

1 Introduced, July 12, 2016, by Councilman
2 Newcomb, seconded by Councilman Abney, (by
3 request of Administration)

4 **Item No. 16-06-3150**

5 **ORDINANCE NO. 3826**

6
7 An ordinance amending the Code of Ordinances of the City of Slidell,
8 Chapter 11, Section 207, Criminal Code, Aggressive Begging by deleting the existing
9 Ordinance in its entirety and replacing it with Chapter 11, Section 207.1 Aggressive
10 Begging, and Sec. 207.2 Solicitors on Public Highways.

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12 WHEREAS, City of Slidell ("City") recognizes the rights of all people to
13 exercise their First Amendment Rights; and

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15 WHEREAS, City has a compelling governmental interest in imposing certain
16 reasonable time, place and manner regulations whenever potential First Amendment
17 activities such as begging, solicitation and panhandling occur on streets, highways,
18 sidewalks, walkways, plazas, and other public venues within the City limits; and

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22 WHEREAS, this Section is not intended to limit any persons from exercising
23 their constitutional right to solicit funds, picket, protest or engage in constitutionally protected
24 activities. The provisions of this Section are expressly established to most narrowly tailor any
25 such restrictions to protect the First Amendment rights of all people within the City as well as
26 the rights of non-participating people and their property, and to ensure the rights and safety of
27 all people and/or property to the extent possible; and

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32 WHEREAS, persons desiring to engage in begging and/or panhandling within
33 the City limits of Slidell shall first obtain a permit from the Chief of Police or his designee; and

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35 WHEREAS, the permit referenced above will be at no cost to the applicant; and

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38 WHEREAS, persons receiving said permit must keep same displayed on his or
39 her chest, hanging from a lanyard or clipped to their garment, so that the name, type of permit

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4 and date of expiration is visible at all times while begging or panhandling alms for personal
5 gains and show it to any law enforcement officer or the Chief Administrative Officer or his
6 designee immediately upon request: and
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9 WHEREAS, persons approached by individuals asking for money, objects or
10 other things of any value are particularly vulnerable to real, apparent or perceived coercion
11 when such request is accompanied by or immediately followed or preceded with aggressive
12 behavior such as:
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- 15 (1) Continuing to beg or solicit from a person after the person has given a negative
16 response to such solicitation;
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18 (2) Touching another person in the course of begging or soliciting without
19 that person's consent;
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21 (3) Blocking or interfering with the safe or free passage of a pedestrian or
22 vehicle by any means;
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24 (4) Using violent or threatening gestures which are likely to provoke an immediate
25 violent reaction from the person who is the subject of the solicitation or request for
26 money;
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28 (5) Closely following behind, ahead or alongside a person who has been solicited or
29 asked for money after that person has given a negative response to such solicitation;
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31 (6) Using profane, threatening, or abusive language, either during the solicitation
32 or begging or following a refusal;
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34 (7) Begging or soliciting money from anyone who is waiting in line for tickets,
35 entering a public building or riding on public transportation;
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37 (8) Begging or soliciting in a manner with conduct, words or gestures intended or
38 likely to cause a reasonable person to fear imminent bodily harm, danger
39 or damage to or loss of property or otherwise to be intimidated into giving
money or any other thing of value;
- (9) Begging or soliciting in a group of two or more persons in an intimidating
fashion.

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6 WHEREAS, City desires to respect a person's potential right to solicit, beg
7 or panhandle while simultaneously protecting another's right to not be unduly coerced; and
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9 WHEREAS, City further finds that aggressive soliciting, begging or
10 panhandling of persons within 20 feet of any outdoor seating area of any cafe, restaurant
11 or other business, automated teller machine, mass transportation stop, public teller or pay
12 telephone also subjects people being solicited to improper and undue influence and/or fear
13 and should not be allowed; and
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17 WHEREAS, persons approaching other individuals in an aggressive manner
18 asking for money, objects or other things of any value after dark in public places inspire alarm
19 and fear, which coupled with the inherent difficulty of establishing identity should not be allowed.
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22 WHEREAS, City finds that pedestrians entering public highways and
23 highway intersections or interacting with vehicles on public highways and intersections,
24 which vehicles are moving or temporarily stopped at traffic control devices and signs,
25 endanger the health, safety, and general welfare of the public and impede the normal,
26 orderly, and safe flow of traffic by causing distractions to motorists, unsafe pedestrian
27 movements within travel lanes, sudden stoppage or slowdown of traffic, rapid lane
28 changing and other dangerous traffic movements, and increase the possibility of traffic
29 accidents that could result in injuries or fatalities; and
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32 WHEREAS, City seeks to provide for the safety of its citizens by prohibiting
33 transactions in which money or other item(s) are transferred between pedestrians on
34 public highways and intersections and occupants of motor vehicles on public highways and
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4 intersections which are moving or temporarily stopped (not lawfully parked) within the City;
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6 and

