

## **ORDINANCE NO. 27600**

BY REQUEST OF COUNCIL MEMBERS ANDERSON, LADENBURG,  
LONERGAN, AND TALBERT

AN ORDINANCE relating to public safety and morals; amending the definition of pedestrian and vehicle interference, placing reasonable time, place, and manner restrictions on solicitation of funds in certain locations, defining offenses and penalties; amending Section 8.13.030, "Vehicular or Pedestrian Interference," of the Tacoma Municipal Code; and amending Title 8 of the Tacoma Municipal Code by enacting two new chapters, Chapter 8.13A, "Regulation of Solicitation," and Chapter 8.13B, "Solicitations to Occupants of Vehicles on Public Roadways Prohibited."

WHEREAS the City Council ("Council") has received numerous communications from citizens, businesses, community organizations, and others regarding serious public harms caused by panhandlers, and

WHEREAS the Council's Public Safety and Human Services Committee has studied the matter for several months, and

WHEREAS the Council held a public hearing on September 19, 2006, during which extensive testimony was taken, and

WHEREAS, based on the testimony received and the information provided to it, the Council believes that it is important to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, to promote tourism and business, and to preserve the quality of urban life while providing safe and appropriate venues for this constitutionally protected activity; Now, Therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TACOMA:**

Section 1. Based on the testimony provided to the City Council's ("Council") Public Safety and Human Services Committee and the

information and research provided to the Council and on file in the office of the City Clerk, the Council makes the following findings of fact:

A. Persons using automated teller machines often do so in isolated locations with cash conspicuously in their possession;

B. Persons using exterior public pay phones often do so in isolated locations with their attention distracted from their surroundings;

C. Persons using self-service car washes and gas stations often do so in isolated locations with cash conspicuously in their possession and are usually a captive audience, with their attention distracted from their surroundings while their vehicles are in various stages of cleaning or fueling;

D. Persons using public transportation and waiting at public transportation stops are usually a captive audience, often in isolated locations, with their attention distracted from their surroundings as they wait and watch for necessary transportation;

E. Persons entering or exiting vehicles are usually a captive audience, often in isolated locations, with their attention distracted from their surroundings as they load groceries or other purchases, look for keys, or watch for traffic;

F. Persons entering and exiting buildings are usually a captive audience, with limited means of ingress and egress to those buildings;

G. Persons conducting normal activities at night do so under conditions in which their visibility is reduced, and they often do these activities in isolated locations;

H. Persons who are subjected to coercive solicitations are often solicited in circumstances where they are a captive audience or are in isolated locations;

I. Motor vehicle drivers approached by pedestrians may become distracted, may stop suddenly, or may linger at traffic control devices thereby posing a significant risk of physical injury to themselves, other motorists, and pedestrians;

J. "Public places," as defined in Chapter 8.13, serve the primary purpose of enabling pedestrian and vehicular traffic to safely and efficiently move about from place to place; and

K. Solicitation on public property without permission of the property owner affects the rights of the property owner to control the use of his or her property.

Section 2. Based on the findings above and the testimony and record provided, the Council concludes as follows:

A. Solicitation of persons using automated teller machines, exterior public pay phones, self-service car washes, and gas stations makes those persons especially vulnerable to crime because of the isolated locations, limited options to protect themselves by leaving the area, and exposure as persons who may be carrying cash;

B. Solicitation of persons using or waiting for public transportation makes those persons more vulnerable to crime because of the isolated location of public transportation stops and because persons using or waiting for public transportation often cannot leave the area. This vulnerability may cause persons to avoid using public transportation;

C. Solicitation of persons entering or exiting vehicles makes those persons more vulnerable to crime because those persons may be distracted from their surroundings or because they may be in an isolated location with limited options to avoid an attacker or thief;

D. Solicitation of persons at night or of persons entering or exiting buildings makes those persons more vulnerable to crime because of the limited visibility and limited options to avoid an attacker or thief;

E. Solicitation of persons operating motor vehicles may result in car/pedestrian collisions, as well as vehicle collisions caused when vehicles behind the one being solicited move forward without realizing the solicited driver has not moved;

F. Because public places in the urban core have become increasingly congested, solicitation in those public places contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation, and disorder. This fear adversely and unreasonably affects businesses and contributes to the loss of access to and enjoyment of public places;

G. Coercive solicitation is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation, and disorder;

H. Solicitations conducted on private property absent consent of the owner or occupant is akin to trespass and unreasonably interferes with the private enjoyment of property;

I. Maintaining a distance of 15 feet between the solicitor and the person being solicited will help protect persons from such intimidating solicitations set forth above and will provide a uniform distance to guide law enforcement and citizens alike.

