

ORDINANCE NO. 2025-XX - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS BY AMENDING CHAPTER 78, "PEDDLERS AND SOLICITORS;" BY ADDING A NEW SECTION 78-9, ENTITLED "AGGRESSIVE PANHANDLING PROHIBITED"; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS: the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code and its Home Rule Charter; and

WHEREAS: the City Council of the City of McKinney ("City Council") finds that the City has a compelling interest in preserving the quality of urban life and protecting its citizens from intimidating behavior; and

WHEREAS: the City Council finds that the adoption of this ordinance is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS THAT:

Section 1: All of the above premises are found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

Section 2: From and after the effective date of this Ordinance, Chapter 78, entitled "Peddlers and Solicitors," of the Code of Ordinances of the City of McKinney, Texas is hereby amended by adding a new Section 78-9, entitled "Aggressive Panhandling Prohibited" to hereafter read as follows:

"Chapter 78 - PEDDLERS AND SOLICITORS

...

Sec. 78-9. – Aggressive Panhandling Prohibited.

- (a) As used in this section, "panhandle" means to request, by the spoken, written, or printed word, or by other means of communication request an immediate or future donation or transfer of money or another thing of value from another person, regardless of the purpose or intended use of the money or other thing of value.

(b) It shall be unlawful for a person to aggressively panhandle in public streets, sidewalks, or from street medians within the City's corporate limits.

(c) As used in this section, aggressively panhandling means:

1. Using violent or threatening gestures toward a person panhandled;
2. Continuing to panhandle from a person after said person has given a negative response to such panhandling;
3. Intentionally touching or causing physical contact with another person without that person's consent in the course of panhandling;
4. While panhandling, intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
5. Panhandling from anyone who is waiting in line for (i) tickets, (ii) entry to a building, or (iii) any other purpose; or
6. An individual or group of two or more persons approaching or following a person to panhandle in a manner and with conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm; fear damage to or loss of property; or otherwise to be harassed or intimidated into giving money or other thing of value."

Section 3. Any person, firm or corporation violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty provisions set forth in Section 1-18 of the City's Code of Ordinances; and each and every day such violation or failure to comply shall continue shall be deemed to constitute a separate offense.

Section 4. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 5. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding

shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. The Caption of this ordinance shall be published one (1) time in a newspaper having general circulation in the City of McKinney, Texas and shall be effective immediately upon its passage and publication.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS ____ DAY OF _____, 2025.

CITY OF MCKINNEY, TEXAS

BILL COX, Mayor

ATTEST:

EMPRESS DRANE, City Secretary
TENITRUS PARCHMAN, Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney