

ORDINANCE

AMENDING TITLE 12 (NUISANCES),
CHAPTER 6 (MISCELLANEOUS), TO
CREATE SECTION 12:407, ENTITLED
"AGGRESSIVE PANHANDLING", FOR THE
PURPOSES OF ADDRESSING ACTS OF
AGGRESSIVE SOLICITATION IN THE
DOWNTOWN DEVELOPMENT DISTRICT AND
ON THE BOARDWALKS OF THE
MISSISSIPPI RIVER LEVEE SYSTEM
WITHIN THE CITY LIMITS OF BATON
ROUGE.

WHEREAS, the Metropolitan Council finds that aggressive panhandling creates a hostile and threatening environment for residents and visitors and harms the economic vitality of the City's downtown area; and

WHEREAS, the Metropolitan Council finds that residents, visitors, and business owners have the right to peaceful enjoyment of the City's public spaces free from aggressive solicitation; and

WHEREAS, the Metropolitan Council respects the right to free speech as established by the Louisiana and United States Constitutions;

BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that: Title 12(Nuisances), of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge, Chapter 6 (Miscellaneous), is hereby amended and re-enacted, which shall read as follows:

13:1064 - Aggressive panhandling.

(a) "Panhandling", as used in this section, means any solicitation made in person whereby a request is made for an immediate donation of money or other gratuity from another, and includes, but is not limited to, seeking donations by vocal appeal. However, panhandling shall not include the act of passively standing or sitting with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

b) Panhandling is prohibited in the following locations within the Downtown Development District:

- (1) A bus, streetcar, or train stop;
- (2) In a public transportation vehicle or facility;
- (3) In a sidewalk café or within 30 feet of the café;
- (4) Twenty feet in any direction from an automatic teller machine (ATM) or bank; or
- (5) Within eight feet of any occupied passenger vehicle on the street.
- (6) In public park(s).

(c) Panhandling is also prohibited on the pedestrian walkways and/or boardwalks of the Mississippi River levee system within the city limits of Baton Rouge.

(d) It shall be unlawful to engage in an act of panhandling on any day after 7:00 p.m. or before 6:00 a.m.

(e) It shall be unlawful to engage in an act of

panhandling in an aggressive manner, including any of the following actions:

(1) Touching the solicited person without the solicited person's consent;

(2) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;

(3) Blocking the path of a person being solicited or the entrance to any building or vehicle;

(4) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;

(5) Approaching and coming within three feet of a person unless the person has agreed to make a donation;

(6) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled to make a donation.

(f) Penalties for violation of this section include a fine of not more than five hundred dollars (\$500.00), and/or imprisonment for up to thirty (30) days, and/or community service of up to 25 hours per infraction.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.