

## **AN ORDINANCE TO PROHIBIT PANHANDLING IN AND ALONGSIDE ROADWAYS FOR PUBLIC SAFETY**

WHEREAS, the safety and well-being of residents, motorists, and pedestrians within the Town of Chapmanville, West Virginia, is of paramount importance;

WHEREAS, individuals engaging in panhandling activities in and alongside roadways pose significant risks to themselves, motorists, and the general public, including distractions to drivers and potential traffic hazards;

WHEREAS, the Town of Chapmanville seeks to address these safety concerns while respecting individuals' constitutional rights, including the right to free speech;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHAPMANVILLE, WEST VIRGINIA, AS FOLLOWS:

### **Chapter 28: Pertaining to Panhandling**

1. **PURPOSE** The purpose of this ordinance is to promote public safety by regulating activities that interfere with the safe and efficient movement of vehicular and pedestrian traffic in and alongside roadways within the Municipality.
2. **DEFINITIONS** For the purposes of this ordinance, the following definitions apply:
  - a. **"Panhandling"** means any solicitation made in person requesting an immediate donation of money, goods, or other items of value for personal use or benefit.
  - b. **"Roadway"** means the portion of a public right-of-way designated for vehicular travel, including lanes, medians, shoulders, and intersections.
  - c. **"Sidewalk"** means any paved or designated area for pedestrian use adjacent to or within a public right-of-way.
3. **PROHIBITED ACTIVITIES** It shall be unlawful for any person to:
  - a. Solicit or engage in panhandling activities while standing, sitting, or otherwise occupying any portion of a roadway, including medians, traffic islands, and shoulders.
  - b. Approach, signal, or otherwise attempt to communicate with occupants of vehicles in traffic or stopped at traffic control devices for the purpose of soliciting money, goods, or other items of value.
  - c. Solicit or panhandle at:
    - i. Any intersection, crosswalk, or traffic control device;

- ii. Any driveways providing access to businesses or residences;
- iii. Any public transportation stops.

4. EXCEPTIONS The following activities are *NOT* prohibited under this ordinance:

- a. Lawful activities conducted by government employees or agents acting in their official capacity.
- b. Charitable or fund raising activities conducted by organizations with proper authorization permitting from the Municipality; provided that any children participating in such charitable or fund raising activities shall be accompanied by an adult, on a ratio of one adult per two children. Any persons participating in charitable or fund raising activities shall wear personal protective equipment/gear to promote safety of participants.
- c. Solicitation conducted entirely on private property with the consent of the property owner.

5. PERMITTING

- a. A tagging/panhandling permit may be issued at the cost of \$5 (Five Dollars). Up to Two (2) different groups may be granted a permit simultaneously. The Town Clerk may deny the application if any of the information is missing or if any practices or locations are deemed unsafe or not allowed under this Chapter. The application for this permit will contain the following:
  - i. Name of the Group/Individual
  - ii. Times they wish to be collecting.
  - iii. Location they wish to collect at.
  - iv. How many (adults and children) will be present.
  - v. Safety Measures to be taken
- b. Permits shall only be granted at the following places for safety purposes, and only inside the lane compression areas at these locations, marked with diagonal yellow lines.
  - i. Between Harrisburg Ave and Trenton Ave intersections with Crawley Creek Road, and
  - ii. Lane compression at 37.976945 N, -82.016502 E. Currently between Advance Auto Parts and Wendy's.
- c. Permits do not allow taggers and panhandlers to inhibit normal traffic flow and will yield to vehicle traffic in all instances.
- d. The Police Department will be made aware of approved permits upon issuance.

6. DEFENSES It shall be an affirmative defense to a violation of this section: If the violator is enticed or lured into entering the roadway, from a sidewalk or other



pedestrian area, in order to receive an immediate donation of money, goods, or other items of value.

7. PENALTIES Any person found in violation of this ordinance shall be subject to a fine not exceeding Fifty Dollars (\$50) for the first offense.  
Subsequent violations may result in increased fines and/or community service requirements as determined by the Municipal Court.
8. ENFORCEMENT This ordinance shall be enforced by the Chapmanville Police Department. Law enforcement officers shall ensure that enforcement actions are conducted in a manner consistent with constitutional protections, including free speech and equal treatment.
9. SEVERABILITY If any section, clause, provision, or portion of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected and shall remain in full force and effect.
10. EFFECTIVE DATE This ordinance shall take effect 30 days after upon its adoption, approval, and publication as required by law.

First Reading: 04/08/25


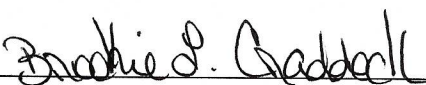

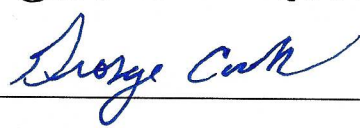
Second Reading : 06/10/25 (tabled 05/13/25)

Third Reading and Passage

	
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Mayor Joel S McNeely

Recorder Phillip Williamson

Council

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