



RESOLUTION HR NO. 01-17

**A RESOLUTION PROHIBITING
PEDESTRIAN OR VEHICLE INTERFERENCE**

The Board of Township Trustees (the "Board") of Prairie Township (the "Township"), Franklin County, Ohio, met in regular session on _____, 2017, at 7:00 p.m. at 23 Maple Drive, Columbus, Ohio 43228, with the following members present:

Ronald Ball
Steve Kennedy
Doug Stormont

Mr. _____ introduced the following resolution in writing:

RESOLUTION HR-01-17

**A RESOLUTION PROHIBITING OBSTRUCTION OF VEHICULAR AND PEDESTRIAN TRAFFIC AND
AGGRESSIVE BEGGING**

WHEREAS, the Board, pursuant to Ohio Revised Code 504.04, has the authority to exercise all powers of local self-government within the unincorporated area of the township; and

WHEREAS, it is the opinion of the Board that obstruction of vehicular and pedestrian traffic and aggressive begging are detrimental to public health and safety and constitute a public nuisance; and

WHEREAS, it is the opinion of this Board that the elimination of such nuisances is beneficial to all residents of this Township; and

WHEREAS, it is the intent of this Resolution to prohibit obstruction of vehicular and pedestrian traffic and aggressive begging in Prairie Township.

NOW, THEREFORE, BE IT RESOLVED THAT THE FOLLOWING REGULATIONS AND PROHABITIONS SHALL APPLY TO VEHICULAR AND PEDESTRIAN OBSTRUCTION AND AGGRESSIVE BEGGING.

(A) DEFINITIONS:

- 1) "Aggressively beg" means to beg with the intent to intimidate another person into giving money, goods, or other property of value.
- 2) "Intimidate" means to engage in conduct which would make a reasonable person fearful or feel compelled.
- 3) "Beg" means to ask for money, goods, and or other property of value as a charity, whether by words, bodily gestures, signs or other means.
- 4) "Obstruct vehicular or pedestrian 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 actions to avoid physical contact. Acts authorized as an exercise of one's constitutional right to protest and acts authorized Prairie Township Board of Trustees, shall not constitute obstruction of pedestrian or vehicular traffic.
- 5) "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.

- 6) "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 inquires, and mortgage and loan payments.
- 7) "Automated teller machine facility" means the area comprised of one (1) or more automated teller machines and any adjacent space which is made available to banking customers after regular banking hours.
- 8) "Public transport" means any commercial vehicle providing transportation on a regular route to consumers for a standard fare.
- 9) "Bus stop area" means within any shelter provided for public use by the Central Ohio Transit Authority (COTA) and any area within five (5) feet of the outer walls of that shelter, or, where no shelter has been erected, the area within a ten (10) foot radius of the sign indicating a bus stop.
- 10) "Sidewalk café" means an outdoor area that is designed for dining.
- 11) "Solicit" and "solicitation" means to ask in person and by words for an immediate grant of money, goods, or other property of value as a charity from another person(s) when the person making the request is not known to the person(s) who are the subject of the request. The term "solicit" and "solicitation" shall not mean the act of passively standing or sitting with a sign or other indicator that a donation of money, goods, or any other property of value is being sought without any vocal request other than a response to an inquiry by another person.

(B) OFFENSE: No person in the unincorporated territory of Prairie Township shall obstruct pedestrian or vehicular traffic or aggressively beg on the streets, sidewalks, or other public places, whether publicly or privately owned, including shopping center parking lots, public transport, bus stop areas, and parks.

(C) INTIMIDATION CONSIDERATION FACTORS: Any law enforcement personnel determining whether intimidation is present should consider the time of day, whether the beggar acted alone or in concert with others, the relative physical size of the individuals involved, any stated or implied threat to the other person, their immediate companions, or any property in their immediate possession, as well as any other factors effecting whether the reasonable person would feel fearful or compelled to give the individual money or other items of value.

(D) PRIMARY 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.

- 1) That the begging was conducted within twenty-five (25) feet of an entrance to or exit from a banking organization, a retail establishment in which a banking organization is housed or licensed cashier of checks, as defined by Section 1315.21(C) of the Revised Code;
- 2) That the begging was conducted within twenty-five (25) feet of any automated teller machine or the entrance to or exit from an automated teller machine facility;
- 3) 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;
- 4) 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;
- 5) 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;
- 6) That the beggar used violent or threatening gestures toward a person solicited;
- 7) That the begging was conducted within twenty-five (25) feet of any outdoor patio. For purposes of this Resolution, "outdoor patio" includes, but is not limited to, a sidewalk café.

