



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item Number: 6a

Title:

Recommendation to Repeal City Ordinance Title 9 “Public Peace, Morals and Welfare”; Chapter 9.28 “Begging”

Presenter:

Police Chief Keegan

Meeting: Government Operations Committee

Date: November 7, 2022

Proposed Cost:

Budgeted Amount: \$

Not Budgeted:

Executive Summary *(if not budgeted please explain):*

A recent court ruling found a similar ordinance prohibiting panhandling/begging in another Chicagoland community unconstitutional. In addition, the Illinois State statute prohibiting this practice in a roadway (625 ILCS 5/11-1006©) was also ruled to be non-enforceable.

Attachments *(please list):*

Chief Keegan’s Memo

Recommendation/Suggested Action *(briefly explain):*

The Police Department recommends the repeal of City Ordinance Title 9 “Public Peace, Morals and Welfare”; Chapter 9.28 “Begging.”



Memo

Date: 11/1/2022
To: Heather McGuire, City Administrator
From: James Keegan, Chief of Police
Re: Repeal Ordinance (Begging 9.28.010)

The purpose of this memorandum is to outline my recommendation to repeal our Begging ordinance (9.28.010).

A recent court ruling found a similar ordinance prohibiting panhandling/begging in another Chicagoland community unconstitutional. In addition, the state statute prohibiting this practice in a roadway (625 ILCS 5/11-1006©) was also ruled to be non-enforceable.

Although the court order is applicable only to the parties in that litigation, any enforcement by the City of St. Charles of a similar ordinance would result in a legal challenge seeking injunctive relief, monetary damages and attorneys' fees for violations of First Amendment rights under the U.S. Constitution. With this decision in mind, it clearly becomes a greater risk for any municipality or its police officers to enforce such panhandling restrictions and therefore, I recommend the repeal of this ordinance.

I also consulted with counsel who agrees with this recommendation. Thank you for your consideration in this matter. I will advance this on to committee/council for repeal.