

Ordinance No. 20170516-2

AN ORDINANCE OF THE CITY OF TIMPSON, TEXAS; PROVIDING FOR THE FOLLOWING: DEFINITIONS; CREATING TIME, PLACE, AND MANNER REGULATIONS FOR PANHANDLING; VIOLATION; PENALTY NOT TO EXCEED \$500.00 PER OFFENSE; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code § 51.001, the City Council of the City of Timpson, Texas (“City Council”) has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, aggressive panhandling exposes the public to potential harassment, intimidation, and fear; and

WHEREAS, the City Council desires to protect the public from the adverse consequences of aggressive panhandling; and

WHEREAS, the City Council of the City of Timpson finds that it is in the best interest of the public health, safety and general welfare to regulate the time, place, and manner in which panhandling may occur in the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIMPSON, TEXAS THAT:

SECTION 1. Definitions.

As used in this Ordinance, the following terms shall be defined as follows:

“Aggressive Manner,” “Aggressive Behavior,” or “Aggressively,” as related to begging and panhandling shall mean:

1. using violent or threatening gestures toward a person while panhandling;
2. continuing to panhandle from a person after the person has given a negative response to such panhandling;
3. intentionally touching or causing physical contact with another person without that person’s consent in the course of panhandling;
4. intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
5. panhandling money from anyone who is waiting outside in line for tickets, for entry to a building, or for any other purpose;
6. approaching or following a person for panhandling individually or as part of a group of two or more persons, in a manner and with conduct, or gestures intended or likely

to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be harassed or intimidated into giving money or other things of value.

“Bank” shall mean a bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

“Check Cashing Business” shall mean an entity in the business of cashing checks, drafts, or money orders for consideration.

“Public Area” shall mean an area to which the public has access and is authorized to be, including, but not limited to: the common area of a hospital, apartment house, office building, transport facility, shop, basement, building entrance or doorway, lobby, hallway, stairway, mezzanine, elevator, foyer, public restroom or sitting room, or any other place used in common by the public, tenants, occupants, or guests situated in a private building.

“Public Place” shall mean a place to which a governmental entity has title and to which the public has access, including, but not limited to any: street, highway, sidewalk, walkway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

“Ask,” “Beg,” or “Panhandle” shall mean to request, through spoken, written, or printed word, or by any other means of communication, an immediate donation or transfer of money or another thing of value from another person, regardless of the panhandler’s purpose or intended use of the money or thing of value, and regardless of whether consideration is offered.

SECTION 2. Certain Panhandling Prohibited.

- a) It shall be unlawful for any person to panhandle:
- 1) in an aggressive manner in a public area or public place;
 - 2) within twenty (20) feet of the following areas where the public is considered vulnerable or where panhandling would interfere with the flow of pedestrian or motor vehicle traffic:
 - a. an automated teller machine (ATM);
 - b. the entrance or exit of a bank;
 - c. the entrance or exit of a check cashing business;
 - d. an authorized charitable contribution activity;
 - e. a parking meter or parking pay station on a street;
 - f. a public parking garage or parking lot pay station;
 - g. the entrance or exit of a restaurant or the service area of an outdoor eating establishment, unless authorized to be there by the property owner;
 - h. a marked crosswalk; or

- i. an entrance of a government building;
 - 3) within five (5) feet of a curb or edge of a street;
 - 4) within fifty (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;
 - 5) within ten (10) feet of a gas station, liquor store, or convenience store property; or
 - 6) in a public restroom.
- b) For purposes of subsection (a), all measurements shall be made in a straight line, without regard to intervening structures or objects, from the point at which panhandling occurred to the nearest portion of the location listed in subsection (a).

SECTION 3. Violation of Ordinance.

Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction therefor shall be fined an amount not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each offense.

SECTION 4. Repealer.

This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the City of Timpson, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such ordinance or ordinances are hereby repealed.

SECTION 5. Severability.

If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, such declarations shall not affect the remaining portions of this Ordinance.

SECTION 6. Effective Date.

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 7. Proper Notice and Meeting.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED THIS THE 16TH DAY OF MAY, 2017 by a vote of
__ Nays to __Ayes.**

**Hon. Debra P. Smith, Mayor
City of Timpson**

ATTEST:

**Leslie Leathers, City Secretary
City of Timpson**