses.

(1) A person may not be found guilty of the offense of public urination/defecation if the person proves as an affirmative defense that the act of urination/defecation was due to a verified medical condition that rendered the act beyond the person's bodily control.

(2) A person may not be found guilty of the offense of public urination/defecation as defined in division (A)(3) of this section if the person proves as an affirmative defense both of the following:

(a) the person had the express consent of the owner of the property to use the property for the purposes of urinating/defecating,

AND

(b) the person took reasonable precautions to be obscured from public view while urinating/defecating.

(C) Strict Liability. Strict liability is intended to be imposed for a violation of this section.

(D) Penalty. Except as otherwise provided in this division, whoever violates this section is guilty of public urination/defecation, a minor misdemeanor. An offender who, within five years of the offense, previously has been convicted of or pleaded guilty to a violation of this section or any other substantially similar state statute or municipal ordinance, is guilty of public urination/defecation, a misdemeanor of the third degree.

2317.41 Misconduct involving a public transportation system.

(A) No person shall knowingly give a false order or make a false request to any person, firm, company or corporation concerning the hire or rental of a motor vehicle. No person shall fail to comply with the lawful order of a public transportation system police officer, and no person shall resist, obstruct, or abuse a public transportation system police officer in the performance of the officer's duties.

(B) No person shall evade the payment of the known fares of a public transportation system.

(C) No person shall alter any transfer, pass, ticket or token of a public transportation system with the purpose of evading the payment of fares or of defrauding the system.

(D) No person shall write, deface, draw or otherwise mark on any property, vehicle, seats, or walls of a public transportation system.

(E) No person shall throw a rock, stone, bottle, missile, projectile, snowball or other hard substance at, within or from a public transportation system vehicle.

(F) No person shall knowingly strike, push, shove, assault, or unlawfully touch the driver or operator of a public transportation system vehicle.

(G) No person, without privilege to do so, shall knowingly tamper with any equipment, accessories, or operator's controls on a public transportation system vehicle.

(H) No person shall knowingly cause a passenger, driver, or operator of a public transportation system vehicle to believe that the offender will cause physical harm to such passenger, driver, or operator.

(I) No person, without privilege to do so, and while on a public transportation system vehicle, shall negligently fail or refuse to leave such vehicle upon being notified to do so by the operator, driver, or an authorized agent of the public transportation system.

(J) No person shall cause inconvenience, annoyance, or alarm to an operator, driver, or passenger on a public transportation system vehicle, by doing any of the following:

(1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;

(2) Insulting, taunting, or challenging another under circumstances, in which such conduct is objectively likely to provoke a violent response;

(3) Purposely hindering or preventing the ingress, egress, or movement of an operator, driver or passenger.

(K) No person shall enter or remain inside a public transportation system vehicle while voluntarily intoxicated, or under the influence of alcohol or a drug of abuse, and engage in conduct likely to be offensive or cause inconvenience, annoyance, or alarm to the driver, operator, or any passenger of such vehicle.

(L) No person shall do any of the following while in any facility or on any vehicle of a public transportation system:

(1) Play sound equipment without the proper use of a private earphone;

(2) Smoke, eat, or drink in any area where the activity is clearly marked as being prohibited;

(3) Expectorate upon a person, facility, or vehicle.

(M) Whoever violates this section is guilty of misconduct involving a public transportation vehicle, a misdemeanor of the first degree.

(N) As used in this section, "public transportation system" means a county transit system operated in accordance with sections 306.01 to 306.13 of the Revised Code, a regional transit authority operated in accordance with sections 306.30 to 306.71 of the Revised Code, or a regional transit commission operated in accordance with sections 306.80 to 306.90 of the Revised Code.

Section 4. That Chapter 2329 of the Columbus City Codes, 1959, shall be amended to read as follows:

2329.01 Littering--Unauthorized use of litter receptacle.

(A) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by him, or in or on waters of the city, unless one of the following applies:

(1) The person is directed to do so by a public official as part of a litter collection drive;

(2) Except as provided in Division (B) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements;

(3) The person is issued a permit or license covering the litter pursuant Chapter 3734 or 6111 of the Revised Code.

(B) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by him, unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located.

(2) The person is directed to do so by a public official as part of a litter collection drive.

(3) The person is directed to do so by a person whom he reasonably believes to have the privilege to use the litter receptacle.

(4) The litter consists of any of the following:

(a) The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle;

(b) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;

(c) Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle;

(d) Beverage containers, food sakes, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(C) (1) As used in Division (B)(1) of this section, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.

