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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Amy Hughes;
Denise Carr; and
Gabriel Gilbert,

Plaintiffs;

v.

City of Glendale,

Defendant.

CASE NO.

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

**CIVIL RIGHTS ACTION
(42 U.S.C. § 1983)**

Plaintiffs Amy Hughes, Denise Carr, and Gabriel Gilbert (collectively,
“Plaintiffs”), through counsel undersigned, allege as follows:

INTRODUCTION

1. This is an action under 42 U.S.C. §1983, and the First and Fourteenth Amendments to the United States Constitution, for declaratory and injunctive relief against

the City of Glendale (“the City”), arising out of the City’s adoption and enforcement of two anti-panhandling ordinances. The City adopted these ordinances to reduce “panhandling”—the solicitation of donations by the homeless—and purportedly to address public safety concerns resulting from this practice. Although framed as an effort to address “aggressive” solicitation and protect public safety, the ordinances are impermissible regulations that prohibit a significant amount of peaceful, non-threatening, and non-aggressive speech, and thus are facially unconstitutional.

2. Glendale City Ordinance O22-67 (the “Panhandling Ordinance”) amended Glendale City Code Section 26-74 to forbid soliciting money or other items of value on any public transit vehicle or at any public transit installation; within 50 feet of the entrance to a bank, ATM, or check-cashing business; within 25 feet of the entrance of any privately-owned establishment; on private property; from the operator of a motor vehicle; or “in an aggressive manner” in any public place anywhere in the City.

3. Glendale City Ordinance 022-66 (the “Street and Median Ordinance”) amended Glendale City Code Section 24-161 to forbid pedestrian presence in the traditional public fora of roadways, medians, and traffic islands for any reason, including for the purpose of free speech and expression.

4. The ordinances are not only unconstitutional; they are flagrantly so. Every single provision of the two ordinances was previously promulgated by another city, challenged in federal court, and struck down as unlawful or withdrawn in a settlement. *See, e.g., Thayer v. City of Worcester*, 144 F. Supp. 3d 218, 222 (D. Mass. 2015) (“aggressive” panhandling and anti-loitering); *Messina v. City of Fort Lauderdale*, 546 F. Supp. 3d 1227,

1244 (S.D. Fla. 2021) (solicitation on buses and at bus stops); *Indiana Civil Liberties Union Found., Inc. v. Superintendent, Indiana State Police*, 470 F. Supp. 3d 888, 895 (S.D. Ind. 2020) (solicitation near ATMs and financial institutions); *Aptive Envtl., LLC v. Town of Castle Rock, Colorado*, 959 F.3d 961, 983 (10th Cir. 2020) (solicitation on private property); *Sacramento Reg'l Coal. to End Homelessness v. City of Sacramento*, No. 2:18-CV-00878-MCE-AC, 2020 WL 2836762, at *1 (E.D. Cal. June 1, 2020) (solicitation near the entrances to certain public businesses); *Comite de Jornaleros de Redondo Beach v. City of Redondo Beach*, 657 F.3d 936, 940–41 (9th Cir. 2011) (solicitation of vehicle operators); *McCraw v. City of Oklahoma City*, 973 F.3d 1057, 1080 (10th Cir. 2020) (banning all pedestrian presence on medians).

5. In other words, the City has promulgated and is enforcing an illegal policy restricting constitutionally protected speech despite its knowledge of the policy's illegality. The City's actions have inflicted ongoing and irreparable harm on indigent and unpopular speakers in the City.

6. Plaintiffs are individuals who regularly solicit, used to solicit, or wish to solicit charitable donations in one or more of the forbidden locations, and who have had their speech unconstitutionally punished or chilled by the City's Panhandling Ordinance and Street and Median Ordinance.

7. Plaintiffs bring this action for declaratory and injunctive relief pursuant to 42 U.S.C. § 1983 for past and ongoing injury to their rights guaranteed by the First Amendment to the United States Constitution.

JURISDICTION & VENUE

8. Plaintiffs bring this action for injunctive and declaratory relief pursuant to 42 U.S.C. § 1983 for violations of civil rights under the First Amendment to the United States Constitution.

9. This Court has jurisdiction over civil actions arising under the United States Constitution pursuant to 28 U.S.C. § 1331, jurisdiction over actions to secure civil rights extended by the United States pursuant to 28 U.S.C. § 1343, and jurisdiction over Plaintiffs' request for declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202.

10. Venue is proper in the District of Arizona under 28 U.S.C. §1391(b) because the City of Glendale is located within this district, and the events giving rise to the claims occurred within this district.

PARTIES

11. Plaintiff Amy Hughes is a resident of Glendale.

12. Plaintiff Denise Carr is a former resident of Glendale.

13. Plaintiff Gabriel Gilbert is a former resident of Glendale.

14. Defendant City of Glendale is a municipal entity created under the laws of the State of Arizona, with the capacity to sue and be sued.

15. The Glendale City Council sets final policy on the creation and adoption of City ordinances. The Panhandling Ordinance and the Street and Median Ordinance are official policies of the City.

16. The City is the legal entity responsible for the Glendale Police Department,

which is authorized to enforce City ordinances, including the Panhandling Ordinance and the Street and Median Ordinance.

17. At all times relevant to this lawsuit, the City and its officers were acting under color of state law.

18. At all times relevant to this lawsuit, Defendant City of Glendale was and is a “person” as that term is used by 42 U.S.C. § 1983.

