Chapter 6-56 PANHANDLING

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Sec. 6-56-1 Purpose-Exclusion- Scope.

A. The purpose of this chapter and legislation is to regulate and punish violations of the act of panhandling, rather than the status of the person.

B. Exclusion. The activities of panhandling do not include a person who passively stands or sits with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

C. Nothing in this section shall abrogate or abridge provisions of Chapters 2-54 and 6-64, solicitation of public funds, or the laws of state and federal government, or those laws regulating nonprofit, religious, educational, civic or benevolent organizations. (Ord. 4352 § 4, 8-15-95; Ord. 4211 § 1, 12-14-93; Code 1985 § 20-28(a))

Sec. 6-56-2 Definitions.

For the purposes of this chapter, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:


“Assault” does not apply to manner of panhandling as set out in Section 6-56-6 and classed as a misdemeanor.
“Aggressively beg” means to beg with the intent to intimidate another person into giving money or goods.

“Beg” means to ask for money or goods as a charity, whether by words, bodily gesture, signs or other means.

“Donation” means any item of value, monetary or otherwise, accepted by a panhandler.

“Exempt organizations” mean any nonprofit, religious, civic or benevolent organization described in Section 501(c) of the Internal Revenue Code of 1986.

“Intimidate” means to engage intentionally in conduct which would make a reasonable person fearful or feel compelled.

Also, for purposes of this chapter, a person commits the offense of intimidating others from exercising civil rights who:

1. Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the state of Tennessee; or

2. Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another because that other exercised any right or privilege secured by the Constitution or laws of the United States or the Constitution or laws of the state of Tennessee.

“Obstruct pedestrian or vehicular traffic” means when a person without legal privilege, intentionally, knowingly or recklessly walks, stands, sits, lies, or places an object in such a manner as another person or a driver of a vehicle to take evasive action to avoid physical contact.

Acts authorized as an exercise of one’s constitutional right to picket, or to legally protest, and acts authorized by a permit issued pursuant to this chapter shall not constitute obstruction of pedestrian or vehicular traffic.

“Panhandler” is any person, other than an exempt organization, acting on his or her own behalf, requesting an immediate donation of money or exchange of any services; or any person, acting on his or her own behalf, attempting to sell an item for an amount far exceeding its value, or where the item is already offered free-of-charge to the general public, and a reasonable person would understand that the purchase is in substance a donation.

“Panhandling” is the solicitation of any item of value, monetary or otherwise, made by a person, other than an exempt organization, acting on his or her own behalf, requesting an immediate donation of money or exchange of any services; or any person, acting on his or her own behalf, attempting to sell an item for an amount far exceeding its value, or an item which already offered free-of-charge to the general public, and under circumstances a reasonable person would understand that the purchase is in substance a donation.
“Pedestrian interference” means the obstruction of pedestrian or vehicular traffic by aggressively begging which impedes the passageway or a pedestrian or vehicular traffic.

“Permit” means the permit required under this chapter.

“Public place” means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them. (Ord. 4352 § 4, 8-15-95; Ord. 4211 § 1, 12-14-93; Code 1985 § 20-28(b))

Sec. 6-56-3 Permit required.

A. Generally. Any person panhandling within the below described geographical or restricted areas shall be required to have a permit, as issued by the city treasurer, or his or her designee, in his or her possession at all times, subject to exhibition on demand by any person, and shall be subject to conditions as set out in the following Sections 6-56-4 through 6-56-9.

B. Restricted Geographical Areas. Without a permit, persons shall be restricted from panhandling in the following geographical areas:

1. Main Street Mall, and the connector streets;
2. Airport complex area;
3. Public parks, golf courses, schools and playgrounds;
4. Municipal or governmentally owned offices;
5. Municipally owned recreational and exhibition buildings;
6. Central Railroad Station, and the connector streets;
7. Public library facilities;
8. Mid-South Fairgrounds complex area;
9. Public or dedicated thoroughfares;
10. Private properties or shopping malls, unless the owner, lessee or person-in-charge has granted permission. (Ord. 4352 § 4, 8-15-95; Ord. 4211 § 1, 12-14-93; Code 1985 § 20-28(c))

Sec. 6-56-4 Time of panhandling.

