

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Section 9.20.080 of the Lincoln Municipal Code  
2 relating to panhandling to provide a more specific definition of the offense including but not limited  
3 to the time, place and manner of the acts prohibited by said ordinance; and repealing Section  
4 9.20.080 of the Lincoln Municipal Code as hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 9.20.080 of the Lincoln Municipal Code be amended to read  
7 as follows:

8 **9.20.080 Panhandling.**

9 ~~It shall be unlawful for any person to beg in a public place, or to go about from door to door,~~  
10 ~~or place themselves in the streets, or other public places, for the purpose of begging or receiving~~  
11 ~~alms.~~

12 (a) As used in this section, panhandling shall mean any solicitation made in person upon  
13 any street, public place or park in the city, in which a person requests an immediate donation of  
14 money or other gratuity from another person, and includes but is not limited to seeking donations:

15 (1) By vocal appeal; and,

16 (2) Where the person being solicited receives an item of little or no monetary  
17 value in exchange for a donation, under circumstances where a reasonable person would understand  
18 that the transaction is in substance a donation.

19 (3) However, panhandling shall not include the act of passively standing or sitting  
20 nor performing music, singing or other street performance with a sign or other indication that a

1 donation is being sought, without any vocal request other than in response to an inquiry by another  
2 person.

3 (b) It shall be unlawful for any person to knowingly or intentionally engage in an act of  
4 panhandling on any day after sunset, or before sunrise.

5 (c) It shall be unlawful for any person to knowingly or intentionally engage in an act of  
6 panhandling when either the panhandler or the person being solicited is located at any of the  
7 following locations; at a bus stop; in any public transportation vehicle or public transportation  
8 facility; in a vehicle which is parked or stopped on a public street or alley; in a sidewalk café; or  
9 within twenty (20) feet in any direction from an automatic teller machine or entrance to a bank.

10 (d) It shall be unlawful for any person to knowingly or intentionally engage in an act of  
11 panhandling by aggressive solicitation. Aggressive solicitation shall mean:

12 (1) Touching the solicited person without the solicited person's consent.

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

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

17 (4) Following a person who walks away from the panhandler after being solicited  
18 if that conduct is intended to or is likely to cause a reasonable person to be fearful of imminent  
19 bodily harm or to feel intimidated to make a donation;

20 (5) Using profane or abusive language, either during the solicitation or following  
21 a refusal to make a donation;

1           (6)    Intentionally, knowingly, or recklessly making any statement, gesture, or other  
2 communication which would cause a reasonable person to be fearful of imminent bodily harm or to  
3 feel intimidated to make a donation.

4           (e)    It shall be unlawful for any person to knowingly or intentionally panhandle in a group  
5 of two (2) or more persons.

6           Section 2. That Section 9.20.080 of the Lincoln Municipal Code as hitherto existing  
7 be and the same is hereby repealed.

8           Section 3. That this ordinance shall take effect and be in force from and after its  
9 passage and publication according to law.

Introduced by:

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Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2004:  _____ Mayor
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