FACTUAL ALLEGATIONS

19. On September 13, 2022, five months before the City expected to host 100,000 tourists for Super Bowl LVII, generating more than \$726 million for the Arizona GDP, the Glendale City Council gathered at a workshop to hear a proposal from Deputy City Manager Rick St. John.

20. To ensure the City’s time in the national spotlight would not be marred by visible poverty and expressions of speech distasteful to the City Council, Mr. St. John suggested that the City “consider prohibiting people from soliciting monies from persons operating or riding in vehicles on our roadways and prohibiting pedestrians from entering roadways for the purpose of receiving monies.”

21. In his recommendation, Mr. St. John included the proposed additions to both Section 26-74, which would become the Panhandling Ordinance, and Section 24-161(b)–(c), which would become the Street and Median Ordinance. The background for both proposals, according to Mr. St. John, was that “[p]anhandling on our roadways continues to create safety concerns.” The explicit intent of both ordinances was to restrict

panhandling in the City.

22. Mr. St. John's proposed additions to the Glendale City Code were presented together at the October 11, 2022 City Council Meeting as Ordinance 022-66 and 022-67. Both ordinances passed.

23. On January 27, 2023, civil rights organizations notified the City in a letter that the ordinances were unconstitutional restrictions on speech and requested that the City cease enforcement and repeal the ordinances.

24. The City, however, did not respond to the letter. On February 14, 2023, the City Council adopted Ordinance 023-04 (the "Definitions Ordinance"), which added definitions to some words used in the Panhandling Ordinance, perhaps in response to the civil rights organizations' contention that the ordinance was vague and overbroad. But the City did nothing to eliminate the discrimination inherent in both ordinances, and both remain vague and overbroad.

25. The City has persisted in enforcing the ordinances and continues to stop, warn, cite, and arrest people for asking for donations or offering to sell goods and services.

The Challenged Ordinances

26. The Definitions Ordinance defines solicitation as:

request[ing] an immediate donation or transfer of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by spoken, written, or printed word, or by other means of communication.

Glendale City Code § 26–74(c).

27. This definition makes clear that the Panhandling Ordinance is concerned with the content of Plaintiffs “communication,” whatever means they use to communicate it, and applies only to those who communicate a desire for donations. The Panhandling Ordinance is content based on its face.

28. The Panhandling Ordinance places a blanket prohibition on solicitation in the following locations:

(2) In any public transportation vehicle, or bus station or stop;

(3) Within fifty (50) feet of any entrance or exit of any financial institution or check cashing business or within fifty (50) feet of any automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance, exit or outside boundary of the automated teller machine facility;

(4) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;

(5) Within twenty-five (25) feet of the entrance and/or exit of any commercial business or privately owned establishment.

(6) From any operator of a motor vehicle that is in traffic on a public street or stopped for a traffic control device or stop sign on a public street, regardless of whether in exchange for cleaning the vehicle’s windows, or for blocking, occupying, or reserving a public parking space, or directing the occupant to a public parking space or even if no services are received in exchange for responding to the solicitation; provided, however,

that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.

Glendale City Code § 26–74(a)(2)–(6).

29. Notably, despite the stated purpose of the Panhandling Ordinance being to promote traffic safety, most of the Panhandling Ordinance’s provisions have no relationship to roads and vehicles.

30. The Panhandling Ordinance further criminalizes solicitation “in an aggressive manner” in any public space throughout the City. Glendale City Code § 26–74(a)(1). The Definitions Ordinance defined “aggressive manner” as:

Intentionally or recklessly making any physical contact with or touching another person or the person’s property in the course of the solicitation without the person’s consent,

Following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person’s possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation,

Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person’s possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation,

Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact

with the person making the solicitation. There shall be: (i) a rebuttable presumption that placing items of personal property on a sidewalk resulting in less than three feet of walking space is done with the intent to block passage on the sidewalk; (ii) a rebuttable presumption that engaging in solicitation in the designated traffic lane of a public roadway or on a median between designated travel lanes of a public roadway is done with the intent to block passage on the roadway. Acts authorized as an exercise of one's constitutional right to picket or legally protest, shall not constitute obstruction of pedestrian or vehicular traffic;

Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation, or

Approaching the person being solicited in a manner that: (i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicited.

Glendale City Code § 26–74(c).

31. The language in the fourth paragraph above is revealing. The City takes care to note that the Panhandling Ordinance does not criminalize picketers or protestors who “recklessly” block sidewalks, nor does it presume that picketers and protestors standing on public medians have an intent to block traffic. The City likely recognizes that such an ordinance would be unconstitutional. But the ordinance is no less unconstitutional for applying to panhandlers’ speech, instead.

32. A violation of the Panhandling Ordinance is a civil violation. A second

offense within a twelve-month period is a Class 1 misdemeanor, punishable by a fine of up to \$2,500 and up to six months in jail.

33. The Street and Median Ordinance criminalizes pedestrian presence in public streets, medians, and traffic islands if their presence has any expressive purpose:

No pedestrian may stop or remain in the portion of the roadway designed for vehicular use or in any painted or raised traffic island or median not designated for use by pedestrians except to wait to cross the roadway at the next pedestrian signal, when traffic has stopped, cleared or yielded.

Glendale City Code § 24-161(b).

34. The Glendale City Code already contained language prohibiting pedestrians from “cross[ing] a roadway other than in a crosswalk in any business district” when the Street and Median Ordinance was proposed and passed. The innovation of the Street and Median Ordinance was that it added a purpose test. Pedestrians are forbidden from being in places they are otherwise permitted to be, including crosswalks and the medians or traffic islands that interrupt crosswalks, if their purpose is anything other than “wait[ing] to cross the roadway at the next pedestrian signal”—that is, if their purpose is expressive.