Section 3. Section 8.13.030 of the Tacoma Municipal Code, entitled “Vehicular or Pedestrian Interference,” is hereby amended to read as shown in Exhibit “A,” which is attached hereto and incorporated herewith.

Section 4. Title 8 of the Tacoma Municipal Code is hereby amended by the addition thereto of a new chapter, to be known and designated as Chapter 8.13A, entitled “Regulation of Solicitation,” as shown in Exhibit “B,” which is attached hereto and incorporated herewith.

Section 5. Title 8 of the Tacoma Municipal Code is hereby amended by the addition thereto of a new chapter, to be known and designated as Chapter 8.13B, entitled “Solicitations to Occupants of Vehicles on Public Roadways Prohibited,” as shown in Exhibit “C,” which is attached hereto and incorporated herewith.

Section 6. Severability. If any provision of this ordinance, or its application to any person or circumstances, is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall be unaffected.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Assistant City Attorney

## EXHIBIT "A"

### 8.13.030 Vehicular or pedestrian interference.

A. The following definitions apply in this section:

~~1. "Aggressively beg" means to beg with intent to intimidate another person into giving money or goods.~~

~~2. "Beg" means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.~~

~~3~~ 1. "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a driver of a vehicle, or to cause another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized by a permit issued pursuant to the Tacoma Municipal Code, such as under Titles 9 and 10, shall not constitute obstruction of pedestrian or vehicular traffic.

~~4~~ 2. "Public place" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

B. A person is guilty of pedestrian interference if, in a public place, he or she intentionally:

~~1. Obstructs pedestrian or vehicular traffic.; or~~

~~2. Aggressively begs.~~

C. Pedestrian interference may be punished by a fine not to exceed ~~\$1,000~~500.00 or by imprisonment in jail for a term not to exceed 90 days, or by both such fine and imprisonment.

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## EXHIBIT "B"

### CHAPTER 8.13A

#### REGULATION OF SOLICITATION

- 8.13A.010 Purpose.
- 8.13A.020 Definitions.
- 8.13A.030 Place of solicitation.
- 8.13A.040 Solicitation by Coercion.
- 8.13A.050 Evidence.
- 8.13A.060 Penalties.

**8.13A.010 Purpose.** The purpose of this chapter is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, to promote tourism and business, and to preserve the quality of urban life while providing safe and appropriate venues for constitutionally protected activity.

**8.13A.020 Definitions.** In this chapter:

- A. "Automated teller machine" means a machine, other than a telephone:
1. that is capable of being operated by a customer of a financial institution;
  2. by which the customer may communicate to the financial institution a request to withdraw, deposit, transfer funds, make payment, or otherwise conduct financial business for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and
  3. the use of which may or may not involve personnel of a financial institution.

B. "Coercion" means:

1. to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with either imminent bodily injury or the commission of a criminal act upon the person or another person or upon property in the person's immediate possession;

2. to persist in a solicitation after the person solicited has given a negative response;

3. to block, either individually or as part of a group of persons, the passage of a solicited person;

4. to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands;

5. to use violent or threatening gestures toward a person;

6. willfully providing or delivering, or attempting to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return; or

7. to use profane, offensive, or abusive language, which is inherently likely to provoke an immediate violent reaction.

C. "Exterior public pay telephone" means any coin or credit card reader telephone that is:

1. installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and

2. accessible and available for use by members of the general public.

D. "Public transportation facility" means a facility or designated location that is owned, operated, or maintained by a city, county, county transportation authority, public transportation benefit area, regional transit authority, or metropolitan municipal corporation within the state.

E. "Public transportation stop" means an area officially marked and designated as a place to wait for a bus, a light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.

F. "Public transportation vehicle" has the meaning given that term in RCW 46.04.355, as currently adopted or as it may be amended in the future.

G. "Self-service car wash" means a structure:

1. at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and

2. that is accessible and available for use by members of the general public.

H. "Self-service fuel pump" means a fuel pump:

1. from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, with or without the aid of an employee or attendant of the premises at which the fuel pump is located; and

2. that is accessible and available for use by members of the general public.

I. "Solicit" and all derivative forms of "solicit" means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of immediately receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

**8.13.030 Place of solicitation.**

A. Solicitation near designated locations and facilities.

1. It is unlawful for any person to solicit another person within 15 feet of:

- a. an automated teller machine;
- b. the entrance of a building, unless the solicitor has permission from the owner or occupant;
- c. an exterior public pay telephone;
- d. a self-service car wash;
- e. a self-service fuel pump;
- f. a public transportation stop; or
- g. any parked vehicle as occupants of such vehicle enter or exit such vehicle.

