

ORDINANCE 13-12

AN ORDINANCE TO AMEND TITLE NINE (9) CHAPTER THREE (3) OF THE SPRING HILL MUNICIPAL CODE, ADDING SECTION 9-305 REGARDING PANHANDLING IN THE CITY OF SPRING HILL, TENNESSEE

WHEREAS, the City of Spring Hill desires to regulate the practice of panhandling while balancing First Amendment rights of individuals in needs with the safety, health and welfare of the residents and visitors within the city limits of Spring Hill, Tennessee; and

WHEREAS, Title Nine (9), Chapter Three (3), Charitable Solicitors shall be amended by adding an additional section, 9-305 address, the activity of panhandling, and shall be written be us follows:

9-205 AGGRESSIVE PANHANDLING PROHIBITED.

Aggressive panhandling prohibited.

(1) As used in this section, "panhandling" means any vocal solicitation, bodily gestures or written signs made in person upon any street, public place or park in the city, in which a person requests an immediate donation of money or other gratuity from another person.

(2) It shall be unlawful to engage in an act of panhandling on any day between ½ hour before sunset and ½ hour before sunrise.

(3) It shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations:

- (a) At a bus stop;
- (b) In a public transportation vehicle or public transportation facility;
- (c) In a vehicle which is parked or stopped on a public street or alley;
- (d) In a sidewalk café
- (e) Within one hundred feet (100') in any direction from an automatic teller machine or entrance to a bank; or
- (f) Any panhandling, or other solicitation, which may impede the normal flow of traffic.

(4) It shall be unlawful to engage in an act of panhandling in an aggressive manner, including any of the following:

- (a) Touching the solicited person without the solicited person's consent;

(b) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;

(c) Blocking the path of a person being solicited, or the entrance to any building or vehicle;

(d) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;

(e) Using profane or abusive language, either during the solicitation or following a refusal to make a donation or making any statement, gesture or other communication which would cause a reasonable person to be intimidated or placed in fear;

(f) Panhandling in a group of two (2) or more persons; or

(g) Panhandling within twenty-five feet (25') of the entrance or exit of any building open to the public, including commercial buildings.

(5) Each act of panhandling prohibited by this section shall constitute a separate violation of this code. Each violation shall be punishable as provided in the general penalty section of this code.

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE:

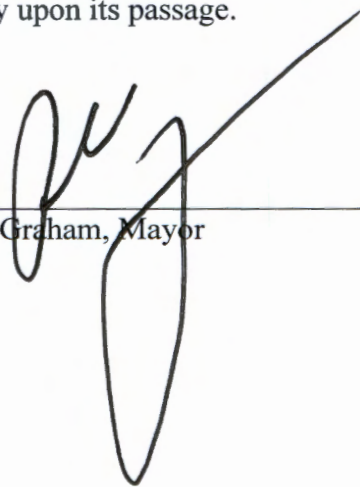
That the City Code, Title Nine (9), be amended with the addition of Section 9-305 as written above.

BE IT FURTHER ENACTED, that any ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

BE IT FURTHER ENACTED, that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

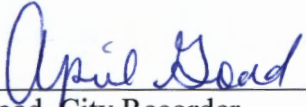
Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20th day of May, 2013.

This ordinance shall become effective immediately upon its passage.



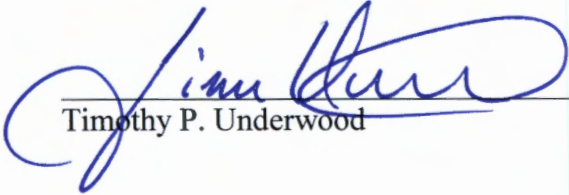
Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Timothy P. Underwood

1st Reading Approval: April 22, 2013

2nd Reading Approval: May 20, 2013