- 8) That any law enforcement personnel otherwise determines that the begging was done with the intent to intimidate as per division (C) of this Resolution.

(E) PENALTY: Any violation of divisions (B) or (D) of this Resolution shall constitute an unclassified civil fine punishable according to the civil fine schedule as follows:

1 st Violation:	\$50.00
2 nd Violation:	\$100.00
3 rd and subsequent Violations:	\$250.00

- 1) If a citation is warranted, the peace officer serving the Township pursuant to Section 504.16 of the Ohio Revised Code shall issue such citation to any person violating this Resolution. The officer shall complete the citation by identifying the violation charged and by indicating the date, time, and place of the violation charged. The officer shall sign the citation and without necessary delay file the original citation with the court having jurisdiction over the violation. A copy of a citation issued pursuant to this section shall be served pursuant to the Ohio Rules of Civil Procedure upon the person who violated this Resolution. The issuance of a citation shall not prohibit the issuance of additional citations, in the event such violation is continued or repeated. The citation shall be the limited home rule citation previously adopted by the Township and shall be in accordance with all of the following:
 - a) Advise the person upon whom it is served that the person must answer in relation to the violation charged in the citation within fourteen days after the citation is served upon the person;
 - b) Indicate the allowable answers that may be made and that the person will be afforded a court hearing if the person denies in the answer that the person committed the violation;
 - c) Specify that the answer must be made in person or by mail with the Prairie Township Fiscal Officer;
 - d) Indicate the amount of the fine that may be imposed for the violation.
- 2) An answer to a citation shall be made within fourteen (14) days after the citation is served upon the person and shall be in one of the following forms:
 - a) An admission that the person committed the violation, by payment of any fine arising from the violation. Payment of a fine shall be payable to the Fiscal Officer of the Township and deposited by the Fiscal Officer into the Township general fund.
 - b) A denial that the person committed the violation.
- 3) Whenever a person pays a fine pursuant this section or whenever a person answers by denying the violation or does not submit payment of the fine within the time required under this section, the Township Fiscal Officer shall notify the court having jurisdiction over the violation. The court having jurisdiction over the matter shall proceed in accordance with the provisions of Section 504.07(B) of the Ohio Revised Code. All fines collected under this Resolution shall be deposited into the Township general fund.

(F) OTHER REMEDIES: Nothing herein shall be construed to impair any common law or statutory cause of actions, or legal remedies available under Ohio Revised Code Chapter 504 therefrom, of any person or the Township, for any injury or damage arising from other law.

(G) OPEN MEETINGS COMPLIANCE: It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitations, Section 121.22 of the Ohio Revised Code.

The resolution was read a second time.

Mr. _____ moved the adoption of the resolution and the motion was seconded by Mr. _____. Roll was called on the question of adoption and the results were:

Vote Record:	Yea	Nay
M____. _____	___	___
M____. _____	___	___
M____. _____	___	___

First Reading: , 2017
Second Reading: , 2017

Effective: , 2017

Adopted: , 2017

**BOARD OF TOWNSHIP TRUSTEES
PRAIRIE TOWNSHIP
FRANKLIN COUNTY, OHIO**

Doug Stormont, Chairman

Ronald Ball, Vice Chairman

Attest: _____
F. Dan McCardle, Fiscal Officer

Steve Kennedy, Trustee

APPROVED AS TO FORM:

Ron O'Brien, Township Law Director

CERTIFICATION

The undersigned Fiscal Officer of the Board of Township Trustees of Prairie Township, Franklin County, Ohio hereby certifies that the foregoing is a true copy of a resolution duly passed by the Board of Township Trustees of said Township and filed with the Township Fiscal Officer on May 25, 2016.

F. Dan McCardle, Fiscal Officer
Prairie Township
Franklin County, Ohio

CERTIFICATE OF PUBLICATION

I, F. Dan McCardle, Fiscal Officer of Prairie Township, Franklin Township, Ohio, do hereby certify that a summary of this resolution was published in the newspapers listed below on the dates listed below:

The Daily Reporter, --/--/16 and --/--/16

F. Dan McCardle, Fiscal Officer
Prairie Township, Franklin County, Ohio