35. A first-time violator of the Street and Median Ordinance is given a warning. A first violation after a warning is punished with a civil violation, and a second offense, no matter how long after the warning and first violation, is a Class 1 misdemeanor, punished by a fine of up to \$2,500 and up to six months in jail.

The Effects of the Ordinances On Plaintiffs and Others Who Receive or Provide Donations

36. On their face, the ordinances apply equally to panhandlers, to high school sports teams holding signs advertising a car wash, to Girl Scouts selling cookies, and to the City's fire department when they conduct their annual "Fill the Boot" charity fundraising campaign outside grocery stores. The City Council's brief public discussion of the ordinances, however, betrayed a singular focus on the speech of panhandlers, and that focus appears to have been understood by the Glendale Police Department, which has focused enforcement of the ordinances on indigent panhandlers like Plaintiffs.

37. The combined effect of the Panhandling Ordinance and the Street and Median Ordinance leaves Plaintiffs, and those like them, with no practical way to engage in their expressive conduct anywhere in the City.

38. Plaintiffs cannot panhandle near businesses, near sidewalk bus stops, in parking lots, or on the sides of public roads. In other words, Plaintiffs are forbidden from speaking to ask other people for donations in any location in the City where other people are likely to be. The only alternative the ordinances have left open for Plaintiffs is to quietly hold their signs where no eyes can see and no hands can give.

39. Moreover, even if Plaintiffs choose to abandon their signs and their speech, they are forbidden from even standing and passively receiving a donation that they do not directly request if they do so from a crosswalk or median.

40. Amy Hughes ("Amy") lives in an apartment in the City. She relies on government assistance to make ends meet and was homeless prior to November 2023,

when she moved into her current apartment. She spent much of her childhood in the foster care system and was living on her own by the age of 14. Since then, Amy has experienced significant periods of homelessness and navigated challenges including mental illness, addiction, and the amputation of her left leg.

41. Amy has panhandled for many years to obtain money for food, hygiene products, bus fare, and shelter. Amy typically chooses to panhandle on public sidewalks outside gas stations or convenience stores, asking patrons for gas money, bus fare, or a cigarette. Her preferred locations to panhandle are near the Grand Stop Store on the Southwest corner of 67th Ave. and Glendale Ave. and the Circle K on the Southeast corner of Dysart Rd. and Glendale Ave. Amy has frequently been warned by police to stop panhandling or she would be arrested.

42. Amy has also solicited cars stopped at traffic lights in the right-hand lane, including at Litchfield Rd. and Glendale Ave. She does so from the sidewalk, holding a sign that says “Dreaming of a Cheeseburger,” and—due to her limited mobility following her amputation—works with a friend who steps into the roadway to accept donations.

43. Amy has been unable to panhandle in effective locations, has lost income and has a harder time making ends meet, is afraid to speak anywhere in the City to request donations, and has been warned for violating the Panhandling Ordinance.

44. Denise Carr (“Denise”) and Gabriel Gilbert (“Gabriel”) until recently were living out of their car, which they parked each night at different locations in and around the City. Denise and Gabriel were homeless between 2021 and 2025; on May 10, 2025, they were able to move into an apartment with the help of a housing voucher. They

struggled to find full-time work and save money for a security deposit due to being homeless and relied on temporary work and government assistance to make ends meet.

45. Denise and Gabriel panhandled frequently between 2021 and 2025 and still consider panhandling as a last resort if they need money. Donations help them to pay for gas, food, motel rooms, phone bills, and other expenses. They panhandled at various locations around the City, including on public sidewalks outside grocery stores, gas stations, restaurants, and at public parks.

46. Denise typically panhandles near businesses because she prefers to solicit pedestrians rather than vehicles. She frequently stands near a gas station and tells patrons she needs money to fill her tank. This is effective at securing donations. It is also true—she needed gas to drive to a safe parking spot for the night as well as to run the car's air conditioning in the Summer. Denise also frequently stands near businesses and asks patrons for a cigarette. Businesses regularly threaten Denise with a call to police if she does not stop panhandling. On several occasions, Glendale police officers have threatened Denise with arrest if she did not stop panhandling.

47. Denise has lost income and has a harder time making ends meet, is afraid to speak anywhere in the City to ask for donations, and endures arbitrary enforcement and unpleasant police encounters.

48. Gabriel also typically panhandles near businesses because he prefers to solicit pedestrians rather than vehicles. He occasionally stands near a gas station and tells patrons he needs money for gas, or near a grocery store and tells patrons he needs money for food or dog food. Gabriel panhandles less than he used to because he wants to avoid

contact with police.

49. Gabriel has lost income and has a harder time making ends meet, is afraid to speak to ask for donations, and is worried about arbitrary enforcement and unpleasant police encounters.

The Panhandling Ordinance is an Unconstitutional Content-Based Restriction on Speech

50. “[A]bove all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dep’t of the City of Chicago v. Mosley*, 408 U.S. 92, 95 (1972). Government regulations that are based on content are therefore “presumptively invalid” and subject to strict scrutiny. *R.A.V. v. City of St. Paul*, 505 U.S. 377, 382 (1992). A law is content based if it, on its face, “singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.” *Reed v. Town of Gilbert*, 576 U.S. 155, 156 (2015).

51. The Panhandling Ordinance is content based on its face and thus presumptively invalid because it applies only to speech and expressive conduct with specific content—requests for “a donation or transfer of money or other thing of value.”

