



CITY OF  
SIOUX FALLS

# Panhandling Overview

Homeless Task Force – Oct. 24, 2022

## § 130.007 PROHIBITION ON CERTAIN FORMS OF SOLICITATION

### (b) *Prohibited acts.*

- (1) No person shall solicit in an aggressive manner in any public place.
- (2) No person shall solicit on private property without first having obtained the permission of the owner or other person lawfully in possession of the property.
- (3) No person shall solicit an operator or other occupant of a motor vehicle while the vehicle is in motion or part of traffic on a street or highway. This prohibition shall not include the advertisement of the sale of goods or services to be accomplished when the vehicle is no longer on a public street or highway.
- (4) No person shall solicit by stating that funds are needed to meet a specific need, when the solicitor does not intend to use the funds to meet that need or does not have that need.

# Panhandling Restrictions - Nationally

- Municipal and state restrictions invalidated by the courts.
  - Oklahoma City, Daytona Beach, Arkansas, Illinois, St. Louis, etc.
  - First Amendment – Freedom of Speech
- **McCraw v. City of Oklahoma City (2020)**
  - Prohibited standing, sitting, or remaining on medians either less than thirty feet wide or located less than two hundred feet from an intersection.
  - 10<sup>th</sup> Circuit Court of Appeals ruled against Oklahoma City.
  - Supreme Court refused appeal by Oklahoma City.

# McCraw v. City of Oklahoma City (2020)

- Medians are “traditional public fora,” adding to previous case precedence that streets and sidewalks were traditional public forums.
  - This term is defined as those locations that “by long tradition or by government fiat have been devoted to assembly and debate.”
  - Examples cited include protests, charity drives and political campaigns in city medians.
- Government may impose reasonable restrictions in public forums based on time, place and manner without violating the first amendment. The regulation “must be narrowly tailored to serve a significant governmental interest” and “not burden substantially more speech than is necessary to further the government’s legitimate interests.”

# McCraw v. City of Oklahoma City (2020)

- The city failed to demonstrate accident data to bolster its case.
- The court also advised Oklahoma City officials to prohibit pedestrians from stepping into traffic.
  - City officials dismissed this alternative due to enforcement difficulty.
  - The court responded that “ease of application is not a sufficient reason to burden the first amendment.”

# Des Moines, IA

- Adopted an ordinance in 2019.
- Prohibits anyone from standing, sitting or staying in a median, less than six feet wide, at intersections where the speed limit is 30 mph or higher.
- The ordinance is based on traffic and pedestrian safety, and makes no mention of panhandling.
- This ordinance identifies specific intersections (around 200).
- Includes safety data from the Iowa Department of Transportation and other organizations.

Questions?