

ORDINANCE NO. C-12-10

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE IV, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR PROHIBITION OF BEGGING, PANHANDLING OR SOLICITING ON CERTAIN DESIGNATED PROPERTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; AND FURTHER PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission recognizes an individual's first amendment right of free speech and that panhandling has been determined to be a protected speech; and

WHEREAS, the City Commission finds that an increase in aggressive begging, panhandling and solicitation throughout the city has become extremely disturbing and disruptive to residents and businesses and has contributed to the loss of access to and enjoyment of public places and also loss of customers for businesses and closure of businesses in the city; and

WHEREAS, the City Commission finds that aggressive panhandling, begging and solicitation usually includes approaching or following pedestrians, repetitive requests for money, use of abusive or profane language, unwanted physical contact and intentional blocking of pedestrian traffic; and

WHEREAS, the City Commission finds that the presence of individuals who solicit money from other individuals at or near outdoor cafes, automated teller machines, entrances/exits to and from buildings and parking garages is especially troublesome because these solicited individuals cannot readily escape from unwanted solicitation; and

WHEREAS, the City Commission finds that the current city ordinances are inadequate in protecting the health, safety and welfare of the residents and visitors of the city in preventing the fear and intimidation that accompanies certain types of begging, panhandling and solicitation in certain locations within the city; and

WHEREAS, the City Commission finds that any individual that begs, panhandles or solicits under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of other individuals or property in the vicinity by unwanted touching, detaining, impeding or intimidation which causes fear or apprehension in another individual constitutes a threat to the public health, welfare and safety of the citizens and visitors of the city;

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

SECTION 1. That Chapter 16, Article IV, OFFENSES INVOLVING PUBLIC PEACE AND ORDER, is hereby amended to read as follows:

Sec. 16-18. Panhandling, Begging or Solicitation.

(a) Definitions. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section.

Aggressive panhandling, begging or solicitation means

(1) approaching or speaking to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with either imminent bodily injury or the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

(2) requesting money or something else of value after the person solicited has given a negative response to the initial request;

(3) blocking, either individually or as part of a group of persons, the passage of a solicited person;

(4) touching a solicited person without explicit permission; or

(5) engaging in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to accede to demands.

Panhandling means

(1) any solicitation made in person requesting an immediate donation of money or other thing of value for oneself or another person or entity; and

(2) seeking donations where the person solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

Panhandling does not mean the act of passively standing or sitting, performing music, or singing with a sign or other indication that a donation is being sought, but without any vocal request other than a response to an inquiry by another person.

(b) Prohibited areas of Panhandling, begging or solicitation. It shall be unlawful to engage in the an act or acts of panhandling, begging or solicitation when either the solicitation or the person being solicited is located in, on, or at any of the following locations:

(1) bus stop or any public transportation facility;

(2) public transportation vehicle;

(3) area within 15 feet, in any direction, of a sidewalk café;

(4) parking lot, parking garage, or parking pay station owned or operated by the city;

(5) park owned or operated by the city;

(6) area within 15 feet, in any direction, of an automatic teller machine;

(7) area within 15 feet, in any direction, of the entrance or exit of a commercial or governmental building; or

(8) private property, unless the person panhandling has permission from the owner of such property.

(c) It shall be unlawful to engage in the act of Aggressive Panhandling in any location in the city.

(d) Penalty. Any person found guilty of violating of this section shall, upon conviction, be penalized as provided in Section 1-6 of this Code.

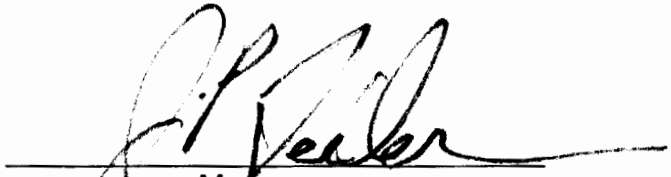
SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect fifteen (15) days from the date of final passage.

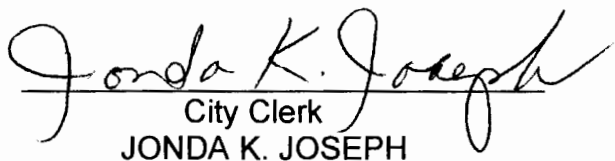
PASSED FIRST READING this the 17th day of April, 2012.

PASSED SECOND READING this the 1st day of May, 2012.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH

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