

ORDINANCE NO. BL2019-1632

An ordinance to amend Section 11.12.090 of the Metropolitan Code of Laws relative to aggressive panhandling by deleting the section in its entirety.

WHEREAS, prohibitions on panhandling have come under scrutiny by courts in recent years; and

WHEREAS, in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), the United States Supreme Court invalidated a city's ordinance that treated signs differently based on their content – effectively abolishing the distinction between content regulation and subject-matter regulation; and

WHEREAS, *Reed* has been extended to panhandling ordinances by lower courts, including the case *Norton v. City of Springfield*, 806 F.3d 411 (7th Cir. 2015), which invalidated Springfield, Illinois's panhandling ordinance, stating that regulating panhandling, defined as a request for an immediate donation of money, is an unconstitutional content-based restriction; and

WHEREAS, due to the recent developments in constitutional law and the precarious position of the current panhandling ordinance, the section of the Metropolitan Code of Laws regulating aggressive panhandling and panhandling generally should be deleted in its entirety.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Metropolitan Code of Laws Section 11.12.090, Aggressive panhandling, is hereby deleted in its entirety.

Section 2. This Ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Freddie O'Connell
Member of Council