

CITY OF SPRINGFIELD, FLORIDA

ORDINANCE NO. 508

AN ORDINANCE RELATING TO PANHANDLING; ADOPTING FINDINGS; AMENDING CHAPTER 52 OF THE SPRINGFIELD CODE OF ORDINANCES TITLED "PEDDLERS AND SOLICITORS" BY PROVIDING DEFINITIONS RELATING TO PANHANDLING, SPECIFYING PROHIBITED ACTS OF PANHANDLING, AND PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City currently regulates peddling and soliciting throughout the City but has no regulation relating to panhandling within the City; and

WHEREAS, merchants and residents have complained about the disruptive effects of panhandling activities within the City; and

WHEREAS, aggressive panhandling has the potential of decreasing the public's safe enjoyment of the public places within the City, as well as harming the commercial interests of business owners; and

WHEREAS, the City Commission finds that it is necessary to adopt the regulations contained herein restricting aggressive panhandling in order to protect the public health, safety and welfare of the citizens of the City of Springfield;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SPRINGFIELD, FLORIDA:

SECTION 1. Adoption of Findings

The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. Definitions

Section 52-1 of the Springfield Code of Ordinances shall be amended to add the following definitions:

"Aggressive manner" shall mean:

1. Approaching, speaking to, or following a person in the course of or subsequent to panhandling such person if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or

loss of property, or to otherwise be intimidated into giving money or other thing of value;

2. Continuing to panhandle a person after the person has given a negative response to such panhandling;

3. Intentionally touching or causing physical contact with another person without that person's consent in the course of panhandling;

4. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

5. Using violent or threatening gestures toward a person;

6. Following the person being panhandled, with the intent of asking that person for money or other things of value;

7. Panhandling anyone who is waiting in line for entry to a building or for another purpose.

"Panhandling" shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Panhandling shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value. Panhandling shall not include soliciting, peddling or canvassing as defined in this Chapter.

"Financial Institution" shall mean any banking corporation, credit union, or other institution defined in Section 655.005, Florida Statutes.

"Check cashing business" shall mean any person or business duly registered pursuant to Part III, Chapter 560, Florida Statutes, engaging in the business of cashing checks, drafts or money orders for consideration.

"Automated teller machine" shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

"Automated teller machine facility" shall mean the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

SECTION 3. Prohibited Acts

Section 52-20 is hereby created to read:

Section 52-20. Panhandling Prohibited.

- (a) No person shall panhandle in an aggressive manner in any public place.
- (b) No person shall panhandle on private property without permission from the owner or other person lawfully in possession of such property.
- (c) No person shall panhandle within twenty feet of the entrance or exit of any public restroom located on publicly owned or leased property.
- (d) No person shall panhandle within twenty feet of any entrance or exit of any financial institution or check cashing business or within twenty feet of any automated teller machine without the consent of the owner of the property or another person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.
- (e) No person shall panhandle an operator or other occupant of a motor vehicle while such vehicle is located on any street, for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services. Provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.
- (f) No person shall panhandle any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space.
- (g) No person shall panhandle while under the influence of alcohol or a controlled substance.
- (h) No person shall panhandle by stating that funds are needed to meet a specific need, when the panhandler has the funds to meet that need, does not intend to use funds to meet that need, or does not have that need.
- (i) No person shall panhandle in any public transportation vehicle; or at any bus or train station or stop.

(j) No person shall panhandle within six feet of an entrance to a building without the consent of the owner of the building or another person legally in possession of such building.

(k) No person shall panhandle within twenty feet of any pay telephone; provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.

A warning shall be issued for a first panhandling violation of this Ordinance. Subsequent violations shall be punished pursuant to Section 52-4 of this Chapter.

SECTION 5. Severability


If any word, sentence, clause, phrase, or provision of this ordinance is, for any reason, held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 6. Effective Date

This ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Springfield, Bay County, Florida, on this the 2nd day of July, 2012.

CITY OF SPRINGFIELD


ROBERT E. WALKER, MAYOR

ATTEST:


ANNE ANDREWS, CITY CLERK

First Reading: 4/16/2012
Published: 6/18/2012
Second Reading & Adoption: 7/2/2012