

DRAFT PREVIEW ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE II, OFFENSES AGAINST PUBLIC AUTHORITY, SECTION ADDING 16-33 THROUGH 16-38 OF THE BROKEN ARROW CODE OF ORDINANCES REQUIRING PERMIT APPLICATION FOR BEGGING OR PANHANDLING; PERMIT APPLICATION FEE; PERMIT ISSUANCE, DENIAL AND APPEAL; PERMIT EXPIRATION AND RENEWAL; PERMIT REVOCATION; AND APPEAL OR DENIAL OF REVOCATION; REPEALING ALL ORDINANCES TO THE CONTRARY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:

SECTION I. That Chapter 16, Article II, Offenses Against Public Authority, Section 16 is hereby amended to read as follows:

§ 16-33 PERMIT APPLICATION.

(A) Definition: Beg, begging or panhandling shall be synonymous and shall mean soliciting money or objects of value, with the intention that the money or object be transferred at that time, and at that place.

(B) Any person seeking to beg or panhandle in the City of Broken Arrow must obtain a permit from the City to engage in begging or panhandling.

(C) Application: A person seeking issuance of a permit to engage in begging or panhandling in the City of Broken Arrow shall apply online, by mail or in person between 8:00 a.m. and 5:00 p.m. Monday through Friday (excluding holidays) to the Department of Community Development, 220 South First Street, Broken Arrow, OK 74013-0610. The application shall be on a form provided by the Department, signed by the applicant, notarized or signed in the presence of the employee accepting the application, and shall set forth the following information:

(1) The name, permanent address (a phone number (if available), and next of kin (if available) of the applicant;

(2) Picture identification of the applicant, to be provided through presentation of an original driver's license or other legally recognized form of photo identification. If picture identification is impractical, the applicant shall provide other documentation that reasonably establishes identity;

(3) A brief description of the activity to be conducted, including if applicable, any items or services to be sold or offered for sale;

(4) The age, height, weight, and other identifying information of the person proposing to engage in the begging or panhandling;

(5) Acknowledgment of the requirement to comply with the requirement of Chapter 23, Article VII section 23-234 of the Broken Arrow Code of Ordinance, including requirement to wear high-visibility safety apparel;

(6) Acknowledgment of the requirement to comply with the requirement of Chapter 7, Article I section 7-6 prohibiting the throwing or depositing of litter on public and private property.

§ 16-34 PERMIT APPLICATION FEE.

There shall be no fee for this permit application.

§ 16-35 PERMIT ISSUANCE, DENIAL, AND APPEAL.

(A) *Procedure for application review.* Within five business days of receipt of an application, the City of Broken Arrow or designee (hereafter "City") shall issue a permit unless the applicant:

- (1) Has not submitted a completed application;
- (2) Has submitted false information;
- (3) Is under 18 years of age

(B) *Possession of permit.* Any person authorized by permit to engage in begging or panhandling shall at all times that he or she is engaged in the permitted acts carry the issued permit in his or her possession and visible to any prospective customer or law enforcement officer. It shall be unlawful for any person to alter or falsify a permit issued under this section; and/or for any person other than the permittee to use a permit issued under this section.

(C) *Denial.* In the case of denial, the City's denial and the reasons for denial shall be noted on the application, and the applicant shall be notified that his application is denied and no permit shall be issued. Notice shall be mailed to the applicant at the last known address shown on the application form if given.

§ 16-36 PERMIT EXPIRATION AND RENEWAL.

Unless renewed, all permits issued pursuant to § 16-35 shall expire six months from issuance. A permit may be renewed for an unlimited number of six months periods provided that the applicant completes a current application, and that the applicant continues to be in compliance with the provisions of this chapter.

§ 16-37 PERMIT REVOCATION.

(A) A permit issued under § 16-35 may be revoked or suspended by the City of Broken Arrow for the following reasons:

- (1) Fraud, misrepresentation, or false statement contained in the permit application;
- (2) Begging or panhandling in a manner inconsistent with the provisions in the issued permit;
- (3) Conviction of a crime or existence of any circumstance that would have prevented issuance of the permit under this section; and/or
- (4) Conducting begging or panhandling in such a manner as to create a breach of the peace or endanger the health, safety, or general welfare of the public.

(B) Upon revocation, the permit issued must immediately be surrendered to the city.

§ 16-38 APPEAL OF DENIAL OR REVOCATION.

Any applicant who has been denied issuance of a permit under § 16-35 or who has had a permit revoked pursuant to § 16-37 may appeal such action by within ten days of the date of denial or revocation delivering a written notice of appeal, specifying with particularity the

ground(s) for the appeal to the City of Broken Arrow City Manager, 220 South First Street, Broken Arrow, Oklahoma 74013. Upon receipt of the notice, the City Manager shall fix a reasonable time for the hearing of the appeal, shall give due notice to the appealing party and the Department of Community Development, and shall render a decision within a reasonable time. The decision of the City Manager shall constitute the City's final action.

SECTION II. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. An emergency exists for the preservation of the public health, peace and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this 19th day of December, 2023.

ATTEST:

MAYOR

(Seal) CITY CLERK

APPROVED:

CITY ATTORNEY