7 WHEREAS, the time period necessary to complete such a transaction may
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9 cause the driver of a motor vehicle to delay proceeding in accordance with traffic signals
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11 (e.g., a driver may not proceed through a traffic light when it turns green in order to
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13 complete the transfer of money or other item) or cause a pedestrian who enters a public
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15 highway or intersection while traffic is temporarily stopped to remain after traffic resumes
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17 moving; and

18 WHEREAS, individuals entering upon public highways and intersections, or
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20 going alongside public highways and intersections, to interact with vehicles on the traveled
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22 portion of the public highway and intersection, which are moving or temporarily stopped,
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24 causes distractions to drivers, unsafe pedestrian movement or standing within travel lanes,
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26 the potential for unexpected or sudden stoppage or slowdown of traffic, rapid lane
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28 changing and other dangerous traffic movement, increasing the risk of accident and
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30 injuries to the motoring public as well as pedestrians soliciting the interaction; and

31 WHEREAS, individuals entering upon a public highway and highway
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33 intersection to display advertisements of any kind which are directed at occupants of motor
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35 vehicles create distractions to drivers, promote unsafe pedestrian movement across the
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37 traveled portion of public highways and intersections to reach shoulders or medians, and
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39 promote standing within travel lanes, all of which increase the potential for unexpected or
sudden slowdown of traffic, rapid lane changing and other dangerous traffic movement
increasing the risk of accident and injuries to the motoring public as well as pedestrians

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4 engaged in such activity; and

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6 WHEREAS, the solicitation on public highways provisions within this
7 ordinance, by regulating only conduct which is targeted toward motor vehicles on the
8 traveled portion of a public highway and highway intersection, and not regulating conduct
9 directed toward pedestrians on the sidewalks or other area of the City, is narrowly tailored
10 to achieve the City's goal of promoting traffic safety; and
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13 WHEREAS, this ordinance allows for ample alternative locations for
14 pedestrians to engage in constitutionally protected solicitation or distribution; and
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17 WHEREAS, City finds the amendments to the Code of Ordinances of the City
18 of Slidell, as more particularly set forth herein, in the public interest and necessary to
19 protect the health, welfare, safety, tranquility, and quality of life of the citizens of City of
20 Slidell.
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23 NOW THEREFORE BE IT ORDAINED by the Slidell City Council that it does
24 hereby amend Chapter 11, Section 207, Criminal Code, by deleting the existing
25 Ordinance in its entirety and replacing it with Chapter 11, Section 207, Begging,
26 Panhandling, Permit Required; Section 207.1, Aggressive Begging, and 207.2, Solicitors
27 on Public Highways, as follows, to wit:
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33 **Sec. 11-207, Begging, Panhandling, Permit Required:**
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35 (a) It shall be unlawful for any person to beg or panhandle upon the streets of any
36 other public property without first obtaining a permit from the Chief of Police or
37 his designee.

38 (b) Application for the permit shall be in writing on a form furnished by the Chief of
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4 Police and shall be submitted to the Police Department at least forty-eight (48)
5 hours before the first day sought for begging. The application shall include the
6 full legal name of the applicant, the applicant's address, telephone numbers, and
7 e-mail addresses, and any other information needed to establish the applicant's
8 identity. The applicant shall also provide picture identification at the time the
9 application is submitted or, if picture identification is impractical, the applicant
10 shall provide other documentation that definitively establishes identity. The
11 Chief shall grant the permit unless:

- 12 (1) The application contains a false or fraudulent statement; or
- 13 (2) The applicant has been convicted of violating begging or panhandling
14 ordinances within the twelve (12) months prior to the application date.