2. It is unlawful for a person to solicit another person:

- a. on private property, unless the solicitor has permission from the owner or occupant;
- b. after sunset or before sunrise;
- c. in any public transportation facility or vehicle.

B. For purposes of subsection A, measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:

1. the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;

2. the nearest entrance or exit of a building;

3. the nearest part of an exterior public pay telephone;

4. the nearest part of the structure of a self-service car wash;

5. the nearest part of a self-service fuel pump;

6. the nearest point of any sign or marking designating an area as a public transportation stop; or

7. any door of a parked vehicle that is being used by an occupant of such vehicle to enter or exit such vehicle.

**8.13A.040 Solicitation by Coercion.** It is unlawful for a person to solicit by Coercion.

**8.13A.050 Evidence.** Evidence to support a conviction for a violation of this chapter may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

**8.13A.060 Penalties.** Violation of Section 8.13A.030 shall be a misdemeanor and, upon conviction thereof, a person is subject to a penalty of \$1,000, incarceration for up to 90 days, or both a fine and a penalty. Violation of

Section 8.13A.040 shall be a gross misdemeanor and, upon conviction thereof, a person is subject to a penalty of \$5,000, incarceration for up to one year, or both a fine and a penalty.

**EXHIBIT “C”**

**CHAPTER 8.13B**

**SOLICITATIONS TO OCCUPANTS OF VEHICLES  
ON PUBLIC ROADWAYS PROHIBITED**

- 8.13B.010 Purpose.
- 8.13B.020 Definitions.
- 8.13B.030 Prohibited conduct.
- 8.13B.040 Evidence.
- 8.13B.050 Penalty.

**8.13B.010 Purpose.** The purpose of this chapter is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation and to provide for vehicular and pedestrian traffic safety.

**8.13B.020 Definitions.** In this chapter:

A. “Goods” means real property, as well as tangible and intangible personal property.

B. “Public property” means:

1. any property open or devoted to public use or owned by the City;

and

2. any area dedicated to the public use for sidewalk, street, highway,

or other transportation purposes, including, but not limited to, any curb, median, parkway, shoulder, sidewalk, alley, drive, or public right-of-way.

C. “Roadway” has the meaning given that term in RCW 46.04.500, as currently adopted or as it may be amended in the future.

D. “Services” means any work done for the benefit of another person.

E. “Solicit” and all derivative forms of “solicit” means any conduct or act whereby a person:

1. either orally or in writing, asks for an immediate ride, employment, goods, services, financial aid, monetary gifts, or any article representing monetary value, for any purpose;
2. either orally or in writing, sells or offers for immediate sale goods, services, or publications;
3. distributes without remuneration goods, services, or publications; or
4. solicits signatures on a petition or opinions for a survey.

F. "Vehicle" has the meaning given that term in RCW 46.04.670, as currently adopted or as it may be amended in the future.

**8.13B.030 Prohibited conduct.**

A. It is unlawful for any person, while occupying any public property adjacent to any public roadway in the City, to knowingly conduct a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle stopped or traveling on the roadway, unless said vehicle is legally parked. An offense occurs when the solicitation is made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place. PROVIDED, that nothing herein shall be construed to prohibit activity authorized pursuant to Tacoma Municipal Code Chapter 11.15, Special Events Permitting Code.

B. It is a defense to prosecution under Section 8.13B.030 that the person was:

1. summoning aid or requesting assistance in an emergency situation;

or

2. a law enforcement officer in the performance of official duties.

**8.13B.040 Evidence.** Evidence to support a conviction for a violation of this chapter may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

**8.13B.050 Penalty.** Violation of this chapter shall be a misdemeanor and, upon conviction thereof, a person is subject to a penalty of \$1,000, incarceration for up to 90 days, or both a fine and a penalty.

## COMPARATIVE MUNICIPAL ORDINANCES

### CITY OF AGOURA HILLS, CALIFORNIA

#### Article III Public Safety, Chapter 2, Traffic Section 3209. Prohibition of solicitation in public right-of-way.

(a) It shall be unlawful for any person, while standing in any portion of the public right-of-way, including but not limited to public streets, highways, sidewalks and driveways, to solicit, or attempt to solicit, employment, business or contributions of money or other property from any person travelling in a vehicle along a public right-of-way, including, but not limited to public streets, highways or driveways.

(b) It shall be unlawful for any person, while the occupant of any vehicle, to solicit, or attempt to solicit, employment, business or contributions of money or other property from a person who is within the public right-of-way, including but not limited to a public street, highway, sidewalk or driveway.