52. The Panhandling Ordinance is constitutional if and only if the City can demonstrate that it is “the least restrictive means of achieving a compelling state interest.” *McCullen v. Coakley*, 573 U.S. 464, 478 (2014). The City cannot.

53. The Panhandling Ordinance is not aimed at a compelling state interest.

Despite the City’s stated motive of traffic safety, subsections (a)(1) and (3)–(5) have nothing at all to do with vehicles, and subsection (a)(2) does not relate to pedestrian-vehicle interaction.

54. Rather, the Panhandling Ordinance cannot be “justified without reference to the content of the regulated speech” and to the fact that the City finds the content of that speech distasteful. *Reed*, 576 U.S. at 156 (quoting *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989)). The City’s distaste for Plaintiffs’ speech is not a compelling interest to prohibit or restrict it.

55. There is no lawful reason for treating solicitation for money at a bus stop differently from solicitation for signatures; aggressive solicitation differently from aggressive proselytizing; and pedestrians who stop a vehicle to solicit money differently from those who solicit directions. Stated differently, there is nothing about solicitation aside from its content—i.e., the fact that it asks something of monetary value—that justifies treating it differently from any other human-to-human communication in a public area.

56. Insofar as subsections (a)(1) and (4) of the Panhandling Ordinance—the provisions banning solicitation “[i]n an aggressive manner” and on private property—purport to have public safety or other legitimate interests, the City’s addition of a speech element limiting their enforcement to solicitation cuts against this interest. While “[t]he City unquestionably has the power to regulate fighting words, [or intimidation, assault, or trespassing], . . . it may not create a special ban on fighting words uttered in connection with the protected speech of panhandling.” *McLaughlin v. City of Lowell*, 140 F. Supp. 3d 177, 192 (D. Mass. 2015). “Selectivity of this sort creates the possibility that the City is

seeking to handicap the expression of particular ideas.” *R.A.V.*, 505 U.S. at 394.

57. Because these provisions of the Panhandling Ordinance are grossly underinclusive and do not forbid, for example, using private property without permission for the purposes of political expression or “[i]ntentionally or recklessly making any physical contact with . . . another person” without any speech or expression at all, they are not narrowly tailored. Of course, both those acts are already forbidden in the City by state criminal law on trespass and assault. The creation of a separate offense, triggered only by the content of solicitors’ speech, reveals the true and constitutionally impermissible goal of the Panhandling Ordinance—to chill and punish speech disfavored by the City.

58. Subsection (a)(6), the only part of the Panhandling Ordinance that even purports to serve a compelling state interest—traffic safety—is not narrowly tailored toward that interest.

59. Subsection (a)(6) forbids solicitation “[f]rom any operator of a motor vehicle that is in traffic on a public street or stopped for a traffic control device or stop sign on a public street,” theoretically out of concern for the safety of pedestrian solicitors. Yet concerns about vehicle-pedestrian collisions are equally implicated in an exchange between pedestrians and vehicles of religious literature or political pamphlets without payment. In this way, the traffic provision of the Panhandling Ordinance is vastly underinclusive. It is also greatly overinclusive, in that it forbids much expressive conduct directed toward operators of motor vehicles that does not practically endanger anyone. Consider the Ninth Circuit’s analysis of an overturned Redondo Beach ordinance that barred soliciting payment “from an occupant of any motor vehicle,” *Comite de Jornaleros*

de Redondo Beach, 657 at 941:

The Ordinance technically applies to children selling lemonade on the sidewalk in front of their home, as well as to Girl Scouts selling cookies on the sidewalk outside of their school[,] ... signbearers on sidewalks seeking patronage or offering handbills even though their conduct does not pose a traffic hazard, ... sidewalk food vendors ... advertising their wares to passing motorists[,] ... a motorist who stops, on a residential street, to inquire whether a neighbor's teen-age daughter or son would be interested in performing yard work or babysitting[,] ... school children shouting 'carwash' at passing vehicles, and protestors imploring donations to a disaster relief fund. Thus, because the Ordinance is significantly overinclusive, it is not narrowly tailored.

Id. at 948–49 (internal quotations and citations omitted).

60. Every part of the Panhandling Ordinance fails strict scrutiny, either because it lacks any connection to furthering a compelling government interest or because the provision is not narrowly tailored to achieving that interest. The Ordinance is unconstitutional.

The Street and Median Ordinance is an Unconstitutional Burden on Speech in a Public Forum

61. A law can also be content based if, “though facially content neutral,” the “purpose and justification for the law are content based,” or if the government adopted the regulation “because of disagreement with the message [it] conveys.” *Reed*, 576 U.S. at 164 (citing *Ward*, 491 U. S. at 791).

62. The Street and Median Ordinance was passed with an explicit anti-speech purpose: to “prohibit[] people from soliciting monies from persons operating or riding in

vehicles on [City] roadways.” It is thus subject to strict scrutiny.

63. However, Plaintiffs need not quibble with the City about the discriminatory purpose versus the ostensibly neutral sweep of the final text because the Street and Median Ordinance also fails intermediate scrutiny as a time, place, and manner regulation.

