

ORDINANCE #67918
Board Bill No. 505
Committee Substitute

An ordinance relating to panhandling; repealing Ordinance 62974; defining, prohibiting, regulating, and punishing the act of panhandling; and containing a severability clause and an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Ordinance 62974 (codified as Chapter 15.44 of the Revised Code of the City of St. Louis) is hereby repealed.

SECTION TWO. Definitions.

A. The following definitions shall apply to the provisions of this ordinance:

(1) "Aggressive Panhandling" means panhandling in the following manner:

a. To approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

1. Imminent bodily injury; or

2. The commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

b. To persist in panhandling after the person solicited has given a negative response;

c. To block, either individually or as part of a group of persons, the passage of a solicited person;

d. To touch a solicited person without the person's consent;

e. To render any service to a motor vehicle, including but not limited to any cleaning, washing, protecting, guarding or repairing of said vehicle or any portion thereof, without the prior consent of the owner, operator or occupant of such vehicle, and thereafter asking, begging or soliciting alms or payment for the performance of such service, regardless of whether such vehicle is stopped, standing or parked on a public street or upon other public or private property; or

f. To engage in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to make a donation.

(2) "Charitable Organization" means any nonprofit community organization, fraternal, benevolent, educational, philanthropic, or service organization, or governmental employee organization, which solicits or obtains contributions solicited from the public for charitable purposes or holds any assets solely for charitable purposes.

(3) "Panhandling" means any solicitation in person, by a person, other than a charitable organization, for an immediate grant of money, goods or any other form of gratuity from another person(s) when the person making the request is not known to the person(s) who is the subject of the request. The term "panhandling" shall not mean the act of passively standing or sitting with a sign or other indicator that a donation of money, goods or any other form of gratuity is being sought without any vocal request other than a response to an inquiry by another person.

SECTION THREE. Prohibitions.

A. It shall be unlawful for any person to engage in aggressive panhandling.

B. It shall be unlawful for any person to engage in the act of panhandling when either the panhandler or the person being solicited is located in, on, or at any of the following locations:

- (1) In any public transportation vehicle;
- (2) Within 50 feet of an automatic teller machine or entrance to a bank;
- (3) Within 30 feet of a point of entry to or exit from any building open to the public, including commercial establishments;
- (4) At any sidewalk café;
- (5) Within 50 feet of any public or private school;
- (6) At any bus stop, train stop, or cab stand;
- (7) Within 20 feet of any crosswalk;
- (8) Within any municipal or government owned building, park, golf course, or playground.

C. It shall be unlawful for any person to engage in the act of panhandling on private property or inside a business without written permission from the owner.

D. It shall be unlawful for any person to engage in the act of panhandling after 8:00 p.m. and before 7:00 a.m. during any dates on which Daylight Saving Time is in effect; or after 7:00 p.m. and before 7:00 a.m. during any dates on which Daylight Saving Time is not in effect.

E. It shall be unlawful for any person to panhandle in a group of two (2) or more persons.

SECTION FOUR. Penalty.

A. Every person issued a citation under this section shall be offered immediate referral and direction to an appropriate community outreach service program.

B. Penalties for violations of this section shall be as follows:

(1) First violation: Upon a first violation, the person accused of violating this Ordinance shall be issued a warning ticket, which shall not include a summons to appear before a court of proper jurisdiction.

(2) Second violation:

a. Upon a second violation, the person accused of violating this Ordinance shall be issued a written citation, including a summons to appear before a court of proper jurisdiction for disposition of the case.

b. Upon conviction for a second violation, the violator may be sentenced to one or more of the following: the performance of up to 30 days of community service, **mandatory enrollment and completion of a community outreach services program**, and/or a monetary fine not less than Fifty (\$50.00) Dollars but no more than Five Hundred (\$500.00) Dollars.

c. The court should consider completion of a community outreach service program in determining the appropriate sentence.

(3) Third violation, and subsequent violations:

a. Upon a third violation, and subsequent violations, the person accused of violating this Ordinance shall be issued a written citation, including a summons to appear before a court of proper jurisdiction for disposition of the case.

b. Upon conviction for a third offense, and subsequent offenses, the violator may be sentenced to one or more of the following: the performance of up to 30 days community service, mandatory enrollment and completion of a community outreach service program, a monetary fine not to exceed Five Hundred (\$500.00) Dollars; and/or imprisonment

not to exceed 30 days.

c. The court should consider completion of a community outreach service program in determining the appropriate sentence.

SECTION FIVE. Exceptions.

Nothing in this Ordinance shall abrogate or abridge provisions of Ordinance 67389, concerning solicitations made by charitable organizations, or the laws of state and federal government, or any law regulating nonprofit, religious, educational, civic or benevolent organizations.

SECTION SIX. Severability Clause.

The sections, conditions, and provisions of this Ordinance or portions thereof shall be severable. If any section, condition, or provision of this Ordinance or portion thereof contained herein is held invalid by the court of competent jurisdiction, such holding shall not invalidate the remaining sections, conditions, or provisions of this Ordinance.

SECTION SEVEN. Emergency Clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: March 11, 2008