

On November 19, 2019, Meridian City Council passed two new ordinance.

The first is Chapter 16 Article I Section 16-52: Panhandling, Begging and Related Activities ordinance that makes aggressive panhandling unlawful and makes it unlawful to panhandle on private property or a business without the permission or consent of the owner or manager. The business can post a sign near the entrance of the business or property that states "NO PANHANDLING OF ANY TYPE PERMITTED. SUCH CONDUCT IS PROHIBITED BY CITY ORDINANCE SEC. 16-52.5(b)." Should a business decide to post this sign, an officer who witnesses a person panhandling on the property may charge that person with Panhandling Section 16-52.5(b).

The panhandling ordinance is unique because it does not prohibit panhandling in the City of Meridian it only makes the manner and some locations unlawful. Aggressive panhandling which is approaching or following a pedestrian, blocking a person's path, repetitive soliciting despite refusal, using profane or abusive language, unwanted physical conduct, or placing a person in fear of harm is unlawful under this ordinance. This ordinance also give the private business the ability to not allow panhandling of any type on their property and placing a sign on the business it allows the officer to charge the panhandler if the officer sees the individual soliciting on the property where a sign has been posted. A business can still regulate panhandling on their property without posting a sign because anyone soliciting on a businesses' property still has to permission to do so.

The second ordinance passed Chapter 23 Article III Section 23-89: Prohibition Against Entering or Staying Upon a Designated Roadway deal with the increased traffic flow at intersection on and roadways that makes it unsafe for any person to distract or otherwise interfere with the flow of traffic. This ordinance makes it unlawful for any person in a motor vehicle being operated on a roadway to pass any item to a pedestrian and it makes it unlawful for a pedestrian to pass any item to any person in a motor vehicle being operated on a roadway.

This ordinance will improve the safety of our roadways and intersections and prevent the flow of traffic from being hindered. Any time a pedestrian approaches a vehicle in a roadway it places the motoring public and the pedestrian in harm's way. Anytime that the driver of a motor vehicle stops or slows in a roadway it becomes a hazard for other motorist. This ordinance makes it unlawful for anyone for any reason to pass any item from a pedestrian to someone in a motor vehicle on a roadway or from anyone in a motor vehicle on a roadway to a pedestrian. This ordinance does not apply to first responders, maintenance crews, permitted events, or vehicles that accept passengers, ie. taxi, uber, etc.

Proposed Meridian Ordinance

Chapter 23 Traffic and Motor vehicle

Article III

Section 23-89

Sec. 23-89.1 - Preamble.

Whereas, the City Council hereby finds that the high volume of motor vehicles travelling on congested roadways in the City of Meridian makes mixing pedestrian and the moving, slowing or temporarily stopping of motor vehicles in the same space, at the same time, inherently dangerous. The City Council finds that pedestrians distracting drivers from the task of driving: by approaching a stopped vehicle, attracting and/or attempting to attract the attention of the driver of a motor vehicle for the purpose of inducing that driver to slow or stop the vehicle to facilitate the transfer of anything from the driver or occupant of the vehicle to the pedestrian or the transfer of anything by the pedestrian to the driver or passenger is hazardous to public;

The City Council further finds that the prohibitions set forth in this chapter are narrowly tailored to serve the significant interest of promoting and protecting the public health, safety and welfare and that said prohibitions leave open ample alternative channels of communication throughout the City;

Whereas, the intent of this section to protect the health, safety, and general welfare of the citizens of the City of Meridian, and to assure the free, orderly, uninterrupted movement of motor vehicles on designated highways within the City limits, and to provide for the safety and interests of pedestrians and of occupants of motor vehicles located on designated roadways within the City of Meridian and to reduce the number of pedestrian and motor vehicle accidents occurring within the City; and

Whereas, pedestrians are increasingly using highways and roadways in ways for which the roads were not designed or intended. These uses include approaching vehicles when stopped or in use or staying upon medians and in the public right of way for purposes other than crossing the highway. These activities create safety hazards for pedestrians and distract drivers, making automobile accidents more likely. This chapter is designed to decrease the safety hazards by restricting such activity. These safety concerns are most acute in the busiest streets within the City of Meridian, identified as arterial streets, main trafficways and those within a congested district.

Sec. 23-89.2 - Definitions.

As used in this section the following words and phrases shall have the following meanings:

Except where the content otherwise specifically requires, as used in this Ordinance, the following definitions from Miss. Code Ann. § 63-3-125 are hereby incorporated in and apply to this Ordinance:

- (a) "Street or highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
- (b) "Laned highway" means a highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.
- (c) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

- (d) "Sidewalk" means that portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (e) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.
- (f) "Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this Ordinance.

