

UCC Church Wins Case Over Using Parking Lot as a 'Religious Act,' Evangelism Effort

A federal judge in Florida ruled this week that a Gulf Coast community could not stop a local church from allowing beachgoers to use its parking lot, calling the practice, which allowed the church's youth group to fundraise and evangelize those who used the lot, a legitimate ministry.

The church's victory came down to an essential question: Is offering free parking commanded by the Bible?

For years, Pass-a-Grille Beach Community Church in St. Pete Beach has allowed tourists to take advantage of the free parking. The United Church of Christ congregation parking lot, which has 70 spaces, sits a block away from a metered lot run by the city of St. Pete Beach. The church lot is mostly empty every day but Sunday.

About six years ago, according to senior minister Keith Haemmelmann, a church member suggested that the youth group greet those who used the parking lot and solicit donations for their mission trips. Eventually, the church installed a donation box with a sign making it clear that no payment was necessary.

"People would put in \$10 or \$20," said Haemmelmann, knowing it supported the youth group. Others would go to the church's website and donate. "The lion's share went to kids who didn't have the wherewithal to go on the trips."

Haemmelmann told RNS the lot was busiest during spring break and long summer weekends when traffic is often congested as

beachgoers seek out parking.

“We thought, well, we’re helping the city,” he said.

In June 2016, the city of St. Pete Beach, a town that has fewer than 10,000 residents and is a separate jurisdiction from nearby St. Petersburg, fined the church twice for violating a law governing commercial parking lots, apparently prompted by a new neighbor who found the extra traffic in and out of the lot a nuisance.

A local magistrate dismissed the citations, causing the city to increase surveillance of the church parking lot, according to Haemmelmann. In August 2020, the city fined the church again for \$1,000, this time under a policy governing land use, and prohibited the church from allowing anyone not engaged in “a legitimate church purpose” from parking in its lot.

The church filed its complaint in the U.S. District Court of Florida in Tampa, seeking an injunction under the Religious Land Use and Institutionalized Persons Act, a 2000 statute that is often used in religious zoning cases or when prisoners request accommodations for diet and other religious practices.

Noel W. Sterett, the church’s lawyer in the federal suit, said the St. Pete Beach case is one of a growing number in which municipalities have employed land use and zoning rules to hem in houses of worship or to prevent them from being built at all.

When people think of official infringement on religious freedom, said Sterett, “they think about the federal government, but most of it happens at the local level.”

Still, said Sterett, the Pass-a-Grille church case was “not your typical case.” Town officials were not trying to keep a house of worship from taking land off its tax rolls—the issue in many religious organizations’ zoning fights.

Neither the St. Pete Beach city attorney nor the commissioner whose district the church falls into answered requests for comment.

According to U.S. District Court Judge Tom Barber, St. Pete Beach, in attempting to close down the church's parking lot to all but those attending church functions, was asserting that "what might constitute a 'legitimate church purpose' is up to the City, not the Church."

The arguments in the case hinged, as they often do in religious freedom rulings, on whether the church's insistence on keeping the parking lot available to the public was "a sincerely held belief" of the church's faith.

The church answered by quoting both the Old and New Testaments on hospitality, including a key passage from the Gospel of Matthew that says, "I was a stranger and you invited me in" (Matt. 25:35b, NIV). Jeanne Haemmelmann, the church's associate minister for youth (and the senior minister's wife), told the court that its parking spaces were a mode of evangelism.

"The Church's free parking is one of the most effective ways the Church can use the property God has given it to serve the community and attract new people to the church," she said, again citing Matthew: "Therefore go and make disciples of all nations, baptizing them in the name of the father and the Son and of the Holy Spirit, and teaching them to obey everything I have commanded you" (Matt. 28:19-20a).

While it decided the case on religious freedom grounds, the court also considered the practical question of how the church could enforce the city's policy.

With groups that range from Alcoholics Anonymous to the altar guild meeting at the church when few church staffers are around, it would be impossible to make sure that even those at the church for a "legitimate church purpose" didn't take a

stroll or run an errand on foot, leaving their car in the lot.

As Keith Haemmelmann put it, “You couldn’t be a church member and go to the beach.” {eo}

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