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16 The City shall grant or deny the permit within twenty-four (24) hours after a
17 completed application is submitted. An applicant may appeal a denial of a permit to the
18 Chief Administrative Officer of the City if the appeal is taken within (10) days after receiving
19 actual notice of denial.

20 (c) A permit shall be valid for one (1) year from the date of issuance or until the
21 permit holder is convicted of a violation of the City's begging and panhandling
22 ordinances, as follows:

- 23 (1) If a permit holder is convicted of a violation of the begging and
24 panhandling ordinance, the holder shall not be eligible for another
25 permit for a period of two (2) years from the date of conviction of the
26 offense.
- 27 (2) If the permit holder/applicant has two (2) or more violations of this
28 Chapter within a period of five (5) years preceding the application for
29 permit.
- 30 (3) If the permit holder/applicant has been convicted of two (2) or more
31 offenses within a period of five (5) years preceding the application for
32 permit where each offense involved as assault, communicating a
33 threat, illegal use of a weapon or other act of violence or attempted
34 violence whether a misdemeanor or felony under Louisiana law or
35 which is substantially equivalent offense in another jurisdiction.
- 36 (4) If the permit holder/applicant has been convicted of one (1) or more
37 offenses of homicide under Louisiana law or for offenses occurring in
38 other jurisdictions, constitutes offense(s) substantially equivalent to
39 homicide within a period of twenty (20) years preceding the application

4 for permit.

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6 (5) If permit holder/applicant makes a false or misleading statement while
7 applying for the beggars/panhandler's permit shall be guilty of a
8 misdemeanor. Upon notice of said violation, the Chief of Police or his
9 designee shall decline to issue a permit to the offending applicant or
10 revoke the permit of the offending permittee.

11 (6) Any revocation of a permit pursuant to this section may be appealed to
12 the Chief of Police, or his designee, if the appeal is taken within ten
13 (10) days of notice of revocation.

14 (d) Persons receiving said permit must keep same displayed on his or her chest,
15 hanging from a lanyard or clipped to their garment, so that the name, type of permit
16 and date of expiration is visible at all times while begging or panhandling alms for
17 personal gains and show it to any law enforcement officer or the Chief
18 Administrative Officer or his designee immediately upon request.

19 (e) Issuance of a permit under this section does not authorize begging in locations
20 where it is otherwise prohibited by law.

21 **Sec. 11-207.1, Aggressive begging:**

22 **1. Purpose and Intent:**

23 The public purpose of this Section is to protect the rights of all peoples to exercise their
24 First Amendment rights as well as the people and/or property of those who chose to be non-
25 participating.
26 participating.

27 **2. Definitions:**

28 The following words, terms and phrases, when used in this chapter shall have the
29 meanings ascribed to them in this section, except where the context clearly indicates a
30 different meaning:
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35 A. "*Beg,*" "*begging*" or "*panhandling*" shall be synonymous and shall mean
36 asking for money or objects of value, with the intention that the money or object be
37 transferred at that time, and at that place. "*Solicit*" or "*Soliciting*" shall include using the
38 spoken, written, or printed word, bodily gestures, signs, or other means of communication
39 with the purpose of obtaining an immediate donation of money or other thing of value the

4 same as begging or panhandling.

