

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No. XI.A.
3/29/2016

TO: Mayor and City Council

FROM: Councilmembers Pettis and Stonecipher

Ordinance on final hearing, relating to Miscellaneous Provisions and Offenses; Chapter 30, Article XV, Division 2, amending Section 30-428 Legislative Findings of Aggressive Panhandling; and amending Section 30-430 Definitions of panhandling, aggressive manner and soliciting within 50 feet of elementary schools.

Councilmembers Pettis and Stonecipher

Deferred from February 9, March 8 and 15, 2016

Request deferral to April 5, 2016.

Purpose

The Municipal Counselor's Office prepared the attached ordinance at the request of Councilmembers Pettis and Stonecipher. This ordinance, if passed, will amend Sections 30-428 and 30-430 of Division 2 of Article XV of Chapter 30 of the Code, as follows:

- Certain "Legislative Findings" would be added;
- The terms "aggressive behavior" and "aggressively" would be added as defined terms; such terms would be defined in the same way as the term "aggressive manner;"
- The definition of "aggressive manner," "aggressive behavior," and "aggressively" would be amended to add a specific prohibition against panhandling within 50 feet of a school bus stop;
- The definition of "aggressive manner," "aggressive behavior," and "aggressively" would be amended to modify the prohibition on panhandling near any outdoor seating area of any cafe, restaurant, or other business, automated teller machine, mass transit, public toilet, or pay phone from 20 feet to 50 feet;
- The definition of "aggressive manner," "aggressive behavior," and "aggressively" would be amended to add a specific prohibition against panhandling within 50 feet from any land owned by a public or private school and used in whole or in part for providing education services to elementary age children;
- The defined terms "beg," "begging," "panhandling" and "soliciting" would be modified to specify that the prohibited activity involve an "unwanted" communication.

Please note that the two sections being amended (Sections 30-428 and 30-430) are part of Division 2, "Aggressive Panhandling," of Article XV of Chapter 30 of the Oklahoma City Municipal Code, 2010. The specific related offense is set forth in Section 30-431, as follows: "It shall be unlawful for any person to aggressively beg, panhandle or solicit any other person."

Background City staff and citizens have expressed increasing concerns relating to pedestrian solicitors who solicit near elementary schools, school bus stops, and ATMs. The ordinance presented is intended to address these specific concerns.

Review Municipal Counselor's Office

Recommendation: Ordinance be adopted.