(Ord. No. 172, § 2, 3-27-91; Ord. No. 191, § 1, 7-24-91)

### CITY OF ASHEVILLE, NORTH CAROLINA

#### ORDINANCE AMENDING ASHEVILLE CITY CODE SECTION 11-5 REGULATING PUBLIC SOLICITATION AND BEGGING

WHEREAS, the City of Asheville has authority pursuant to Article 8 of Chapter 160A of the North Carolina General Statutes to adopt ordinances to protect the health, safety, or welfare of its citizens and peace and dignity of the City, and pursuant to N.C.G.S. 160A-179, may by ordinance prohibit or regulate begging or otherwise canvassing the public for contributions for the private benefit of the solicitor or any other person; and WHEREAS, the City of Asheville has a significant governmental interest in keeping sidewalks and other pedestrian areas safe and free for use by pedestrians, especially areas of high pedestrian and vehicular traffic;

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

Section 1. Chapter 11 of the Asheville City Code be amended as follows:

a. By deleting Sec. 11-5 and inserting the following in its place:

“Sec. 11-5. Public Solicitation and Begging Regulated.

(a) *Definitions.*

(1)*Accosting*: approaching or speaking to an individual or individuals in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession.

(2)*Beg, solicit or panhandle*: use of the spoken, written, or printed word, or other acts as are conducted in the furtherance of the purpose of immediately collecting contributions for the use of one’s self or others. As used in this ordinance, the word, “solicit,” and its forms, includes begging and panhandling.

(3)*Financial Institution*: any bank, industrial bank, credit union, or savings and loan.

(4)*Forcing oneself upon the company of another.*

a. Continuing to solicit in close proximity to the individual addressed after the person to whom the solicitation is directed has made a negative response, either verbally, by physical sign, by attempting to leave the presence of the person soliciting, or by other negative indication;

b. Blocking the passage of the individual solicited; or

c. Otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation.

(b) Prohibited Acts.

(1) It shall be unlawful for any person to beg, solicit, or panhandle, as defined in Sec. (a)(2), above:

- a. by accosting another, or by forcing oneself upon the company of another;
- b. within 20 feet of the entrance to any financial institution, or any automatic teller machine;
- c. at any outdoor dining area permitted pursuant to Sec. 16-146, or outdoor merchandise area permitted pursuant to Sec. 16-147, provided such areas are in active use at the time;
- d. at any transit stop or taxi stand, or in a public transit vehicle;
- e. while the person being solicited is standing in line waiting to be admitted to a commercial establishment;
- f. by touching the person being solicited without that person's consent;
- g. by blocking the path of a person being solicited or blocking the entrance or exit to any building or vehicle;
- h. by or with the use of profane or abusive language, during the solicitation or following an unsuccessful solicitation;
- i. by or with the use of any gesture or act intended to cause a reasonable person to be fearful of the solicitor or feel compelled to accede to the solicitation;
- j. after dark, which shall mean one-half hour after sunset until one-half hour before sunrise;
- k. while under the influence of alcohol or after having illegally used any controlled substance, as defined in the North Carolina Controlled Substance Act.

(2) Additional restrictions applicable to high traffic zones:

a. For purposes of this subsection (b)(2) only, the following definitions shall apply:

1. *Beg, solicit or panhandle.* The communication, by use of gestures or spoken words, by one person or group of persons directed at another person or group of persons, of a request for the immediate contribution of money, food or goods, to the person or group making the communication, or to others. This definition shall not include transactions between family members or mutual acquaintances.

2. *High Traffic Zones.*

(a) Zone 1: Within the area defined by a line drawn along the centerline of the following streets: starting at the intersection of Hilliard Avenue and Market Street, west along Hilliard Avenue to the intersection of Hilliard Avenue and French Broad Avenue; then north along French Broad Avenue to the intersection of French Broad Avenue and Haywood Street; then east Haywood Street to the intersection of Haywood Street and Montford Avenue; then north along Montford Avenue to the intersection of Montford Avenue and Cherry Street; then east along Cherry Street to the intersection of Cherry Street and Broadway Street; then south on Broadway Street to the intersection of Broadway Street and Woodfin Street; then east on Woodfin Street to the intersection of Woodfin Street and College Street; then south on Valley Street to the intersection of Valley Street and Marjorie Street; then west along Marjorie Street to the intersection of Marjorie Street and Davidson Street; then south on Davidson Street to the intersection of Davidson Street and Eagle Street; then west along Eagle Street to the intersection of Eagle Street and Market Street; then south on Market Street to the point of beginning.

(b) Zone 2: Within Biltmore Village Historic District.

b. Prohibited Acts. In addition to the restrictions set forth in Sec. (b)(1), above, it shall be unlawful for any person to beg, solicit, or panhandle, as defined herein, within any high traffic zone.

