

## **New Ordinances for the Health, Safety and Welfare of Grand Rapids**

Best practice ordinances are needed to promote the health, safety and well-being of unhoused individuals, residents, employees and visitors to Grand Rapids.

There are two primary components to this request:

- 1) Prohibit sitting or lying in specific public spaces if there is adequate shelter space available to those in need as well as leaving private goods unattended in the public right of way.
- 2) Regulate solicitation and prohibit aggressive solicitation, harassment, and intimidation.
  - The ordinance can recognize the constitutional right of solicitation, and clearly define where solicitation is allowed (essentially zoning it).
  - Aggressive panhandling and harassment should be defined and prohibited

**Why it is needed:** A key goal of the City is to protect the health, safety and well-being of its citizens.

- Currently, gaps remain in the effort to create a city that is welcoming to all.
- Increased concerns from residents and employers include harassment, public defecation, trespassing, verbal and physical assault and other disruptive and disturbing behavior.
- This needs to be addressed with compassion and focused on improving outcomes for individuals experiencing homelessness or mental health issues.

**What it will do:** Paired with ongoing and future investments, the narrowly tailored ordinances below will support better outcomes, while preserving ample alternatives for the exercise of constitutional rights. These ordinances will:

- Encourage the use of available services, such as available shelter space.
- Compassionately meet the needs of individuals struggling with homelessness, poverty, mental health or substance abuse
- Disincentive unsafe activities in public spaces.
- Support access to and enjoyment of public spaces.
- Reduce disorder and danger to the public health, safety and welfare.
- Protect citizens from intimidation by regulating the public right of way and solicitation.

**Context:** Combined with efforts to increase the supply of affordable housing, provide mental health support, and improve service provider outcomes, these regulations will enhance the use of resources while preventing unsafe and unhealthy conditions for unhoused individuals and other stakeholders.

**What these ordinances will not do:**

- Criminalize homelessness. These ordinances set expectations for public spaces, but the prohibition of sleeping in public spaces is only in effect when adequate housing options exist.
- Ban panhandling. The ordinances recognize the First Amendment right to panhandle. It only prohibits intimidation/harassment and treats solicitation in public spaces like any other use - zoning where these actions can be conducted based on the rights of other businesses and citizens.

**Key Examples:** Colorado Springs Ordinance, City of Wyoming Ordinance, City of Kentwood Ordinance, City of Walker Ordinance, City of Grandville Ordinance, Daytona Beach Ordinance

**Sec. XXXX. Aggressive solicitation and harassment**

- (a) The following words, terms and phrases, when used in this section, shall have the meaning provided below, except where the context clearly indicates a different meaning:

*Accosting* means approaching or speaking to a person in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon their person, or upon property in their immediate possession.

*Ask, beg or solicit* means and includes, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining donations.

*Forcing oneself upon the company of another* means continuing to ask, beg or solicit from a person after that person has made a negative response, blocking the passage of the individual addressed, or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

- (b) It shall be unlawful for any person to solicit money or other things of value:

- (1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;
- (2) Within 15 feet of the entrance to or exit from any public toilet facility;
- (3) Within 15 feet of an automated teller machine,
- (4) Within any public transportation vehicle, or within 15 feet of any bus stop, taxi stand or rapid transit stop;
- (5) From any operator of a motor vehicle that is being operated on a public street; provided however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;
- (6) From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any residence, business or athletic facility; or
- (7) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business or athletic facility without the knowledge and consent and/or invitation of the owner or party in control of that building.
- (8) Within 20 feet, in any direction, of any parking lot, parking garage, parking meter or parking pay station owned or operated by the city;
- (9) Within 20 feet, in any direction, from any entrance or exit of commercially zoned property;
- (10) Within 150 feet of any signalized intersection
- (11) While under the influence of alcohol or after having illegally used any controlled substance;

- (12) At any lawfully permitted outdoor dining area, amphitheater seating area, playground or lawfully permitted outdoor merchandise area, provided such areas are in active use at the time;
- (c) It shall be unlawful for any person to solicit money or other things of value by:
- (1) Accosting another; or
  - (2) Forcing oneself upon the company of another;
  - (3) the use of profane or abusive language during the solicitation or following an unsuccessful solicitation;
  - (4) obstructing, blocking or impeding, either individually or as part of a group of persons, the passage or free movement of a solicited person or a person in the company of a solicited person, including persons on foot, on bicycles, in wheelchairs or operating motor vehicles or persons attempting to enter or exit motor vehicles (for example, walking, standing, sitting, lying, or placing an object in such a manner as to block passage of another person or vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact.
  - (5) touching the person or persons being solicited without that person's consent
- (d). Penalties:
1. Upon conviction for a first offense for violating this section, the court shall impose a fine of not more than one hundred dollars (\$100.00), or a sentence of probation, or both.
  2. Upon conviction for a second or subsequent offense for violating this section, the court shall impose a fine of not more than five hundred dollars (\$500.00), or imprisonment in jail for a period of not more than ninety (90) days, or a sentence of probation, or by a combination of fine, imprisonment, and a sentence of probation.

**Sec. XXXX. APPROPRIATE USE OF THE PUBLIC RIGHT-OF-WAY.**

A. Unlawful: It shall be unlawful for any person to sit, kneel, recline or lie down in the public right-of-way upon the surface of any public right of way, or upon any bedding, chair, stool, or any other object placed upon the surface of the public right of way. It shall be unlawful to leave private property unattended in the public right of way.

B. Definitions: For purposes of this section, the terms below shall have the following meanings:  
PUBLIC RIGHT OF WAY: Any street, sidewalk, trail, path, alley, parkway, curb, median, traffic island, or any other publicly owned property intended or used for pedestrian, recreational or vehicular travel.

C. Defense: It is an affirmative defense to a violation of this section that a person:

1. Sits, kneels, reclines or lies down upon the public right of way due to a medical emergency.
2. As a result of a medically confirmable disability, utilizes a wheelchair, walker or other similar mobility supporting device to move about the public right of way.
3. Is operating or patronizing a commercial establishment located in the public right of way pursuant to any permit or license issued by the City.

4. Sits or kneels on the public right of way when attending a parade, festival, performance, rally, demonstration, meeting, or similar special event conducted in the public right of way pursuant to any permit or license issued by the City.

5. Sits upon an object intended for sitting in the public right of way furnished by the City or by any other public agency.

6. Sits upon a public sidewalk at or near a transit stop while waiting for public transportation.

7. Is engaged in legitimate busking

D. Notification By Law Enforcement: No law enforcement officer shall issue a citation, make an arrest or otherwise enforce this section against any person unless the person engages in conduct prohibited by this section after having first been notified by a law enforcement officer that the conduct violates this section.

E. Penalties:

1. Upon conviction for a first offense for violating this section, the court shall impose a fine of not more than one hundred dollars (\$100.00), or a sentence of probation, or both.

2. Upon conviction for a second or subsequent offense for violating this section, the court shall impose a fine of not more than five hundred dollars (\$500.00), or imprisonment in jail for a period of not more than ninety (90) days, or a sentence of probation, or by a combination of fine, imprisonment, and a sentence of probation.