

MEMORANDUM

TO: The Honorable Chair and City Council Members

FROM: Lynn Gordon, Legal Intern/Attorney

DATE: December 20, 2007

RE: Panhandling Ordinance, Section 20-79 of the St. Petersburg City Code

Attached, is an ordinance with revisions, additions, and deletions which reflect requests by City Council to address panhandling in downtown St. Petersburg. The ordinance establishes one expanded Prohibited Zone in which panhandling would be prohibited. The proposed Prohibited Zone contains a high concentration of businesses, attractions, and venues that attract tourists and visitors to downtown St. Petersburg and, in turn, support the economic vitality of downtown St. Petersburg. This is a key factor considered by courts in determining the constitutionality of panhandling ordinances. The boundaries of the proposed Prohibited Zone are described in the ordinance and outlined on the accompanying map.

The ordinance and map have been reviewed and recommended by the Committee of the Whole.

Recommendation: Conduct first reading and schedule a public hearing.



Lynn Gordon, Legal Intern/Attorney

Attachments

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 20-79
OF THE CITY CODE TO REVISE THE
DEFINITION OF PROHIBITED ZONE AND
PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION ONE. Section 20-79 of the St. Petersburg City Code is hereby amended to read as follows:

(a) *Definitions.*

- (1) *Prohibited Zone* means ~~any of the following designated areas or the area bounded by the following rights-of-way (including sidewalks), which generally are shown on Diagram 1:~~
- a. ~~The West side of Beach Drive North between the center of the rights-of-way of First Avenue North and Third Avenue North;~~
 - b. ~~Both sides of First Street North between the center of the rights-of-way of Second Avenue North and Third Avenue North;~~
 - c. ~~Both sides of Second Street North between the center of the rights-of-way of First Avenue North and Third Avenue North;~~
 - d. ~~The West side of Second Street North between the center of the rights-of-way of Central Avenue and First Avenue North;~~
 - e. ~~The East side of Third Street North between the center of the rights-of-way of Central Avenue and First Avenue North;~~
 - f. ~~Both sides of Central Avenue between the center of the rights-of-way of Second Street North and Third Street North;~~
 - g. ~~The North side of Central Avenue between the center of the rights-of-way of Fifth Street North and Sixth Street North;~~

- h. ~~The North side of First Avenue North between the center of the rights-of-way of First Street North and Second Street North;~~
- i. ~~The South side of First Avenue North between the center of the rights-of-way of Second Street North and Fourth Street North;~~
- j. ~~The North side of Second Avenue North between the center of the rights-of-way of Beach Drive North and First Street North;~~
- k. ~~Both sides of Second Avenue North between the center of the rights-of-way of First Street North and Second Street North; and~~
- l. ~~The Promenade connecting the Mid Core Garage to Baywalk.~~

Both sides of Fifth Avenue Northeast from the easternmost point of Fifth Avenue Northeast to the western right-of-way of Beach Drive Northeast; southerly along the western right-of-way of Beach Drive Northeast from the northern right-of-way of Fifth Avenue Northeast to the northern right-of-way of Third Avenue Northeast; westerly along the northern right-of-way of Third Avenue Northeast from the western right-of-way of Beach Drive Northeast to the western right-of-way of Third Street North; southerly along the western right-of-way of Third Street North from the northern right-of-way of Third Avenue Northeast to the northern right-of-way of Second Avenue Northeast; westerly along the northern right-of-way of Second Avenue Northeast from the western right-of-way of Third Street North to the western right-of-way of Fourth Street North; southerly along the western right-of-way of Fourth Street North from the northern right-of-way of Second Avenue Northeast to the northern right-of-way of First Avenue Northeast; westerly along the northern right-of-way of First Avenue Northeast from the western right-of-way of Fourth Street North to the western right-of-way of Sixth Street North; southerly along the western right-of-way of Sixth Street North and Sixth Street South from the northern right-of-way of First Avenue Northeast to the southern right-of-way of First Avenue South; easterly along the southern right-of-way of First Avenue South from the western right-of-way of Sixth Street South to the seawall abutting Bayshore Drive Northeast; northerly along the seawall abutting Bayshore Drive Northeast from the southern right-of-way of First Avenue South to the southern right-of-way of Fifth Avenue Northeast; westerly along both sides of Second Avenue Northeast from the eastern right-of-way of Bayshore Drive up to and including the head of the St. Petersburg Pier.

GRAPHIC LINK: Panhandling Prohibited Zone Diagram 1

SECTION TWO. The current Diagram 1 is replaced by the revised Diagram 1 attached to this ordinance.

SECTION THREE. Words struck through should be deleted. Underscored words constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

SECTION FOUR: Severability. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is judicially determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this ordinance.

SECTION FIVE. Effective date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED AS TO FORM AND CONTENT:

CITY ATTORNEY (Designee)

ADMINISTRATION

By: _____
Assistant City Attorney



Prohibited Area

PANHANDLING ORDINANCE

Prohibited Zone Diagram 1

City of St. Petersburg

Development Services Department



Scale: 1" = 675'
Date: December 19, 2007