



Legislation Details (With Text)

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On agenda: 4/24/2018 **Final action:**
Title: Ordinance Amending Chapter 13 with Respect to Business Permits and Miscellaneous Business Regulations and Repealing and Reenacting Chapter 20 of the Greensboro Code of Ordinances with Respect to Panhandling, Soliciting, etc.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 04.20.18 Ordinance Amending Chapter 13 Licenses Taxation Business Permits and Miscellaneous Business Registration.pdf, 2. 04.20.18 Ordinance Repealing and Reenacting Chapter 20 Peddlers Solicitors etc.pdf

Date	Ver.	Action By	Action	Result
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Ordinance Amending Chapter 13 with Respect to Business Permits and Miscellaneous Business Regulations and Repealing and Reenacting Chapter 20 of the Greensboro Code of Ordinances with Respect to Panhandling, Soliciting, etc.

Department: Legal

Meeting Date:

Public Hearing: No

Advertising Date/By: N/A

Contact 1 and Phone: Tom Carruthers, City Attorney, 373-2320

Contact 2 and Phone: Jennifer Schneier, Assistant City Attorney

PURPOSE:

To repeal and replace Chapter 20 and amend Chapter 13 of the Greensboro Code of Ordinances to address concerns that the current ordinance's content based distinctions did not serve the required compelling government interest now required under the strict scrutiny analysis of recent US Supreme Court decisions. This new ordinance eliminates distinctions between panhandling and charitable and political soliciting. The initial ordinance will only regulate aggressive behavior to protect public safety while further revisions are discussed and considered.

BACKGROUND:

Regulation of protected speech falls into two areas. If the regulation is content based, the government regulations are subject to strict scrutiny and must show that the restrictions are narrowly tailored to serve a compelling state interest. If the regulation is content neutral, the government must show a legitimate government interest. Prior to 2015, most decisions regarding regulations on panhandling found that restrictions on time and place were content neutral and therefore subject to the lesser scrutiny.

The 2015 United States Supreme Court decision of Reed v. Town of Gilbert held that a Town's sign regulations were content based, not content neutral and the regulations did not survive strict scrutiny. Following this decision, subsequent court cases in federal circuit courts extended this ruling to regulations on panhandling. This substantial change in the law requires each municipality to review its current regulations based on this new opinion.

Going forward, the City will engage stakeholders from across the community to better understand community concerns regarding further regulations. City staff will collect and analyze more in-depth information regarding empirical data surrounding panhandling and citizens' concerns. City Legal will conduct a review of all the City ordinances regulating both non-commercial and commercial speech. City Council will then consider additional amendments.

BUDGET IMPACT:

None.

RECOMMENDATION / ACTION REQUESTED:

It is recommended that City Council amend Chapter 13 and to repeal and reenact Chapter 20 of the Greensboro Code of Ordinances.