64. Streets, medians, and traffic islands are traditional public fora. *See McCraw*, 973 F.3d at 1067–68 (“Objectively, medians share fundamental characteristics with public streets, sidewalks, and parks, which are quintessential public fora. . . . Moreover, medians are sandwiched by the uncontested public fora of streets and sidewalks.”); *Cutting v. City of Portland*, 802 F.3d 79, 83 (1st Cir. 2015) (“[T]he people of Portland have used median strips for expressive purposes in much the same way that they have used parks and sidewalks.”); *Reynolds v. Middleton*, 779 F.3d 222, 225 (4th Cir. 2015) (“There is likewise no question that public streets and medians qualify as traditional public for[a]”) (quotation omitted); *Martin v. City of Albuquerque*, 396 F. Supp. 3d 1008, 1020 (D.N.M. 2019) (“[T]here is a conspicuous absence of controlling case law in which courts have found it necessary to conduct a particularized inquiry of the objective characteristics of streets, sidewalks, or medians to determine their forum status.”), *aff’d sub nom. Brewer v. City of Albuquerque*, 18 F.4th 1205 (10th Cir. 2021); see also *Frisby v. Schultz*, 487 U.S. 474, 481 (1988) (“No particularized inquiry into the precise nature of a specific street is necessary; all public streets are held in the public trust and are properly considered traditional public fora.”)

65. Restrictions on speech in traditional public fora, even if content neutral, must be “narrowly tailored... [and] not ‘burden substantially more speech than is necessary to

further the government’s legitimate interests.” *McCullen*, 573 U.S. at 486 (quoting *Ward*, 491 U.S. at 799).

66. The City bears the burden of demonstrating that its remedy—banning pedestrian presence for any expressive purpose in all streets, medians, and traffic islands throughout the City—will have a “direct and material” effect on “non-speculative safety concerns,” *Brewer*, 18 F.4th at 1245. It cannot. See, e.g., *Martin*, 396 F. Supp. 3d at 1014, 1035 (finding “common-sense and anecdotal safety concerns about the risk of standing near moving traffic [in]sufficient to justify restricting access to” medians where there were only ten reports in four years of “pedestrian-vehicle conflicts where the pedestrian was occupying a median without violating other traffic laws”), *aff’d sub nom. Brewer*, 18 F.4th at 1227–28. Without further data from the City on the unique dangers of pedestrian presence in medians—data which the City needed to prepare and consider *before* adopting the Street and Median Ordinance—it is difficult to understand why extended pedestrian presence on sidewalks themselves, which in many places in the City are raised to the same height as medians and located the same distance from vehicles moving the same speed, is not equally problematic for pedestrian safety.

67. Moreover, the City shut down all expression in the traditional public fora of streets, medians, and traffic islands without leaving open any adequate alternatives. “To determine whether alternative channels are adequate, courts assess in part the speaker’s ability to reach his or her intended audience.” *McCraw v. City of Oklahoma City*, 973 F.3d at 1078. Because the two Ordinances altogether shut down Plaintiffs’ ability to request donations from drivers in the City, there is no alternative forum left open to them at all, let

alone an adequate one.

68. The Street and Median Ordinance fails intermediate scrutiny and is unconstitutional.

The Ordinances are Unconstitutionally Overbroad

69. The Panhandling Ordinance and Street and Median Ordinance are also unconstitutional on their face due to their overbreadth.

70. A law may be invalidated as overbroad under the First Amendment if “a substantial number of its applications are unconstitutional, ‘judged in relation to the statute’s plainly legitimate sweep.’” *U.S. v. Stevens*, 559 U.S. 460, 473 (2010) (quoting *Washington State Grange v. Washington State Republican Party*, 552 U.S. 442, 449, n.6 (2008)).

71. The United States Supreme Court “has characterized the freedom of speech and that of the press as fundamental personal rights and liberties. The phrase is not an empty one and [is] not lightly used.” *Schneider v. New Jersey*, 308 U.S. 147, 161 (1939) (footnote omitted). “It has become axiomatic that ‘[p]recision of regulation must be the touchstone in an area so closely touching our most precious freedoms.’” *United States v. Robel*, 389 U.S. 258, 265 (1967) (quoting *NAACP v. Button*, 371 U.S. 415, 438 (1963)).

72. Accordingly, when a statute regulates speech and “no readily apparent construction suggests itself as a vehicle for rehabilitating the statute[] in a single prosecution,” the statute may be struck down on its face without “the person making the attack demonstrate[ing] that his own conduct could not be regulated by a statute drawn

with the requisite narrow specificity.” *Gooding v. Wilson*, 405 U.S. 518, 520–21 (1972) (quoting *Dombrowski v. Pfister*, 380 U.S. 479, 491 (1965)).

73. The overbreadth doctrine “is predicated on the sensitive nature of protected expression.” *New York v. Ferber*, 458 U.S. 747, 768 (1972). The doctrine “is deemed necessary because persons whose expression is constitutionally protected may well refrain from exercising their rights for fear of criminal sanctions provided by a statute susceptible of application to protected expression.” *Gooding* at 518, 521.

74. Here, both ordinances are, on their face, overly broad and unconstitutionally infringe Plaintiffs’ rights to freedom of speech and expression by restricting a substantial volume of peaceful, non-threatening, and constitutionally protected speech.

75. For example, the City’s Panhandling Ordinance, by regulating the solicitation of “items of value” in various public places, prohibits such benign conduct as asking a friend for a cigarette outside a bar, asking a parent for bus fare at a bus stop, or collecting donations of food, money, or children’s toys for charity outside a grocery store.

76. Similarly, the Street and Median Ordinance prohibits people from engaging in any type of speech on a traffic island or roadway unless they are stopped to “wait to cross the roadway at the next pedestrian signal[.]” Thus, even on traffic islands where pedestrian presence could have no effect on traffic safety, members of the public cannot engage in core First Amendment activity like holding signs in protest or political advocacy. Pedestrians may not even stop on a median to have an extended conversation or debate political issues.

