

AN ORDINANCE

AN ORDINANCE BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AMENDING THE CODE OF GRIFFIN, GEORGIA AT CHAPTER 58, OFFENSES & MISCELLANEOUS PROVISIONS, ARTICLE I, IN GENERAL, BY ENACTING A NEW CODE SECTION 58-13, AGGRESSIVE PANHANDLING, TO PROHIBIT SOLICITATIONS FOR IMMEDIATE DONATIONS OF CASH, FOOD, OR OTHER THINGS OF VALUE IN AN AGGRESSIVE MANNER; TO DECLARE SUCH CONDUCT TO BE AN OFFENSE AGAINST THE CITY; TO PROVIDE FOR THE ISSUANCE OF CITATIONS AND, UPON CONVICTION, THE SENTENCE TO BE IMPOSED UPON OFFENDERS; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1: The Code of Griffin, Georgia is hereby amended at Chapter 58, OFFENSES & MISCELLANEOUS PROVISIONS, ARTICLE I, IN GENERAL, by enacting a new Sec. 58-13, AGGRESSIVE PANHANDLING, to provide as follows:

“Sec. 58-13. Aggressive Panhandling.

(a) It shall be an offense against the City, the good order, peace and tranquility thereof, and an affront to public safety and the well-being of its citizens, for any person to engage in “Aggressive Panhandling”, as defined in this section.

(b) Definitions.

(1) Panhandling shall mean any solicitation made in person upon a street, public way, public place including any park or plaza, or on public or private property open to the public for general business use in which a person solicits an *immediate* donation of money, gratuity, or other thing of value from another person, and includes but is not limited to seeking donations of cash.

(2) Aggressive Panhandling shall mean panhandling in an aggressive manner, including any of the following actions:

(i) Panhandling while at any time before, during, or after the solicitation physically touching the solicited person without the solicited person’s express prior consent, so as to create fear or apprehension of bodily harm by the solicited person;

(ii) Panhandling a person while such person is standing in line or waiting to be admitted to a general business establishment, show, or event; while waiting in a parked motor vehicle; or while occupying a standing motor vehicle, either in stopped or standing traffic on a roadway or in a drive-thru line at a general business establishment;

(iii) Panhandling by intentionally and physically obstructing the path of the solicited person or blocking entry by the solicited person to any building or vehicle;

(iv) Panhandling while intentionally following behind, alongside, or ahead of the solicited person who walks away from the panhandler to avoid being solicited;

(v) Panhandling while using profanity or abusive language either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communicative action that would cause a reasonable person to be fearful for his safety or intimidated not to make a donation;

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

(vii) Panhandling between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m.

(3) "General business use" shall include all commercial, retail, industrial, educational and governmental buildings, structures, and uses to which the general public has access, and any related parking lots and areas common thereto.

(c) The following shall not constitute panhandling or aggressive panhandling:

(1) Solicitations seeking a contribution or donation to be paid at a future date and time shall not constitute panhandling.

(2) Panhandling shall not include the act of passively standing or sitting with a sign indicating a donation will be accepted, and which may or may not be accompanied by the selling of an item of little to no monetary value, unless within twenty-five (25') feet of a business entrance or an automated teller machine;

(2) Panhandling shall not include the performing of music, singing and/or similar street performance, commonly known as "busking", with a sign or other indication that a donation will be accepted; and

(3) Panhandling shall not include the sale of goods or merchandise, including food and drinks, by a vendor during a sanctioned street festival or similar event.

(d) To the extent this section may create a content-based limitation on free speech, it is the position of the City, as found by its Board of Commissioners in enacting this section, that the interest of public safety of its citizens outweighs any unintended intrusion on a person's freedom of speech; such governmental interest is deemed compelling. It is the intent of the City to enforce this section in an identical and uniform manner against all violators, and that no person be treated less favorably on account of race, color, creed, religion, gender, domestic relationship, familial status, sexual orientation, national origin, political affiliation, transgender identity, or based upon the content of their speech or message conveyed.

(e) Nothing in this section is intended to authorize solicitations for cash or other things of value on private property generally accessible to the public when the owner, person or entity in legal possession thereof has conspicuously posted their premises against solicitations, and not expressly consented to such activity on its premises, including in parking lots and common areas thereof.

(f) Sanctions.

(1) A law enforcement officer reasonably suspecting a person to have engaged in Aggressive Panhandling under this section shall first warn the person that such conduct is unlawful and admonish the person to cease such activity and leave the premises where the conduct occurred.

(2) Any person engaged in Aggressive Panhandling, who fails to heed a reasonable warning from a law enforcement officer that such conduct is unlawful, shall be cited to appear before the Municipal Court; upon conviction, the person shall be sentenced to a fine not to exceed One Thousand (\$1,000.00), with the alternative of other punishment allowed by law in the event such fine is not paid; to sentence such person to community service work; or to impose a sentence consisting of any combination of the penalties provided for herein. Each act of aggressive panhandling prohibited by this section shall constitute a separate offense."

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this

amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective immediately upon adoption on second and final reading.

First Reading: October 27, 2015

Second Reading: November 10, 2015