



# COMMITTEE MEMORANDUM

May 6, 2013

**FROM:** Ashton J. Hayward, III, Mayor *with for AJH*

**SUBJECT:** Creating Sections 8-1-24 and 8-1-25 of the City Code - Prohibiting Aggressive Panhandling and Public Urination and Defecation

## RECOMMENDATION:

That City Council adopt the proposed ordinances creating Sections 8-1-24 prohibit aggressive solicitation, begging or panhandling in certain areas at certain times; and 8-1-25 to prohibit urination and defecation in public spaces.

## SUMMARY:

Proposed Section 8-1-24 will address the increasing problem of aggressive panhandling occurring at points in the City of Pensacola. Aggressive soliciting, begging or panhandling warrants justifiable alarm or immediate concern for the safety of persons or property and can cause apprehension and fear in the intended target of the soliciting, begging or panhandling. Soliciting, begging or panhandling on the public roadways or rights-of-way creates a safety hazard for both pedestrians and those travelling upon the roadways and rights-of-way, and poses a disruption to the free flow of traffic.

The City of Pensacola has a significant interest in protecting the health, safety and welfare of those peacefully moving about within the city.

Soliciting, begging or panhandling has a negative impact on the attraction of businesses to the area as well as the ability to retain existing businesses. In addition, soliciting, begging or panhandling causes a sense of fear and intimidation, particularly at night, on roadways or in confined areas. Soliciting, begging or panhandling contributes to the negative perception of those areas where it occurs, which discourages shoppers and visitors and contributes to the lack of enjoyment of public places within those areas.

This ordinance mirrors the current Escambia County Code of Ordinances (Chapter 86, Article VIII, Sections 86-250 through 253) that deals with aggressive panhandling in the unincorporated areas of Escambia County.

Proposed Section 8-1-25 makes it unlawful to urinate or defecate in a public space. This section is specifically designed to address the environmental and sanitation issues currently present in the downtown district due to the repeated use of public space for elimination purposes.

## PRIOR ACTION:

None.