



## AGENDA ITEM SUMMARY

### District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☐ 4 = Fowler
- ☐ 5 = Macaluso
- ☒ x All

<b>AGENDA DATE</b>	<i>July 9, 2019</i>
<b>DESCRIPTION</b>	CONSIDER ORDINANCE NO. 2019-34; AN ORDINANCE AMENDING CHAPTER 15, ARTICLE III. OF THE CITY CODE OF ORDINANCES OF BOERNE, TEXAS, PROVIDING FOR REGULATIONS FOR PEDDLERS, CANVASSERS, AND SOLICITORS TO INCLUDE LOITERING, ADDING SECTIONS 15-76 THROUGH SECTION 15-81, LOITERING; PROVIDING FOR A PENALTY NOT TO EXCEED \$500; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.
<b>STAFF'S RECOMMENDED ACTION (be specific)</b>	Approve Ordinance No. 2019-34; Amending Chapter 15, Article III to add Loitering to the City of Boerne Code of Ordinances, and provide for a penalty not to exceed \$500, publication, and effective date.
<b>CONTACT PERSON</b>	Molly Solis, City Attorney and Assistant Chief of Police Jeff Page
<b>SUMMARY</b>	<p>Legal Summary:</p> <p>A city cannot prevent individuals from being in public places. A total ban on loitering or panhandling in public places has been ruled to be an unconstitutional violation of First Amendment rights. The city currently has an ordinance in Chapter 15, Article III, that sets criteria and requires a permit for panhandling, peddling, and solicitation which assists in addressing the concerns for the public health, safety, and welfare.</p> <p>In addition, a city cannot make homelessness illegal. A city cannot enact ordinances that punish a status or condition of living as criminal conduct. Courts have ruled that vagrancy laws or laws that criminalize being homeless are an impermissible restriction on an individual's right to travel. There are constitutional rights to consider when determining how to best address the issues of vagrancy, panhandling, and homelessness in order to protect the public health, safety, and welfare.</p> <p>The purpose of adding this loitering ordinance to our city code of ordinances is to assist in addressing the public health, safety, and welfare concerns. These concerns are caused by individuals remaining in, on and around places throughout the City of Boerne that impact safety, traffic, public health and welfare. Allowing the city to enact and enforce a limited loitering ordinance will provide another option to</p>

	address these concerns related to safety, traffic, public health and welfare.
<b>COST</b>	N/A
<b>SOURCE OF FUNDS</b>	
<b>ADDITIONAL INFORMATION</b>	

This summary is not meant to be all inclusive. Supporting documentation is attached.