(c) *Penalty.* A violation of this ordinance is a misdemeanor as set forth in North Carolina General Statute Sec. 14-4."

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this the 13<sup>th</sup> day of May, 2003.

**CITY OF AUBURN, WASHINGTON**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN,  
WASHINGTON, AMENDING SECTION 9.08.010 OF THE AUBURN CITY CODE,  
RELATING TO AGGRESSIVE BEGGING**

WHEREAS, the current provisions of the Auburn City Code include regulation of activity that involves aggressive begging, such as intimidation, false or misleading activities or activities that involve safety concerns for people; and

WHEREAS, because there is an increasing experience of activities at off ramps or along public rights-of-way that interfere with or potentially jeopardize the safety of pedestrians or vehicular traffic, it is appropriate that the provisions of the aggressive begging ordinance be modified to assure a better ability of the law enforcement officials to protect the safety that otherwise be threatened.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,  
WASHINGTON, DO ORDAIN as follows:

**Section 1. New Section to City Code.** That a new section 9.08.010 of the Auburn City Code is hereby amended to read as follows:

Chapter 9.08

AGGRESSIVE BEGGING

Sections:

9.08.010 Aggressive begging.

9.08.010 Aggressive begging.

A. It is unlawful for any person to engage in aggressive begging in any public place in the city, as those terms are defined by this section.

B. As used in this section:

1. "Aggressive begging" shall mean: (a) begging with intent to intimidate another person into giving money or goods; (b) begging with use of false, misleading information; (c) begging with or involving activities that are unsafe or dangerous to any person or property, or begging at locations or in a manner that threatens the safety of persons or property, or that impedes or threatens to impede pedestrian or vehicular traffic; (d) begging in a manner that exploits children; or (e) willfully providing or delivering, or attempting to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return.

2. "Begging" shall mean asking for money or goods as a charity, whether by words, bodily gestures, signs or other means.

3. "To intimidate" shall mean to coerce or frighten into submission or obedience, or to engage in conduct which would make a reasonable person fearful or feel compelled.

4. "Public place" shall mean: (a) any public road, alley, lane, parking area, sidewalk, or other publicly owned building, facility or structure; (b) any public playground, school ground, recreation ground, park, parkway, park drive, park path or rights-of-way open to

the use of the public; or (c) any privately owned property adapted to and fitted for vehicular or pedestrian travel that is in common use by the public with the consent, expressed or implied, of the owner or owners.

5. "Exploit" shall mean using in an unethical, selfish or abusive manner or in any other manner that gives an unfair advantage.

C. Violation of this section shall be a misdemeanor, punishable by a fine up to \$1,000 or by a jail sentence of up to 90 days, or by both such fine and jail time. (Ord. 5918 § 1, 2005; Ord. 5682 § 1, 2002.)

**Section 2.** If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the remainder of such code, ordinance or regulation or the application thereof to other person or circumstance shall not be affected.

## **CITY OF AURORA, COLORADO**

### **Sec. 134-360. Solicitation on or near street or highway.**

(a) The purpose of this section is to prevent dangers to persons and property, to prevent delays, and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.

(b) It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind or collect monies for such from the occupant of any vehicle traveling upon any street or highway when:

(1) Such solicitation or collection causes the person performing the activity to enter onto the traveled portion of a street or highway.

(2) Such solicitation or collection involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions.

(3) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

(c) It shall be unlawful for any person to solicit or attempt to solicit employment, business, or contributions of any kind from the occupant of any vehicle on any highway included in the interstate system, including any entrance to or exit from such highway.

(d) For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

(Code 1979, § 37-124)

## **CITY OF AUSTIN, TEXAS**

### **§ 9-4-13 SOLICITATION PROHIBITED.**

(A) The council finds that:

(1) Aggressive solicitation is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder.

(2) Aggressive solicitation includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.

(3) The presence of individuals who solicit money from persons at or near banks, automated teller machines, public transportation facilities, and crosswalks is

especially troublesome because of the enhanced fear of crime in a place that is confined, difficult to avoid, or where a person might find it necessary to wait.

(4) This section is intended to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, and not to limit a constitutionally protected activity.

(B) In this section:

(1) AGGRESSIVE MANNER means:

(a) intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

(b) following the person being solicited, if that conduct is:

(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) intended to or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(c) continuing to solicit a person within five feet of the person being solicited after the person has made a negative response;

(d) 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;

(e) using obscene or abusive language or gestures toward the person being solicited;

(f) 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 solicitation.

(2) AUTOMATED TELLER MACHINE means a device, linked to a bank's account records, which is able to carry out banking transactions.

(3) AUTOMATED TELLER FACILITY means the area comprised of one or more automatic teller machines, and any adjacent space that is made available to banking customers.

(4) BANK includes a bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

(5) BUS means a vehicle operated by a transit authority for public transportation.

(6) CHECK CASHING BUSINESS means a person in the business of cashing checks, drafts, or money orders for consideration.

(7) PUBLIC AREA means an outdoor area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.

(8) SOLICIT means to request, by the spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

(C) A person commits an offense if the person solicits:

(1) in an aggressive manner in a public area;

(2) in a bus, at a bus station or stop, or at a facility operated by a transportation authority for passengers;

- (3) within 25 feet of:
  - (a) an automated teller facility;
  - (b) the entrance or exit of a bank; or
  - (c) the entrance or exit of a check cashing business; or
- (4) at a marked crosswalk.
- (5) on either side of the street on a block where a school attended by minors or a child-care facility has an entrance or exit;
- (6) at a sidewalk café authorized under Chapter 14-4 (*Sidewalk Cafés*) or the patio area of a bar or restaurant; or
- (7) in the downtown business area described in Section 9-4-14 (*Sitting or Lying Down on Public Sidewalks in the Downtown Business Area Prohibited*) between 7:00 p.m. and 7:00 a.m.
- (D) A culpable mental state is not required, and need not be proved, for an offense under Subsection (C)(2), (3), or (4).
- (E) This section is not intended to proscribe a demand for payment for services rendered or goods delivered.

**§ 12-1-27 SOLICITATIONS BETWEEN AN OCCUPANT OF A MOTOR VEHICLE AND A PEDESTRIAN.**

(A) This section applies in the following areas, including the streets and pedestrian rights-of-way that bound the areas

...

(B) The council finds that the distraction of motorists occasioned by a solicitation between an occupant of a motor vehicle and a pedestrian impedes the safe and orderly flow of traffic, causes vehicles to stop unexpectedly, causes vehicles to linger at traffic control devices, and causes motorists to fail to attend to driving. Distracted drivers pose a significant risk of physical injury to motorists and pedestrians.

(C) In this section “private parking area” means privately owned property for vehicle parking, and an adjacent driveway, walkway, setback, and landscaped area.

(D) A person who is in or next to a street, on a sidewalk, or in a private parking area commits an offense if the person solicits, or attempts to solicit, services, employment, business, or contributions from an occupant of a motor vehicle.

(E) A person in a motor vehicle commits an offense if the person solicits, or attempts to solicit, services, employment, business, or contributions from a person who is in or next to a street, on a sidewalk, or in a private parking area.

(F) This section does not apply to:

(1) a facility operated by or for the City, and designated by the city manager as a place where the solicitation of employment or services is permitted; or

(2) a private parking area unless the owner of the parking area has permanently posted a conspicuous sign at each entrance of the parking area, in both English and Spanish, stating that it is a misdemeanor to engage in solicitation for employment.

(G) An offense under this section is punishable by a fine not to exceed \$500.

[9-4-3: Except as otherwise specifically provided, a person who violates this chapter commits a Class C misdemeanor. . .].

**CITY OF BALTIMORE, MARYLAND**

**§ 47-1. Definitions.**

(a) *Aggressive soliciting.*

“Aggressive soliciting” means soliciting which is accompanied by 1 or more of the following:

(1) approaching, speaking to, or following a person in such a manner as would cause a

reasonable person to fear bodily harm or the commission of a criminal act upon the person or upon property in the person's immediate possession;

- (2) in the course of soliciting, touching another person without that person's consent;
- (3) continuously soliciting from a person or following the person after the person has made a negative response;
- (4) intentionally blocking or interfering with the safe passage of a person or a vehicle by any means, including unreasonably causing a person to take evasive action to avoid physical contact;
- (5) using obscene or abusive language either during the course of soliciting or following a refusal; or
- (6) acting with the intent of intimidating another person into giving money or another thing of value.

(b) *Place open to the general public.*

"Place open to the general public" means sidewalks, streets, alleys, driveways, parking lots and garages, parks, plazas, buildings, doorways and entrances to buildings, the grounds enclosing buildings, or the mall and/or adjacent parking areas of any shopping center to which the general public is invited for business purposes.

(c) *Soliciting.*

(1) "Soliciting" means any act by which 1 person requests an immediate donation of money or other thing of value from another or others in person, regardless of the solicitor's purpose or intended use of the money or other thing of value.

(2) The solicitation may be oral, written, or by other means of communication.

(City Code, 1976/83, art. 19, §249(b).) (Ord. 93-275; Ord. 94-447.)