"Island" or Median" means the paved or unpaved area between traffic lanes dividing a street or highway into separates lanes of traffic traveling in opposite directions, or in the case of left or right turn lanes, vehicles traveling in the same direction.

Sec. 23-89.3 – Prohibition Against Entering or Staying Upon A Designated Roadway.

- (a) It shall be unlawful for any person to enter any designated roadway, or remain alongside any designated roadway, and approach a vehicle stopped on the roadway to attract, or attempt to attract the attention of the driver or occupant of a motor vehicle for the purpose of inducing the driver of the motor vehicle to remain stopped, slow or stop the vehicle to facilitate a transfer of anything from the driver or occupant of the vehicle to the pedestrian or the transfer of anything by the pedestrian to the driver or occupant.
- (b) No person shall activate a pedestrian crosswalk signal for any purpose other than to stop traffic to allow such person to cross the roadway.
- (c) No driver or operator of a motor vehicle shall park, stop or leave standing a vehicle on a designated roadway or suddenly decrease the speed of such vehicle or deviate from a traffic lane to respond to persons violating Subsections (a) or (b).
- (f) Exceptions:

This chapter does not apply to:

- (1) Persons in or upon public or private parking lots, alleys or private roads;
- (2) Persons using a crosswalk to cross the roadway;
- (3) Persons engaged in law enforcement, emergency or rescue activities, including providing assistance to an injured or disabled vehicle or person;
- (4) Persons entering a vehicle as an invited passenger where it is lawful to do so, including, but limited to: activity permitted pursuant to Chapter 21 Article II- taxis, limousines, and airport limousines- or other "for hire" transportation services, including public transportation services;
- (5) Persons engaged in the repair or maintenance activities of the highway under the direction of the City of Meridian or State of Mississippi;
- (6) Streets or portions thereof that have been closed pursuant to express authorization from the City to include but not be limited to: community events licensed pursuant to City of Meridian Ordinance Chapter 23 Article V.
- (7) Persons entering the roadway for the purpose of conducting business with a food truck properly licensed pursuant Appendix A- Zoning Article IV.

Sec. 23-89.3. - Penalty.

Any person who violates the provisions of this Ordinance is guilty of a misdemeanor. Upon a conviction, a person shall be sentenced to a fine not to exceed Two hundred fifty (250) dollars and/or imprisonment not to exceed thirty (30) days.

Sec. 23-89.4. - Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

**PROPOSED ORDINANCE SETTING RULES ON PANHANDLING, BEGGING AND RELATED
ACTIVITIES FOR THE CITY OF MERIDIAN**

Chapter 16 Article I Section 16-52

Section 16-52.1 - Preamble.

- (a) The City Council has the authority to pass this ordinance pursuant to Miss. Code Ann. § 21-13-1 which states as follows:

The governing authorities of municipalities shall have the power to pass all ordinances and to enforce the same by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment not exceeding ninety (90) days, or both.

- (b) A violation of any provision of this Ordinance is deemed to be a misdemeanor pursuant to Miss. Code Ann. § 21-13-19 which states as follows:

All offenses under the penal laws of this state which are misdemeanors, together with the penalty provided for violation thereof, are hereby made, without further action of the municipal authorities, criminal offenses against the municipality in whose corporate limits the offenses may have been committed to the same effect as though such offenses were made offenses against the municipality by separate ordinance in each case. However, for such misdemeanor, any penalty of incarceration is hereby limited to no more than six (6) months in jail, and any fine is hereby limited to a maximum of One Thousand Dollars (\$1,000.00) for each such violation in any case tried without a jury. Judgments for fines, costs, forfeitures and other penalties imposed by municipal courts may be enrolled by filing a certified copy of the record with the clerk of any circuit court and execution may be had thereon as provided by law for other judgments.

Section 16-52.2 - Legislative findings/intent.

- (a) The City Council hereby finds that any person who panhandles or otherwise demands money, gifts or donations under circumstances that warrant a reasonable concern for the safety of persons or property in the vicinity by utilizing or employing tactics including, but not limited to, non-consensual touching, detaining, impeding or intimidation which causes fear or apprehension in another person constitutes a threat to the public health, welfare and safety of the citizenry. The City Council further finds that any person who intentionally blocks the passage of another person or a vehicle which requires another person to take evasive action to avoid physical contact constitutes a threat to the public health, welfare and safety of the citizenry.
- (b) The City Council finds that any person who panhandles under circumstances that warrant a reasonable concern for the safety of persons or property in public rooms or private buildings and on private developed properties by utilizing or employing tactics including, but not limited to, non-consensual touching, detaining, impeding or intimidation, which causes fear or apprehension in another person, engages in acts which constitute a threat to the public health, welfare and safety of the citizenry.
- (c) The City Council finds that panhandling or demanding money, gifts or donations may interfere with the safe ingress and egress of human and vehicular traffic into public

buildings, public areas and public transportation areas thereby constituting a threat to the public health, welfare and safety of the citizenry.