(2) As used in Division (B)(4) of this section, "casual passerby" means a person who does not have depositing litter in a litter receptacle as his primary reason for traveling to or by the property on which the litter receptacle is located.

(D) As used in this section:

(1) "Litter" means garbage, trash, waste, rubbish, ashes, cigarette butts, cigar butts, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, human excreta, or anything else of an unsightly or unsanitary nature.

(2) "Deposit" means to throw, drop, discard, excrete, or place.

(3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(E) Whoever violates this section is guilty of littering, a misdemeanor of the third degree. In addition to or in lieu of the penalty provided in this section, the sentencing court may require a person convicted of this offense to remove litter from any public or private property or waters.

Section 5. That Chapter 2333 of the Columbus City Codes, 1959, shall be amended to read as follows:

2333.01 Pedestrian and vehicle interference, (aggressive panhandling); ~~definitives~~ definitions.

The following definitions apply in this section:

- (A) "Aggressively beg" means to beg with the intent to intimidate another person in to giving money, goods, or other property of value.
- (B) "Intimidate" means to engage in conduct which would make a reasonable person fearful or feel compelled.
- (C) "Beg" means to ask for money, goods, or other property of value as a charity, whether by words, bodily gestures, signs or other means.
- (D) "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to protest, and acts authorized under the Charitable Solicitations Ordinance, Chapter 525 of this Code, shall not constitute obstruction of pedestrian or vehicular traffic.
- (E) "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 surrounding them.
- (F) "Automated teller machine" means a device linked to a financial institution's account records which is able to carry out transactions, including but not limited to, account transfers, deposits, withdrawals, balance inquiries, and mortgage and loan payments.
- (G) "Automated teller machine facility" means the area comprised of one or more automated teller machines and any adjacent space which is made available to banking customers after regular banking hours.
- (H) "Public transport" means any commercial vehicle providing transportation on a regular route to consumers for a standard fare.
- (I) "Bus stop area" means within any shelter provided for public use by the Central Ohio Transit Authority (COTA) or the Ohio State University and any area within five (5) feet of the outer walls of that shelter, or, where no shelter has been erected, the area in a ten (10) foot radius of the sign indicating a bus stop. (Ord. 1493-97 (part).)

2333.02 Offense when.

A person is guilty of pedestrian or vehicle interference if on the streets, sidewalk, or other public place, whether publicly or privately owned, including public transport, bus stop area, and parks, in a public place, on public transport or in a bus stop area he or she intentionally:

- (A) Intentionally obstructs pedestrian or vehicular traffic or;
- (B) Aggressively begs.

2333.04 Prima facie evidence of intimidation.

Proof of any one of the following factors constitutes prima facie evidence that begging was done with the intent to intimidate another:

- (A) That the begging was conducted within twenty (20) feet of the entrance to or exit from a check cashing business as defined by R.C. 1315.21(C).
- (B) That the begging was conducted within twenty (20) feet of any automated teller machine or the entrance to or exit from an automated teller machine facility;
- (C) That the begging was conducted either within the physical confines of a bus stop area shelter or at the entrance to or exit from a bus stop area shelter.
- ~~(C)~~ (D) That the beggar approached the operator or occupant of a motor vehicle while the vehicle is located on any street and offered to perform a service, performed a service without permission and then demanded payment, or offered to sell goods or services for more than their usual value. This paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle;
- ~~(D)~~ (E) That the beggar intentionally touched or caused physical contact with another person without their consent in the course of begging, followed the person before, after or during begging, or persisted in begging after the other person has given a response that a reasonable person would understand to be a negative response to the request; or,
- ~~(E)~~ (F) The use of violent or threatening gestures toward a person solicited.

2333.99 Conviction and penalty--Effect of prior similar conviction.

- (A) Whoever violates Section 2333.02(A) is guilty of pedestrian or vehicle interference, is a misdemeanor of the fourth degree. When a person has been previously convicted under this ordinance of a violation of Section 2333.02(A) or (B), or any other substantially similar state statute or municipal ordinance, the offense of pedestrian or vehicle interference is a misdemeanor of the third degree.
- (B) Whoever violates Section 2333.02(B) is guilty of aggressive panhandling, a misdemeanor of the second degree. When a person has been previously convicted of a violation of Section 2333.02(A) or (B), or any other substantially similar state statute or municipal ordinance, aggressive panhandling is a misdemeanor of the first degree.

Section 6. That this ordinance shall take effect and be in force firm and after the earliest period allowed by law.