77. The following photograph of 67th Ave. and Northern Ave. in the City shows

a median, bisected by a sidewalk, on which pedestrian presence could have little effect on traffic safety.



78. Further, by prohibiting solicitation in so many places and ways—within fifty feet of any financial institution or ATM, twenty-five feet of any privately owned establishment, in the roadway, on any median, at any bus stop, and from an operator of a motor vehicle—the Panhandling and Street and Median Ordinances, when enforced together, create a cloud of prohibition that covers nearly all areas where solicitation of any kind could reasonably be expected to yield results. This creates a *de facto* blanket prohibition on all solicitation in the City.

79. Because the ordinances restrict such a substantial amount of constitutionally protected speech, they cannot survive review under the First and Fourteenth Amendments

to the United States Constitution.

The Ordinances are Unconstitutionally Vague

80. “It is established that a law fails to meet the requirements of the Due Process Clause if it is so vague and standardless that it leaves the public uncertain as to the conduct it prohibits.” *City of Chicago v. Morales*, 527 U.S. 41, 56 (1999). In particular, “where a vague statute ‘abut[s] upon sensitive areas of basic First Amendment Freedoms,’ it ‘operates to inhibit the exercise of [those] freedoms.’” *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972) (footnote omitted).

81. In the First Amendment context, “[t]he prohibition against vague regulations of speech is based in part on the need to eliminate the impermissible risk of discriminatory enforcement... The question is not whether discriminatory enforcement occurred here,... but whether the Rule is so imprecise that discriminatory enforcement is a real possibility.” *Gentile v. State Bar of Nev.*, 501 U.S. 1030, 1051 (1991) (citing *Kolender v. Lawson*, 461 U.S. 352, 357–58, 361 (1983)).

82. Here, both ordinances are unconstitutionally vague, as they fail to define the prohibited conduct with adequate specificity, creating a significant risk of discriminatory enforcement. Indeed, the City has repeatedly indicated an intent to enforce the laws in a discriminatory manner.

83. For example, the Panhandling Ordinance prohibits solicitation of “money or other items of value” within twenty-five feet of the entrance or exit of any commercial business or privately owned establishment. The City does not define the terms “commercial

business” or “privately owned establishment,” and it is unclear whether this includes a mobile business like a food truck (and if so, whether it applies only when the food truck is stopped and operating or also when traveling on a roadway or parked in its owner’s driveway); a business operating from an owner’s home (like an in-home daycare); or non-commercial, “privately owned” locations like a home.

84. Similarly, the Street and Median Ordinance does not define “median” or “traffic island,” but merely says that pedestrians may not stop “in any painted or raised traffic island or median not designated for use by pedestrians except to wait to cross the roadway at the next pedestrian signal[.]” The Ordinance fails to explain whether traffic islands or medians that are adjacent to, or surrounding, a crosswalk, are “designated for use by pedestrians[.]”

85. The following photograph of 67th Ave. and Grand Ave. in the City shows a median, bisected by a sidewalk, on which it is unclear whether pedestrian presence is banned entirely, not at all, or only on the gravel, un-paved area.



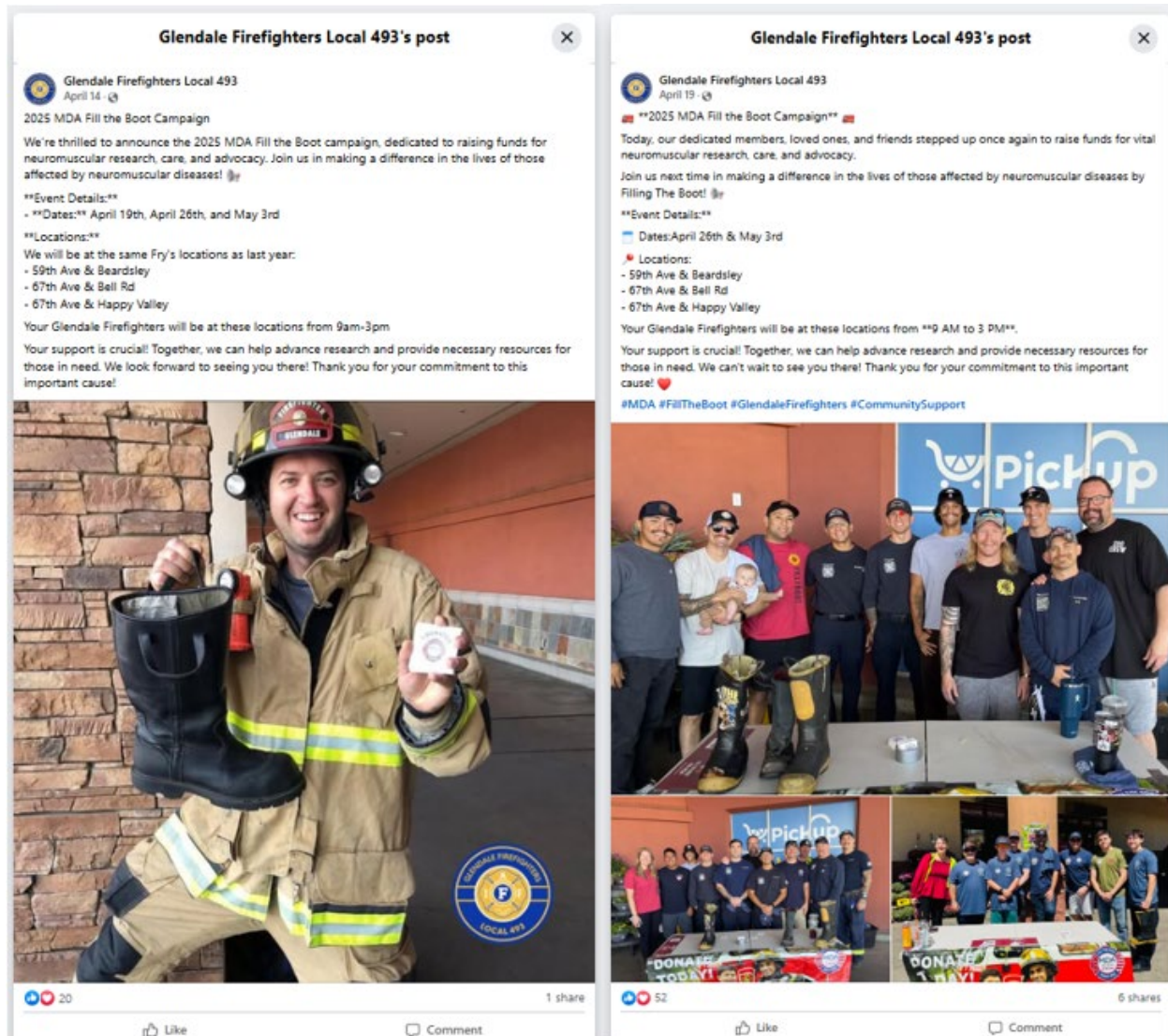
86. Because the ordinances fail to define the prohibited conduct with adequate specificity, Plaintiffs are left without sufficient notice as to what constitutes a violation of the statute. For example, the Panhandling Ordinance prohibits “[i]ntentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person... to take evasive action to avoid physical contact with the person making the solicitation.” The ordinance fails to give any guidance as to whether a charitable organization’s employees or volunteers are in violation of this section if they are standing on a sidewalk and allowing some room for others to pass, but an individual who happens to be approaching them directly would need to take a few steps to one side in order to avoid physical contact.