5 B. *Aggressive manner* shall mean:
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- 7 (1) Approaching or speaking to a person, or following a person before,
8 during or after soliciting if that conduct is intended or is likely to cause a
9 reasonable person to fear bodily harm to oneself or to another, or
10 damage to or loss of property or otherwise to be intimidated into giving
11 money or other thing of value;
- 12 (2) Continuing to solicit from a person after the person has given a
13 negative response to such soliciting;
- 14 (3) Intentionally touching or causing physical contact with another
15 person without that person's consent in the course of soliciting;
- 16 (4) Intentionally blocking or interfering with the safe or free passage of a
17 pedestrian or vehicle by any means including unreasonably causing a
18 pedestrian or vehicle operator to take evasive action to avoid physical
19 contact;
- 20 (5) Using violent or threatening language and/or gestures toward a
21 person solicited which are likely to provoke an immediate violent
22 reaction from the person being solicited;
- 23 (6) Following the person being solicited, with the intent of asking that
24 person for money or other things of value;
- 25 (7) Speaking in a volume unreasonably loud under the circumstances;
- 26 (8) Soliciting money from anyone who is waiting in line for tickets, for
27 entry to a building or for any other purpose;
- 28 (9) Soliciting in a manner with conduct, words or gestures intended or
29 likely to cause a reasonable person to fear immediate bodily harm,
30 danger or damage to or loss of property or otherwise be intimidated
31 into giving money or any other thing of value;
- 32 (10) Begging in a group of two or more persons in an intimidating
33 fashion;
- 34 (11) Soliciting any person within 20 feet of any outdoor seating area of
35 any café, restaurant or other business automated teller machine,
36 mass transportation stop, public toilet or pay telephone;
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4 (12) Soliciting any person in public after dark, which shall mean the time
5 from one-half hour before sunset to one-half hour after sunrise.

6 C. *Automated teller machine* shall mean a device, linked to a financial
7 institution's account records, which is able to carry out transactions, including, but not
8 limited to: account transfers, deposits, cash withdrawals, balance inquiries, and
9 mortgage and loan payments which are made available to banking customers.

10 D. *Public place* shall mean a place to which a governmental entity has title, to
11 which the public or a substantial group of persons has access, including, but not
12 limited to any road, alley, lane, parking area, sidewalk or any place, private or
13 otherwise, adopted to and fitted for vehicular or pedestrian travel, that is in common
14 use by the public with the consent, expressed or implied, of the owner or owners, and
15 further any public playground, school grounds, recreation grounds, place of
16 amusement, parks, parkways, park drives, park paths and wharves, station grounds
17 and rights-of-way open to the use of the public, street, highway, plaza, or
18 transportation facility.

19 **3. Offense:**

20 It shall be unlawful for any person to aggressively beg, panhandle or solicit any
21 other person.
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24 **4. Penalty:**

25 Any person, firm or corporation violating any provision of this article shall be fined
26 not more than \$ 500.00 or imprisonment for not more than six (6) months, or both, for
27 each offense, and a separate offense shall be deemed committed on each day during or
28 on which a violation occurs or continues.
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32 **Chapter 11-Section 207.2, Solicitors on Public Highways.**

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34 **1. Purpose and Intent:**

35 The public purpose of this Section is to protect the rights of all peoples to exercise their
36 First Amendment rights as well as the people and/or property of those who chose to be non-
37 participating. It is the intent of this section to protect the health, safety and general welfare
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4 of the citizens of the City of Slidell ("City"); to assure the free, orderly, undisrupted
5 movement of motor vehicles on public highways within the City limits; and to provide for
6 safety in the interest of pedestrians and occupants of motor vehicles located on public
7 highways in the City. This section is intended to apply evenhandedly to all persons who
8 engage in the activities proscribed herein, regardless of their message.
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12 **2. General Findings:**

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14 Pedestrians distributing materials to or soliciting from occupants of motor vehicles
15 located on the traveled portion of public highways, involving an interaction between
16 the pedestrian distributing or soliciting and an occupant of a motor vehicle, is
17 hazardous to public safety both for occupants of motor vehicles and for pedestrians
18 engaging in such distribution or solicitation. The prohibitions set forth in this section
19 are narrowly-tailored to serve the significant interest of promoting and protecting the
20 public health, safety, and welfare and that said prohibitions leave open ample alternative
21 channels of communication throughout the unincorporated parish.
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27 **3. Definitions:**

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29 The following words, terms and phrases, when used in this chapter shall have the
30 meanings ascribed to them in this section, except where the context clearly indicates a
31 different meaning:
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34 *Soliciting* means to seek or to plead, to entreat and ask, to lure or tempt a
35 person.
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38 *Public Highway* includes the entire width between the boundary lines of every
39 roadway maintained by the State of Louisiana as a state highway or part of the National

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4 System of Interstate and Defense Highways, and open to the use of the public for the
5 purpose of vehicular travel, including bridges, causeways, shoulders, roadbeds, and
6 medians of state maintained highways, interstate highways, interstate connector roads,
7 and highway intersections within City limits.