- (d) Aggressive panhandling is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder.
- (e) The presence of individuals who solicit money from persons in places that are confined, difficult to avoid, or where a person might find it necessary to wait, is especially hazardous because of the enhanced fear of crime.
- (f) This Ordinance is intended to protect all persons from the hazards, disruption, fear, and intimidation that accompany certain kinds of solicitation, and not to limit constitutionally protected activity.

Section 16-52.3 - Incorporation of Definitions from Miss. Code Ann. § 63-3-125.

Except where the content otherwise specifically requires, as used in this Ordinance, the following definitions from Miss. Code Ann. § 63-3-125 are hereby incorporated in and apply to this Ordinance:

- (a) "Street or highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
- (b) "Laned highway" means a highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.
- (c) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
- (d) "Sidewalk" means that portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (e) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.
- (f) "Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this Ordinance.

Section 16-52.4 - Additional Definitions.

Except where the content otherwise specifically requires, as used in this Ordinance, the following definitions apply:

- (a) "Aggressive" means and includes, but is not limited to, approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, the intentional blocking of pedestrian and vehicular traffic, the touching or causing physical contact with a solicited person without that person's consent or threatening to make such contact, the intentional blocking of the entrance to any building or vehicle, the

following behind, ahead or alongside a person who walks away from a solicitor after being solicited with the intent to intimidate or continue solicitation, the approaching of a solicited person in a manner that is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession or is intended to or is likely to intimidate a reasonable person into responding affirmatively to the solicitation, or the soliciting of a person while the solicitor is under the influence of alcohol or drugs in a manner which disrupts the peace. Aggressive includes, but is not limited to, by acting in a manner while committing an assault, by committing a battery, or in a manner which violates the provisions of this Ordinance.

(b) "Assault" means any of the following:

(1) The performing of an act:

(i) With the intent to cause a harmful or offensive contact with the person of another or a third person, or an imminent apprehension of such contact; and

(ii) The other person is thereby put in such imminent apprehension; or

(2) A "simple assault" as defined in Miss. Code Ann. § 97-3-7(1)(a), which states that a person is guilty of simple assault if he or she:

(i) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another;

(ii) Negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or

(iii) Attempts by physical menace to put another in fear of imminent serious bodily harm; or

(3) As otherwise defined under Mississippi law.

(c) "Disturbance of the public peace" means any conduct that is in violation of Miss. Code Ann. § 97-35-13 or § 97-35-13, including the use of violent, or loud, or insulting, or profane, or indecent, or offensive, or boisterous conduct or language, or intimidation, or seeking to intimidate any other person or persons, or conduct either calculated to provoke a breach of the peace, or conduct which may lead to a breach of the peace.

(d) "False imprisonment" means the confinement of a person within boundaries fixed by another, without legal justification, by an act or the breach of a duty intended to result in such confinement.

(e) "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage of another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a lawfully issued permit pursuant to this Code are not included within this definition.

- (f) "Panhandle" means to ask for, demand or solicit money, gifts or donations, either by words, bodily gestures, signs or other means. The terms panhandle, solicit and beg are synonymous in meaning. Panhandling is any solicitation made in person, requesting an immediate donation of money or other thing of value. Purchase of an item for an amount far exceeding its normal market value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation, is a donation for the purpose of this Ordinance. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations at a location not prohibited by this Ordinance and not in a manner prohibited by this Ordinance.
- (g) "Private building" includes, but is not limited to, retail or service establishments, such as restaurants, convenience food stores, laundromats, service stations, hotels, offices and similar establishments open to the public. This term does not include any building owned, leased or operated by the federal or state government, or their political subdivisions, municipalities, special districts, any public administration board or authority of the state.
- (h) "Private developed property" includes, but is not limited to, a parking lot, driveway, walkway and landscaped areas.
- (i) "Public building" means any building or facility owned, leased or operated by or on behalf of the federal or state government or any of their political subdivisions, any municipality, or special district or any public administrative board or authority of the federal or state government.
- (j) "Public entertainment venue" means a place that is open to the public (whether or not upon payment of a fee for admission and whether or not the management reserves the right to exclude individual members of the public) for entertainment. The term includes, but is not limited to, cinemas, parks, theatres, concert halls, electronic games centers, indoor sports centers, art galleries, museums, and premises upon which any display or exhibition promoted as such is conducted.
- (k) "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, but not limited to, public entertainment venues, those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.
- (l) "Public room" includes a basement, building entrance or doorway, lobby, hallway, stairway, mezzanine, elevator, foyer, public restroom or sitting room or any other place used in common by the public, tenants, occupants or guests situated in any private building.
- (m) "Public transportation area" means a building, facility or area designated for mass transit transportation, such as, but not limited to, bus terminals, bus stops and taxi stands.
- (n) "Sign" means a display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designated, intended or used to advertise, inform, panhandle, or solicit, any part of which is visibly displayed.
- (o) "Solicit" means any plea made in person where:

- (1) A person by vocal appeal requests an immediate donation of money or other item from another person; or
- (2) A person verbally offers or actively provides an item or service of little or no value to another in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

Section 16-52.5 - Prohibited and unlawful acts.

