

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS" CREATING A NEW SECTION ENTITLED "PANHANDELING, BEGGING, OR SOLICITATION" TO PROHIBIT AGGRESSIVE SOLICITATION AND TO LIMIT RIGHT OF WAY SOLICITATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hollywood desires to preserve and protect the personal safety and quality of life of citizens of the City of Hollywood and of those who use streets within the City, both pedestrians and motorists alike; and

WHEREAS, right-of-way solicitors or panhandlers approach motorists and passengers in motor vehicles engaged in travel on roads and are particularly susceptible and vulnerable to serious injury, or death due to the speed and number of motorists who operate vehicles on busy roads within the city; and

WHEREAS, the presence of right-of-way solicitors or panhandlers interferes with the safe movement of normal vehicular traffic; and

WHEREAS, the City's professional staff and police department have analyzed each of the major roadways within the city and have determined that certain roads, as specified herein, pose the greatest threat to public safety and the free flow of traffic in connection with the activities of right-of-way solicitors and panhandlers; and

WHEREAS, it is the intention of the city to use the least restrictive means to advance the significant government interest of traffic safety; and

WHEREAS, the city has many other alternate channels of communication for persons who seek to exercise their First Amendment freedoms such as, but not limited to, solicitation of funds or distribution of literature through the mail or at alternate locations (such as non-restricted rights-of-way, houses of worship, shopping areas and special events) the sale and/or distribution of newspapers through home or office delivery, vending machines and retail stores, and the sale of goods and services at retail stores and through the internet and; and

WHEREAS, the City Commission finds the proposed amendments are in the best interest of the citizens of Hollywood;

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions).

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

Section 1: That Chapter 122 of the Code of Ordinances entitled "Peddlers, Solicitors and Itinerant Merchants" is hereby amended as follows:

**TITLE XI: BUSINESS REGULATIONS**

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**CHAPTER 122. PEDDLERS, SOLICITORS, PANHANDLERS AND ITINERANT MERCHANTS**

\* \* \*

***Charitable Solicitations***

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**§ 122.33 INSPECTION OF BOOKS AND RECORDS**

Upon request of the Director of Licensing, the holder of a permit shall make available for inspection by any agent of the city all books, records and papers pertaining to the registered solicitation at any reasonable time while the permit is in effect or after it has expired.

**Panhandling, Begging or Solicitation**

**§122.50 INTENT.**

This subchapter is intended to preserve and protect the personal safety and quality of life of citizens of the City of Hollywood and of those who use the streets within the City, both pedestrians and motorists alike. Right-of-way solicitors or panhandlers approach motorists and passengers in motor vehicles engaged in travel on roads and are particularly susceptible and vulnerable to serious injury, or death, due to the speed and number of motorists who operate vehicles on busy roads within the city. The presence of right-of-way solicitors or panhandlers interferes with the safe movement of normal vehicular traffic. It is the intention of the city to use the least restrictive means to advance the significant government interests of traffic safety. The city has many other alternate channels of communication for persons who seek to exercise their First Amendment freedoms.

**§122.51 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGGRESSIVE PANHANDLING, BEGGING OR SOLICITATION.** Requesting any donation or contribution:

(A) By 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;

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

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

(D) Touching a solicited person without explicit permission;

(E) While under the influence of alcohol or drugs;

(F) By following behind, ahead or alongside a person who walks away after being solicited; or

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

**BEGGING OR PANHANDLING.** For the purposes of this section, the same as soliciting below.

**PERSON.** Any natural person.

**PROHIBITED ROADWAY.** It shall be unlawful for any person to act as a right-of-way panhandler or solicitor on State Road 7/US 441, Federal Highway, A1A/Ocean Drive, Hollywood Boulevard, Johnson Street, and Sheridan Street, or within 200 feet from the lateral curb or boundary line of any intersection located on the roadways identified in this subsection.

**RIGHT OF WAY SOLICITOR.** Any person who sells or offers for sale any thing or service of any kind, or who seeks any donation of any kind, or who personally hands to or seeks to transmit by hand or receive by hand any thing or service of any kind, whether or not payment in exchange is required or requested, to any person who operates or occupies a motor vehicle of any kind, which vehicle is engaged in travel on or within any portion of any of the streets or roadways in the City, whether or not such vehicle is temporarily stopped in the travel lanes of the road. The term shall not apply to any person who merely holds or displays a sign lawfully permitted to be displayed by a person as long as there is no entry by such person or sign into any portion of the roadway or its median.

**SOLICITING.** Any request made in person on a street, sidewalk or public place, asking for an immediate donation of money or other thing of value, including the purchase of an item or service for an amount far exceeding its value, under circumstances where a reasonable person would understand that the transaction or purchase is a donation. Solicitation shall not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing the request to any specific person.

**§122.52 PANHANDLING PROHIBITED.**

It shall be unlawful to engage in the act or acts of panhandling, begging or soliciting when either the solicitation or the person being solicited is located in, on, or at any of the following locations:

- (A) Bus stop or any public transportation facility;
- (B) Public transportation vehicle;
- (C) Area within fifteen (15) feet, in any direction, of a sidewalk café;
- (D) Parking lot, parking garage, or parking pay station owned or operated by the city;
- (E) Area within fifteen (15) feet, in any direction, of an automatic teller machine;
- (F) Area within fifteen (15) feet, in any direction, of the entrance or exit of a commercial or governmental building; or
- (G) Private property, unless the person panhandling has permission from the owner of such property.

**§122.53 AGGRESSIVE PANHANDLING PROHIBITED.**

It shall be unlawful to engage in the act of aggressive panhandling in any location in the city.

**§122.54 RIGHT-OF-WAY PANHANDLING PROHIBITED.**

It shall be unlawful for any person to act as a right-of-way panhandler or solicitor on a Prohibited Roadway or within 200 feet from the lateral curb or boundary line of an intersection located on the Prohibited Roadways identified in this subsection.

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***ARTSPARK BUSKER AND VENDOR PROGRAM***

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**§ 122.99 PENALTY.**

(A) Any person violating any of the provisions of this chapter, upon conviction, shall be subject to a fine not exceeding \$500 or imprisonment not exceeding 60 days, or both.

(B) Any person found in violation of §§ 122.100 through 122.108 shall be subject to prosecution and fine pursuant to § 10.99 of this Code of Ordinances.

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Section 2: That it is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised \_\_\_\_\_, 2014.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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PETER BOBER, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida, only.

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JEFFREY P. SHEFFEL, CITY ATTORNEY