



Legislation Text

File #: 379-2015, **Version:** 1

TO: Mayor and Commission

AGENDA DATE: 9/20/2021

FROM: John A. Peters, III, PE, Acting City Manager **AGENDA ITEM:** 6 - E

SUBJECT:

Public Hearing - Ordinance No. 04-2021, Amending Chapter 45 of the City Code of Ordinances dealing with panhandling, at second and final reading - Ron A. Paradise, Director, Planning and Development Services (386) 878-8610.

Strategic Goal: Public Safety

LOCATION:

Citywide

BACKGROUND:

Chapter 45, Panhandling regulations were adopted and added as part of the City Code of Ordinances in 2015. Since 2015, there have been legal challenges to other local government panhandling ordinances related to constitutional rights including speech.

Therefore, in order to keep Chapter 45 as up to date as possible, Staff has rewritten Chapter 45. The updated Chapter 45 language is modeled after the City of Daytona Beach panhandling ordinance. City Staff has been informed the City of Daytona Beach panhandling ordinance is defensible and has been effective at managing panhandling activities.

In addition, based on conversations with the Volusia Sherriff's Office (VSO), Ordinance No. 04-2021, as proposed, can be enforced by the VSO.

Proposed changes to Chapter 45 are included as part of attached Ordinance No. 04-2021. See attached an underline and strike document and a clean copy document.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

OPTIONS:

1. Do not approve the changes to Chapter 45.

Advantage:

- a) Those on the social economic margin will continue to have greater access to areas to ask motorist and others for contributions.

Disadvantage:

- a) Panhandling activity within the City could increase especially at major intersections.
- b) The safety of the general public and panhandlers would be reduced.

2. Approve the changes to Chapter 45.

Advantages:

- a) Panhandling will be limited especially along major roadway thoroughfares.
- b) Other public places like parks will be off limits to panhandling.
- c) Any panhandling likely to occur within the City will be safer for both the general public and panhandlers.
- d) The updated language is more legally defensible.

Disadvantage:

- a) Those on the social economic margin will have less access to areas to ask motorists and others for contributions.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

Planning and Development Services

STAFF RECOMMENDATION PRESENTED BY:

Ron A. Paradise, Director, Planning and Development Services - Staff recommends the City Commission adopt Ordinance No. 04-2021 at second and final reading updating City Code of Ordinances Chapter 45, Panhandling.

POTENTIAL MOTION:

"I hereby move to adopt Ordinance No. 04-2021 at second and final reading updating City Code of Ordinances Chapter 45, Panhandling. The Acting City Manager has the authority to make corrections of scrivener's errors and the like."