- (a) It is prohibited and unlawful for a person to interfere with pedestrians or motor vehicles if he or she obstructs pedestrian or vehicular traffic or aggressively panhandles on a right-of-way, road or street as defined above, as this Ordinance may be amended from time to time, which terms include, but are not limited to, associated sidewalks and crosswalks.
- (b) It is prohibited and unlawful for a person to panhandle in any public room, in any private building, or on private developed property, without the permission or consent of the building's owner or managing and authorizing agent. For the purpose of enforcement of this subsection, it is rebuttably presumed that if the owner, lessee, managing agent or other person in charge of a building prominently displays a sign, as defined in Section 16-52.4(n), then the activities declared unlawful in this subsection are deemed to be without the permission or consent of the building's owner, lessee, managing agent or other authorized person. This section does not limited a private business owner from giving permission to organizations, such as the Salvation Army, to solicit donations notwithstanding the display of a sign.
- (c) It is prohibited and unlawful for any person to obstruct, impede or interfere with the movement of pedestrians or vehicles, for the purpose of panhandling, within a public building, the parcel of land on which a public building is located, or a public transportation area.
- (d) It is prohibited and unlawful for any person to panhandle when the person solicited is located on private property, unless the panhandler has permission from the owner or occupant of the private property.
- (e) It is prohibited and unlawful for any person to aggressively panhandle in any public place within the City which public places include, by way of example only and not by way of limitation, the following places:
 - (1) At any bus or train stop;
 - (2) In any public transportation vehicle or facility, including, but not limited to, airports, roads, streets and right-of-way;
 - (3) In any vehicle on a street unless a permit has been issued to do so;
 - (4) In a public park, fairground, or sporting facility, including, but not limited to, entryways or exits thereto;
 - (5) Within a circumference of 25 feet of the site of any automated teller machine (ATM), a vending machine or any other machine dispensing cash or within a painted "privacy zone" painted on the ground around an ATM, whichever

distance is less, all of which are subject to the permitting requirements of the City if such painted zone encompasses area within a road or right-of-way;

- (6) In a parking lot or garage owned or operated by the City, including, but not limited to, entryways or exits and pay stations connected to the parking lot or garage;
 - (7) Within 1,000 feet of a school bus stop when children are present.
- (f) It is prohibited and unlawful for any person to panhandle in any of the following manners each of which will rebuttably be deemed to be aggressive:
- (1) By blocking the path of the person solicited;
 - (2) By, engaging in conduct that constitutes a "disturbance of the public peace" as defined above or pursuant to Miss. Code Ann. § 97-35-13 or § 97-35-13, either during the solicitation or following a refusal;
 - (3) By panhandling in a group of two or more persons which would encircle the person begin solicited and deter his or her free movement, or otherwise constitute a "false imprisonment" as defined above or pursuant to Mississippi law; or
 - (4) By any statement, gesture, communication, or other act that constitutes an "assault" as defined above or pursuant to Mississippi law.

Section 16-52.6 - Conspicuous notice.

Each owner, lessee, managing agent or person in charge of the operation of a private building or private developed area shall prominently display a sign on the premises such as the lobby or entrance of the private building or private developed property where it may be read by any person going in or out of the building or private developed property stating: "NO PANHANDLING OF ANY TYPE PERMITTED. SUCH CONDUCT IS PROHIBITED BY CITY OF MERIDIAN ORDINANCE SEC. 16-52.5(b)". The display of such signage constitutes conclusive proof that the person in charge has not granted permission to panhandle on the posted property.

Section 16-52.7 - Penalties and remedies.

- (a) Pursuant to this Ordinance, which may be amended from to time, any person convicted of violating the provisions of this Ordinance may be punished either by a fine not to exceed two hundred and fifty dollars (\$250.00) or by imprisonment for a term not to exceed thirty (30) days, or by both.
- (b) In addition to the penalties provided by Subsection (a) of this Section, any violation of this Ordinance is subject to appropriate civil action in a court of appropriate jurisdiction.

ORDERED this the 19th day of November, 2019.

Motion by Councilman second by Councilwoman.

Yea: Thomas, T. Johnson, F. Johnson, Houston, Lindemann.