8 *Highway Intersections* include:

- 9
- 10 (1) The entire area embraced within the connection of widths between boundary
11 lines of two public highways or a highway and any other public street which
12 join one another at, or approximately at, right angles, or the area within which
13 vehicles traveling upon public highways or a public street meeting a public
14 highway join at any other angle and come in conflict.
- 15 (2) Where a public highway includes two roadbeds (typically divided by a
16 median), then every crossing of each roadbed of such divided highway by an
17 intersecting highway or public street shall be regarded as a separate
18 intersection. In the event such intersecting highway or public street also
19 includes two roadbeds, then every crossing of two roadbeds of such
20 highways or public streets shall be regarded as a separate intersection.

21 *Public Street* means the entire width between the boundary lines of every way or
22 place of whatever nature publicly maintained and open to the use of the public for the
23 purpose of vehicular travel, other than a public highway as herein defined.

24 *Legally parked* means a vehicle that is standing, stopped or parked in an area
25 designated or legally authorized for parking.

26 *Traveled portion* includes travel lanes, turn lanes, and other portions of the roadbed
27 that are generally used for motor vehicle travel and is not an area designated or legally
28 authorized for parking.

29 **4. Prohibitions.**

30 No pedestrian shall go upon any public highway for the purpose of:

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- 32 (1) Soliciting or attempting to solicit donations, contributions, employment, business, or
33 sales or exchanges of any kind, or in any manner, from an occupant of a motor
34 vehicle when the motor vehicle is on the travelled portion of a public highway and
35 when the solicitation or attempted solicitation results in or is intended to result in a
36 transfer of money or any other item between the solicitor and an occupant of the
37 motor vehicle; and
- 38 (2) Distributing or attempting to distribute any product or material to an occupant of a
39 motor vehicle when the motor vehicle is on the travelled portion of a public highway

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4 and when the distribution or attempted distribution results in or is intended to result
5 in a transfer of product or material between the distributor and an occupant of the
6 motor vehicle.

7 **5. Penalty.**
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9 Whoever commits the crime of solicitation or distribution on a public highway shall
10 be fined not more than Two Hundred Dollars (\$ 200.00), or imprisoned for not more than
11 six (6) months, or both, for each offense, and a separate offense shall be deemed
12 committed on each day during or on which a violation occurs or continues. (State Law
13 Reference: RS 14:96, 14:97, 14:97.1, 14:100.1, 32:218).
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17 BE IT FURTHER ORDAINED by the Slidell City Council that Chapter 11,
18 Section 207, Begging, Panhandling, Permit Required; as amended shall be effective thirty
19 (30) days from the date of adoption of this Ordinance.
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22 BE IT FURTHER ORDAINED by the Slidell City Council that Chapter 11;
23 Section 207.1, Aggressive Begging, and 207.2, Solicitors on Public Highways; as
24 amended are effective upon adoption of this Ordinance.
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27 BE IT FINALLY ORDAINED that the provisions of this Article may be
28 enforced by the Slidell Police Department, St. Tammany Parish Sheriff's Office, the
29 Louisiana State Police, and federal and state highway enforcement officials.
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32 REPEAL: All ordinances or parts of Ordinances in conflict herewith are
33 hereby repealed.
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35 SEVERABILITY: If any provision of this Ordinance shall be held to be invalid,
36 such invalidity shall not affect other provisions herein which can be given effect without the
37 invalid provision and to this end the provisions of this Ordinance are hereby declared to be
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4 severable.

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6 **ADOPTED** this 12th day of July, 2016.

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9 Jay Newcomb
10 President of the Council
11 Councilman, District F

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13 

14 Freddy Drennan
15 Mayor

16 

17 Thomas P. Reeves
18 Council Administrator

DELIVERED	7/13/16
11:30 am	to the Mayor
RECEIVED	7/15/16
10:30 am	from the Mayor

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