87. The Panhandling Ordinance also prohibits “[c]ontinuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation... (ii) is intended to or is reasonably likely to intimidate the person the person being solicited into responding affirmatively to the solicitation.” The ordinance fails to define “intimidate” or explain whether it requires someone requesting a charitable donation to stop displaying a sign once a passerby has given a “negative response.”

88. Because the language in the ordinances is vague, police have significant discretion to determine whether there has been a violation of either ordinance and to decide whether to issue a citation or make an arrest.

89. Enforcement of the ordinances is not only susceptible to discriminatory and arbitrary enforcement, the Glendale City Council indicated such a purpose in their brief public discussion of the ordinances. Indeed, it appears that only panhandlers—and not organizations like Glendale Firefighters Local 493—have been subject to the ordinances’ enforcement.

90. The following photographs show Glendale Firefighters Local 493 soliciting donations—with a table blocking passage and signs intimidating passersby into responding affirmatively—outside a Fry’s grocery store in the City as part of their Fill the Boot Campaign.



91. Because the ordinances are so vague as to leave the public uncertain as to the conduct they prohibit, they cannot survive review under the First and Fourteenth Amendments to the United States Constitution.

CLAIMS FOR RELIEF

Count One

(First Amendment—Invalid Content-Based Regulation)

(42 U.S.C. § 1983)

(Section 26-74; Ordinance 022-67)

92. Plaintiffs re-allege the foregoing paragraphs as fully set forth herein.

93. The First Amendment to the United States Constitution, as applicable to the states through the Fourteenth Amendment, protects freedom of speech and prohibits the government from abridging that right.

94. Requests for donations are speech entitled to First Amendment protection.

95. The Supreme Court has held that content-based regulations are presumptively unconstitutional unless the government proves they are narrowly tailored to serve a compelling state interest. *Reed*, 576 U.S. at 163. Regulations that require enforcement actors to evaluate “the topic discussed or the idea or message expressed” are content based on their face. *Id.*

96. The City’s Panhandling Ordinance forbids solicitation—and only solicitation—in a host of areas throughout the City. Under the Ordinance, an individual may hold a political sign near financial institutions, public transit installations, and commercial businesses in the City, but not a sign saying, “Disabled veteran. Anything helps.” Likewise, the Ordinance makes it legal to stand on a sidewalk in the City and exchange religious pamphlets with passing cars but not to exchange words requesting a cold Gatorade.

97. To enforce any part of the Panhandling Ordinance, police officers must first assess the content of the message expressed. Only speech soliciting money or another item of value, or soliciting the sale of goods or services, is forbidden under the ordinance. The Panhandling Ordinance is thus content based on its face.

98. The City lacks a compelling interest for such content-based censorship.

99. The ordinance is not narrowly tailored to achieve any compelling interest.

100. Should the Panhandling Ordinance be construed as content neutral rather than content based, it is nonetheless unconstitutional because it is not a reasonable time, place, and manner restriction. The Panhandling Ordinance is not narrowly tailored to serve a significant governmental interest, and it does not leave open ample alternative channels of communication.

101. Under any test, the Panhandling Ordinance violates Plaintiffs' First Amendment right to speak and to solicit donations and chills the exercise of those rights. Plaintiffs have suffered and continue to suffer irreparable harm from the existence and enforcement of the Panhandling Ordinance.

Count Two

(First Amendment—Invalid Time, Place, and Manner Regulation)

(42 U.S.C. § 1983)

(Section 24-161(b); Ordinance 022-66)

102. Plaintiffs re-allege the foregoing paragraphs as fully set forth herein.

103. The First Amendment to the United States Constitution, as applicable to the

states through the Fourteenth Amendment, protects freedom of speech and prohibits the government from abridging that right.