#### **§ 47-2. Findings and declarations.**

The Mayor and City Council:

(1) finds and declares that aggressive soliciting and soliciting in certain places and circumstances have a detrimental effect on the creation of a safe environment in the City of Baltimore; and

(2) finds that restricting certain acts, without prohibiting soliciting, is a necessary exercise of the police, health, and welfare power in order to maintain the peace and good government of Baltimore City and to preserve and protect the rights of all citizens.

(City Code, 1976/83, art. 19, §249(a).) (Ord. 93-275; Ord. 94-447; Ord. 04-672.)

#### **§ 47-3. Aggressive soliciting in public places prohibited.**

It is unlawful for any person to engage in aggressive soliciting in any place open to the general public.

(City Code, 1976/83, art. 19, §249(c).) (Ord. 93-275; Ord. 94-447.)

#### **§ 47-4. Soliciting in certain ways and places prohibited.**

It is unlawful for any person to engage in soliciting:

(1) within **10 feet** of any automatic teller machine (ATM);

(2) in any public transportation vehicle or at any bus, train, light rail, or subway station or stop;

(3) on private property or residential property, if the owner, tenant, or occupant has asked the person not to solicit on the property or has posted a sign on the property indicating no soliciting;

(4) from any operator or occupant of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows or otherwise; or

(5) from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space or directing the occupant to a public parking space.

(City Code, 1976/83, art. 19, §249(e).) (Ord. 93-275; Ord. 94-447.)

**§ 47-5. Nighttime soliciting prohibited.**

(a) *In general.*

Except as provided in subsection (b) of this section, no person may engage in soliciting between sunset and sunrise.

(b) *Exception.*

This section does not apply to soliciting that is done solely:

- (i) by passively standing or sitting with a sign or other indication that one is seeking donations; and
- (ii) without addressing any oral or other solicitation to any specific person other than in response to an inquiry by that person.

(c) *Enforcement by Civil Citation.*

(1) This section may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(2) A citation may be issued under this section only by a police officer.

(3) No person may be imprisoned for a violation of this section, for failing to pay a fine imposed under this section, or for failing to appear in court.

(Ord. 04-675.)

**§ 47-6. {Reserved}**

**§ 47-7. Other soliciting permitted.**

"Soliciting" as defined in § 47-1(c) of this subtitle is lawful except only as specified in this subtitle.

(City Code, 1976/83, art. 19, §249(d).) (Ord. 93-275; Ord. 94-447; Ord. 04-675.)

**§ 47-8. {Reserved}**

**§ 47-9. Penalties.**

(a) *In general.*

Except as provided in subsection (b) of this section, any person who violates a provision of this subtitle is guilty of a misdemeanor and, upon conviction thereof:

- (1) shall be fined not more than \$100 or imprisoned for not more than 30 days, or both; or
- (2) if the person has been convicted of a violation of this subtitle within the previous year, the person shall be fined not more than \$250 or imprisoned for not more than 90 days, or both.

(b) *Exception.*

This section does not apply to any violation of § 47-5 ["Nighttime soliciting prohibited"] of this subtitle.

**CITY OF BOSTON, MASSACHUSETTS**

**16-41.1 Definitions.**

For purposes of this section:

a. *Solicit* shall mean to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other value. The solicitation may be, without limitation, by the spoken, written, or printed word, bodily gestures, signs, or by other means of communication.

b. *Aggressive manner* shall mean:

1. Any conduct that 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 that person's immediate possession; or (ii) intended to or is likely to cause a reasonable person to be intimidated into responding affirmatively to the solicitation; or

2. Persisting in closely following or approaching a person, after the person solicited has been solicited and informed the solicitor by words or conduct that such

person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or

3. Intentionally or recklessly blocking or interfering with the safe or free passage of the person being solicited, whether the person is a pedestrian or the operator of a vehicle, including the situation where the person takes evasive action to avoid physical contact with the person making the solicitation; or

4. Intentionally touching or making any physical contact with the person being solicited in the course of the solicitation without the person's consent.

c. *Automated teller machine* shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

d. *Automated teller machine facility* shall mean the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers during and after regular banking hours.

e. *Bank* shall mean the same as the defined G.L. c. 167, s. 1.

f. *Check cashing business* shall mean the same as that defined by G.L. 167, c. 169A, s. 1.

g. *Public area* shall mean an area to which the public has access and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings, and dwellings.

