

BEFORE THE COUNTY COMMISSION OF PUTNAM COUNTY, WEST VIRGINIA

RE: Panhandling Ordinance

WHEREAS, Section 11, Article IX of the Constitution of West Virginia and West Virginia Code §7-1-3 provide that county commissions have the superintendence and administration of the internal police affairs of their counties, including the regulation of roads and ways;

WHEREAS, West Virginia Code §7-1-3kk authorizes a county commission to enact ordinances, issue orders and take other appropriate and necessary action for the elimination of hazards to public health and safety and to abate anything which the commission deems to be a public nuisance within a county;

WHEREAS, the County Commission of Putnam County, West Virginia, hereby finds that panhandling along roadways situated in Putnam County is a safety hazard;

WHEREAS, the County Commission of Putnam County, West Virginia, hereby finds that panhandling along roadways situated in Putnam County constitutes a public nuisance;

Now, THEREFORE, the County Commission of Putnam County, West Virginia, sitting in regular session this 27th day of April 2010 hereby approves and adopts the following "Putnam County Panhandling Ordinance".

The adoption having been moved by Commission President R. Joseph Haynes, and duly seconded by Commissioner Stephen A. Andes, the vote on passage of the motion was as follows:

Stephen A. Andes	<u>Aye</u>
R. Joseph Haynes	<u>Aye</u>
Gary O. Tillis	<u>Aye</u>

President Haynes declared the Ordinance duly adopted.

WHEREFORE, it is therefore ADJUDGED and ORDERED that the attached Putnam County Panhandling Ordinance be adopted.

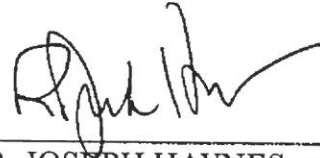
ENTERED this 27th day of April 2010.



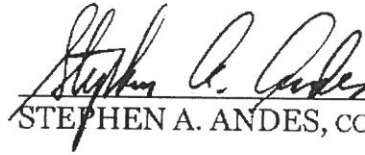
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Fee Amt: Page 1 of 5
Putnam County Clerk
Brian Wood County Clerk

BK **92** PG **752-756**

PUTNAM COUNTY COMMISSION



R. JOSEPH HAYNES, PRESIDENT



STEPHEN A. ANDES, COMMISSIONER



GARY O TILLIS, COMMISSIONER

PUTNAM COUNTY PANHANDLING ORDINANCE

I. JURISDICTION.

(a) This Ordinance is effective throughout the unincorporated territory of Putnam County, West Virginia.

(b) The Magistrate Court of Putnam County and the Circuit Court of Putnam County shall have concurrent jurisdiction with respect to misdemeanors under this Ordinance.

II. DEFINITIONS.

(a) *Panhandle* means to directly or indirectly request money or anything of monetary value as a donation or in exchange for an item of little or no monetary value which would cause a reasonable person to understand that the transaction constitutes a donation, with the intent to immediately obtain the donation, regardless of whether the request is indicated verbally, in writing or by any other action.

(b) *Roadway* means any controlled access highway, non-controlled access highway, state highway, county highway, street, avenue, alleyway, sidewalk, berm, shoulder or right-of-way that is ordinarily open to the public for vehicular or pedestrian traffic.

III. PROHIBITIONS.

(a) It is unlawful for any person to panhandle on, in or along a roadway or on, in or along the public means of ingress and egress from a roadway onto private property unless:

(1) The person possesses and maintains on his or her person a valid "Panhandling Permit" issued by the Putnam County Sheriff's Office; and

(2) The person possesses and maintains on his or her person his or her photo-identification issued by the State of West Virginia or any other state.

(b) It is unlawful for any person, regardless of whether he or she possesses a valid "Panhandling Permit", to intentionally block or interfere with the safe passage of a person or vehicle while panhandling.

(c) It is unlawful for any person to panhandle on private property after the owner or lawful possessor of the property gives the person verbal or written notice that panhandling is prohibited on the property.

IV. PERMIT.

(a) Any person wishing to panhandle along the roadway in Putnam County may obtain a "Panhandling Permit" therefor from the Putnam County Sheriff's Office; Provided that, no person may apply for a permit under this Ordinance more than twice within any six-month period.

(b) The permit shall authorize panhandling along the roadway for one day or no longer than twenty-four hours.

(c) The applicant must submit, in person, his or her application to the Sheriff's Office no later than one day prior to the date designated for panhandling, and no earlier than one week prior thereto. However, the Sheriff's Office may, in emergency circumstances where the applicant shows good cause, grant a permit to take effect regardless of this provision.

(d) At the time of submission, the applicant must show his or her photo-identification issued by the State of West Virginia or any other state.

(e) Upon issuance, the permit must state upon its face the name of the sole person authorized to panhandle along the roadway, and the date and time during which the panhandling is allowed. The permit is non-transferable.

(f) The person granted the permit must carry both the permit issued by the Putnam County Sheriff's Office and photo-identification issued by the State of West Virginia or any other State, at all times while panhandling. If asked by any law enforcement officer to show a valid permit while panhandling, the person must immediately exhibit the permit and his or her photo-identification.

(g) The Sheriff's Office may establish an application fee for the permit of no more than Twenty Dollars (\$20.00).

V. PENALTIES.

It is a misdemeanor for any person to violate any provision of Section III of this Ordinance.

a. For a first offense, the possible penalty is a fine not more than One Hundred Dollars.

b. For a second offense, the possible penalty is a fine not more than Three Hundred Dollars.

- c. For a third or subsequent offense, the possible penalty is a fine not more than One Thousand Dollars.

Any violation of this Ordinance also constitutes a public nuisance.

VI. ENFORCEMENT.

This Ordinance may be enforced by any law enforcement agency, including but not limited to, the Sheriff, State Police, State Department of Natural Resources and any municipal police officer.

VII. SEVERABILITY.

If any clause, paragraph, subparagraph, section or subsection of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby, but shall remain in full force and effect.

VIII. EFFECTIVE DATE.

This Ordinance is effective upon passage.

Adopted April 27, 2010.

STATE OF WEST VIRGINIA, Putnam
County Commission Clerk's Office
04/27/2010. The foregoing Court Order
together with the certificate of its
acknowledgment, was this day presented
in said office and admitted to record.

Teste: Jim W. D. Clerk