Any person who panhandles after sunset or before sunrise is guilty of a misdemeanor. (Ord. 4352 § 4, 8-15-95; Ord. 4211 § 1, 12-14-93; Code 1985 § 20-28(d))
Sec. 6-56-5 Place of panhandling.

Any person who panhandles when the person solicited is in any of the following places is guilty of a misdemeanor:

A. At any bus, train or trolley stop;
B. In any public transportation vehicle or facility including loading and unloading areas;
C. In any vehicle on the street;
D. On private property, unless the panhandler has permission from the owner or occupant. Ord. 4352 § 4, 8-15-95; Ord. 4211 § 1, 12-14-93; (Code 1985 § 20-28(e))

Sec. 6-56-6 Manner of panhandling.

Any person who, in a public place, panhandles in any of the following ways or manner is guilty of a misdemeanor:

A. By using profane or abusive language, either during the solicitation or following a refusal;
B. By panhandling in a group of two or more persons;
C. By any statement, gesture or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat;
D. By intimidating or obstructing pedestrian or vehicular traffic;
E. By assaulting or aggressively begging.

(Ord. 4352 § 4, 8-15-95; Ord. 4211 § 1, 12-14-93; Code 1985 § 20-28(f))

Sec. 6-56-7 False or misleading solicitation.

A. Any person who knowingly makes any false, misuse or misleading representation in the course of soliciting a donation is guilty of a misdemeanor. False or misleading representations include, but are not limited to, the following:

1. Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet the need and does not disclose that fact;
2. Stating that the donation is needed to meet a need which does not exist;
3. Stating that the solicitor is from out of town and stranded, when that is not true;
4. Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
5. Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;

6. Use of any makeup or device to simulate any deformity;

7. Stating that the solicitor is homeless, when he or she is not;

8. Stating the donation is for food but in reality is used for sidewalk drugs or illegal contraband;

9. Using and exposing minors/children to hazardous conditions i.e., cold, heat, animals, weather and/or strangers, to solicit funds;

10. To offer to sell newspapers, magazines, periodicals or pamphlets for a price, which are offered free-of-charge to the general public.

B. Any person who solicits a donation stating that the funds are needed for a specific purpose and then spends the funds received for a different purpose is guilty of a misdemeanor.

C. This chapter and section establish a single offense. Evidence which establishes beyond a reasonable doubt that the defendant violated this chapter and section is sufficient for conviction and need not establish which subsection was violated. (Ord. 4352 § 4, 8-15-95; Ord. 4211 § 1, 12-14-93; Code 1985 § 20-28(g))

Sec. 6-56-8 Accosting persons or obstructing traffic.

Every person who commits any of the following acts is guilty of a misdemeanor:

A. Who assaults, aggressively begs, intimidates or accosts other persons in any public place or in any place open to the public, for the purpose of panhandling or soliciting a donation for immediate payment as defined in Section 6-56-2;

B. Obstructs pedestrian or vehicular traffic, or interferes at a time when a person, or vehicle, is not in a position to walk or drive away;

C. Who accosts other persons in any public place, or in any place open to the public, for donations if it is a general and known fact to all reasonable people that appropriate institutions, organizations or charity groups exist who make available the same daily necessities and needs at no cost. (Ord. 4352 § 4, 8-15-95; Ord. 4211 § 1, 12-14-93; Code 1985 § 20-28(h))

Sec. 6-56-9 Penalties for violation.

Any person found violating of any one or all of the sections of this chapter is deemed guilty of a misdemeanor and upon conviction subject to penalties as set under city code Section 1-24-1. (Ord. 4352 § 4, 8-15-95; Ord. 4211 § 1, 12-14-93; Code 1985 § 20-28(i))