



CITY OF WAUKESHA

Administration

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Committee: Ordinances & Licenses	Committee Meeting Date: 9/24/2018
Agenda Item Number: 18-1372	Common Council Meeting Date: 10/2/2018
Submitted By: Brian Running, City Attorney	City Administrator Approval: Kevin Lahner, City Administrator Click here to enter text.
Finance Department Review: Rich Abbott, Finance Director RA	City Attorney's Office Review: Brian Running, City Attorney BER
Subject: Repeal of Municipal Code §11.40, the panhandling ordinance.	

Details:

As the result of a U.S. Supreme Court decision, and then a subsequent 7th Circuit Court of Appeals decisions, Waukesha Mun. Code §11.40 is unconstitutional, because it violates the First Amendment. Please see the accompanying memo.

Options & Alternatives:

There is no feasible alternative.

Financial Remarks:

The forfeiture for violation of §11.40 is \$187. Nine tickets have been issued since July 1, 2016. The recipients are indigent and unable to pay in most cases. The financial effect of repeal will most likely be negligible.

Staff Recommendation:

City Attorney's office recommends that Municipal Code §11.40 be repealed in its entirety.