

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA AMENDING SECTION 9.50.010 OF THE  
SANTA BARBARA MUNICIPAL CODE TO PROHIBIT  
ACTIVE PANHANDLING IN SPECIFIED LOCATIONS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS  
FOLLOWS:

SECTION 1. Section 9.50.010 of Chapter 9.50 of Title 9 of the Santa Barbara Municipal Code is amended to reads as follows:

**9.50.010 Purpose.**

In order to protect and promote the rights of the general public to be free from inappropriate conduct and from the intimidating physical confrontations associated with panhandling, the City Council finds that there is a need to adopt a City ordinance which imposes reasonable and specific time, place, and manner limitations on those forms of inappropriate and unlawful conduct which may be associated with abusive and active panhandling. At the same time, the Council seeks to properly and duly recognize, as well as protect to the fullest extent possible, the First Amendment free speech rights of all concerned.

The Council finds that balancing the need for public safety with the need to protect constitutional rights is especially critical in certain popular retail and visitor-serving areas of the City. Specifically, Cabrillo Boulevard, lower Milpas Street, and certain blocks of State Street (those within the City Central Business District) are popular public gathering spaces and are often crowded with members of the public and visitors to the Santa Barbara area. Moreover, these areas provide only limited public amenities, such as public seating and outdoor dining areas, and members of the public should be free to use those areas without fear of coercive panhandling with its attendant risk of fraud, intimidation and violence. The Council further finds that, because these areas of Santa Barbara often have thousands of visitors each day and because there is limited

public seating and gathering areas available within these blocks of these streets, it is necessary and appropriate to provide panhandling regulations which prevent some persons from monopolizing the use of a public bench or a public seating area, as well as nearby sidewalk areas, for active panhandling. There is therefore a necessity for the City Council to adopt regulations which provide for the shared and reasonable use of these public facilities by all members of the public, especially the elderly and persons with special access needs.

The City Council further finds that panhandling near automated bank teller machines is particularly problematic because persons who use such machines may have large quantities of cash in their possession and generally feel vulnerable to attack or intimidation. Likewise, active panhandling on busses and other forms of public transportation threatens the person being solicited because they are in a confined space with no means of leaving the area in order to avoid being panhandled.

The City Council finds that these panhandling regulations will not prevent those persons who wish to solicit alms or charitable donations from appropriately using public benches and public seating facilities within these areas of the City for temporary respite purposes, nor will these panhandling regulations impact the content of any protected forms of expressive statements made by a panhandler or otherwise improperly restrict anyone's First Amendment rights.

The City Council also finds that these panhandling regulations have been demonstrated, by careful mapping of the regulated areas which has been considered by Council, to leave open ample alternative locations within the City for active and passive panhandling. Active panhandling on or near public benches and seating areas is prohibited only in the most crowded and intensely used areas of the City's commercial districts, and even with those areas many areas are open for active and passive panhandling.

SECTION 2. Section 9.50.030 of Chapter 9.50 of Title 9 of the Santa Barbara Municipal Code is amended to read as follows:

**9.50.030 Abusive Panhandling Prohibited; Specific Locations Where Active Panhandling is Restricted.**

**A. Abusive Panhandling Prohibited.** Abusive Panhandling is unlawful and prohibited entirely within the city of Santa Barbara.

**B. Active Panhandling Restricted.** Active Panhandling is prohibited when the person being panhandled is in any of the following locations:

1. Waiting at a bus stop;
2. In a vehicle on a public street or alleyway;
3. In a City parking lot or parking structure without regard to whether the person is in a vehicle or not;
4. Within twenty-five feet of an outdoor dining area of a restaurant or other dining establishment serving food for immediate consumption;
5. Within fifty feet of an automated bank teller machine;
6. Within twenty-five feet of a queue of persons waiting to gain admission to a place of business or to a vehicle, or waiting to purchase an item or admission ticket; or
7. On buses or other public transportation vehicles.

**9.50.040 Use of Public Benches and Facilities on Certain Streets for Active Panhandling.**

Active Panhandling is prohibited while seated on or otherwise using a public bench or seating area (including any landscape planter or other public street furniture which can be sat upon), and within twenty-five feet of such benches and seating areas, within the following areas of the City:

1. **State Street.** On either side of State Street from the 400 block to the 1200 block;

or

2. **Milpas Street.** Either side of Milpas Street from the 00 block South to the 200 block North; or

3. **Cabrillo Boulevard.** Cabrillo Boulevard between Castillo Street and Milpas Street.