



Legislation Text

File #: 01036, Version: 2

Fiscal Note

No appropriation required.

Title

SUBSTITUTE - Amending Sections 24.12(2), (5), and (6) of the Madison General Ordinances to add intersection to Definitions and to establish the distances from intersections, sidewalk cafes and buildings where panhandling can occur.

Body

DRAFTER'S ANALYSIS: To ban panhandling within twenty-five feet of any intersection or sidewalk cafe, within twelve feet of any building that contains nonresidential uses, and within twenty feet of the entrances to any building with a nonresidential use.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (2) entitled "Definitions" of Section 24.12 entitled "Menacing or Aggressive Panhandling Prohibited" of the Madison General Ordinances is amended to read as follows:
 - "(2) Definitions. As used in this section:
 - (a) "Intersection" has the meaning designated in Section 340.01(25), Wis. Stats.
 - (a b) "Public place" or "Place open to the public" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways or entrances in buildings or dwellings and the grounds enclosing them;
 - (bc) "Known panhandler" means a person who within one year previous to the date of arrest for violation of this section has been convicted in a court of competent jurisdiction of any civil or criminal offense involving panhandling.
 - (ed) A conversation or gesture or both shall be construed as "threatening" if a reasonably prudent individual would perceive such conduct as intending to result in the procurement of money or goods by threat or coercion.
 - (de) Behavior shall be construed as "aggressive" or "intimidating" if a reasonably prudent individual could be deterred from passing through or remaining in or near any thoroughfare, or place open to the public because of fear, concern or apprehension."
2. Subsection (5) of Section 24.12 entitled "Menacing or Aggressive Panhandling Prohibited" of the Madison General Ordinances is amended to read as follows:
 - "(5) It shall be unlawful for any person to procure or attempt to procure a handout within fifty (50) feet of an automatic teller machine (ATM) or ~~from any person seated at~~ within twenty-five (25) feet of any open sidewalk cafe."
3. Subsection (6) of Section 24.12 entitled "Menacing or Aggressive Panhandling Prohibited" of the Madison General Ordinances is amended to read as follows:
 - "(6) It shall be unlawful for any person, after having been warned that such activity is prohibited, to procure or attempt to procure a handout ~~in the sidewalk area between the imaginary line connecting the sparkle light poles and the face of the adjacent building of any sidewalks on State Street and of the outside sidewalks on the Capitol Square~~ within twenty-five (25) feet of an intersection or within twelve (12) feet of any building that contains nonresidential uses or within twenty (20) feet of any building entrance that contains nonresidential uses."