104. Requests for donations are speech entitled to First Amendment protection.

105. Streets, and the medians or traffic islands within them, are traditional public fora for speech. *See, e.g., McCraw*, 973 F.3d at 1068; *Frisby v. Schultz*, 487 U.S. 474, 480–81 (1988). Citizens—including the poor, the political, and the charitable—have long used public roads, medians, and traffic islands to reach, speak with, and solicit fellow citizens.

106. The Street and Median Ordinance forbids citizens from entering these traditional public for *any* purpose, including any expressive purpose.

107. The Street and Median Ordinance is a facially invalid time, place, and manner regulation on speech in a traditional public forum because it does not serve a significant government interest. According to the City Council’s own report, the purpose of the Ordinance was to “prohibit[] people from soliciting monies from persons operating or riding in vehicles,” and animus toward panhandlers’ speech is not a legitimate government interest.

108. The Street and Median Ordinance is a facially invalid time, place, and manner regulation because it is not narrowly tailored. Insofar as the City has a purported legitimate government interest, it has neither considered nor attempted measures that could achieve that purpose while burdening substantially less protected speech.

109. The Street and Median Ordinance is a facially invalid time, place, and manner regulation because it does not leave open ample alternative channels for the wide variety of protected expression that it suppresses. In fact, the Street and Median Ordinance

closes every single public street in the City to Plaintiffs' protected speech.

110. For each of the above independent reasons, the Street and Median Ordinance violates Plaintiffs' First Amendment rights to engage in expressive activities on public streets, medians, and traffic islands and chills the exercise of those rights. Plaintiffs have suffered and continue to suffer irreparable harm from the existence and enforcement of the Street and Median Ordinance.

Count Three

(First and Fourteenth Amendments—Vague and Overbroad)

(42 U.S.C. § 1983)

(Section 26-74; Ordinance 022-67)

111. Plaintiffs re-allege the foregoing paragraphs as fully set forth herein.

112. The First Amendment to the United States Constitution, as applicable to the states through the Fourteenth Amendment, protects freedom of speech and prohibits the government from abridging that right.

113. Requests for donations are speech entitled to First Amendment protection.

114. The City's Panhandling Ordinance is unconstitutionally vague and overbroad, being both susceptible to arbitrary enforcement and prohibiting a substantial amount of protected activity relative to what little legitimate scope it may have to regulate certain forms of panhandling.

115. A law is unconstitutionally overbroad, and thus facially invalid, when it prohibits a substantial amount of protected speech or has a substantial number of

impermissible applications relative to its plainly legitimate sweep. *United States v. Hansen*, 599 U.S. 762, 770 (2023).

116. A law is void for vagueness under the Due Process clause of the Fourteenth Amendment when it is “so vague and standardless that it leaves the public uncertain as to the conduct it prohibits.” *City of Chicago*, 527 U.S. at 56.

117. The Panhandling Ordinance is unconstitutionally overbroad because it prohibits a substantial amount of protected speech.

118. The Panhandling Ordinance is unconstitutionally vague because it leaves the public uncertain as to the conduct it prohibits and creates a risk of discriminatory enforcement.

119. Plaintiffs have suffered and continue to suffer irreparable harm from the existence and enforcement of the Panhandling Ordinance.

Count Four

(First and Fourteenth Amendments—Vague and Overbroad)

(42 U.S.C. § 1983)

(Section 24-161(b); Ordinance 022-66)

120. Plaintiffs re-allege the foregoing paragraphs as fully set forth herein.

121. The First Amendment to the United States Constitution, as applicable to the states through the Fourteenth Amendment, protects freedom of speech and prohibits the government from abridging that right.

122. The City’s Street and Median Ordinance is unconstitutionally vague and

overbroad, being both susceptible to arbitrary enforcement and prohibiting a substantial amount of protected activity relative to what little legitimate scope it may have to regulate certain actions on the public roadways and medians.

123. A law is unconstitutionally overbroad, and thus facially invalid, when it prohibits a substantial amount of protected speech or has a substantial number of impermissible applications relative to its plainly legitimate sweep. *Hansen*, 599 U.S. at 770.

124. A law is void for vagueness under the Due Process clause of the Fourteenth Amendment when it is “so vague and standardless that it leaves the public uncertain as to the conduct it prohibits.” *City of Chicago*, 527 U.S. at 56.

125. The Street and Median Ordinance is unconstitutionally overbroad because it prohibits a substantial amount of protected speech.

126. The Street and Median Ordinance is unconstitutionally vague because it leaves the public uncertain as to the conduct it prohibits and creates a risk of discriminatory enforcement.

127. Plaintiffs have suffered and continue to suffer irreparable harm from the existence and enforcement of the Street and Median Ordinance.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray for judgment against Defendant as follows:

A. A declaratory judgment holding that the Panhandling Ordinance and the

Street and Median Ordinance, both on their face and as applied to Plaintiffs, violate the First Amendment to the United States Constitution;

B. A preliminary and permanent injunction prohibiting Defendant from enforcing either ordinance or from adopting new ordinances that unconstitutionally penalize Plaintiffs' protected speech;

C. An award to Plaintiffs of costs and attorneys' fees pursuant to 42 U.S.C. § 1988(b); and

D. Any such other relief the Court deems necessary and proper.

RESPECTFULLY SUBMITTED this 30th day of July, 2025.

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FIRST AMENDMENT CLINIC, PUBLIC INTEREST LAW FIRM**

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