(Ord. 1997 c. 10)

#### **16-41.2 Prohibited Acts.**

It shall be unlawful for any individual to solicit money or other things of value, even if validly licensed by the City of Boston for such act, if such solicitation is conducted:

a. In an aggressive manner in a public area, including the situation where the individual being solicited in an aggressive manner is the operator or occupant of a motor vehicle located on a public way and the solicitation consists of performing or offering to perform a service in connection with such vehicle; or

b. Within ten (10') feet of any entrance or exit of any bank or check cashing business during the hours of operation of such bank or check cashing business or within ten (10') feet of any automated teller machine during the hours of its operation.

(Ord. 1997 c. 10)

#### **16-41.3 Penalties.**

Any individual who violates subsection 16-37.2 of this section shall be subject to a fine of fifty (\$50.00) dollars for the first offense and one hundred (\$100.00) dollars for any subsequent offense, or, that the Court may impose such community service as it shall determine in lieu of a monetary fine.

(Ord. 1997 c. 10)

### **CITY OF CHAPEL HILL, NORTH CAROLINA**

#### **Sec. 11-170. Begging, panhandling, or soliciting contributions.**

(a) Definitions:

(1) To *beg, panhandle, or solicit contributions* shall be defined to include, without limitation, the spoken, written, or printed word or such other acts as are conducted in furtherance of the purpose of obtaining contributions;

(2) *Accosting another person* shall be defined as approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act or damage to property in his immediate possession;

(3) *Intimidate another person* shall be defined as acting in such a way as would cause a reasonable person to fear bodily harm and therefore to do something he or she would not otherwise have done;

(4) *Forcing oneself upon the company of another person* shall be defined as:

(i) Continuing to request or solicit contributions in close proximity to the person addressed after that person has responded negatively;

(ii) Blocking the passage of the person addressed; or

(iii) Otherwise engaging in conduct which reasonably could be understood as intended to force a person to accede to demands.

(5) *Public place* shall be defined to include streets, highways, and roadways (including the shoulders and medians), sidewalks, alleys, and other public property, as well as town-owned and town-controlled property and private property open to the public unless permission to solicit has been obtained from the town or from the property owner or other person in authority.

(6) *Vocal appeal* shall be defined as begging, panhandling, or solicitation of contributions by spoken word or other verbal request. This shall not include the act of performing music with a sign or other indication that a contribution is being sought, without any vocal request other than in response to an inquiry.

(7) *Direct written appeal* shall be defined as begging, panhandling, or solicitation by handing to a person or attempting to hand to a person a written solicitation for immediate contributions.

(8) *Nighttime* shall be defined as the time from dusk to dawn.

(b) No person shall beg, panhandle, or solicit contributions in a public place in a manner so as to intimidate another person or by accosting another person, or by forcing oneself upon the company of another person.

(c) No person shall beg, panhandle, or solicit contributions from another person within twenty (20) feet of an entrance or exit of any bank or financial institution or within twenty (20) feet of any automated teller machine.

(d) No person shall beg, panhandle, or solicit contributions in any public transportation vehicle owned or operated by the Town of Chapel Hill or at any station for such vehicle or within six (6) feet of a bus stop sign, bus stop shelter, or bus stop bench.

(e) No person shall beg, panhandle, or solicit contributions while sitting or standing on a roadway or the shoulder or median of a roadway.

(f) No person shall beg, panhandle, or solicit contributions in a public place by vocal appeal or direct written appeal during nighttime.

~~(f)~~ (g) Violation of this section shall constitute a misdemeanor and shall subject the violator to a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than seven (7) days.

## **CITY OF CINCINNATI**

### **Sec. 910-12. Improper Solicitation.**

(a) Definitions. For purposes of this section, the following terms shall be defined as set forth below:

(1) "Solicit" and "Solicitation" mean to make any request in person while in a public place, for an immediate grant of money, goods or any other form of gratuity from another person(s), or to engage in such activity on private property.

However, the terms "solicit" and "solicitation" shall not mean the act of passively standing or sitting with a sign or other indicator that a donation of money, goods or any other form of gratuity is being sought without any vocal request other than a response to an inquiry by another person.

(2) "Public place" means a publicly owned building and premises appurtenant thereto, any public park, sidewalk or other right of way open to the general public and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, skywalks and streets.

(b) It is unlawful for any person to solicit in the following places:

(1) In any public transportation vehicle or at any bus stop;

(2) Within 20 feet in any direction from an automatic teller machine or entrance to a bank;

(3) From any operator or occupant of a motor vehicle or from any person entering or exiting a motor vehicle;

(4) Within 20 feet of any crosswalk;

(5) From a person standing in line waiting to be admitted to a commercial establishment; or

(6) On private property without permission from the owner.

(c) It is unlawful for any person to solicit after sunset or before sunrise. The times of sunset and of sunrise shall be as published by the United States Naval Observatory.

(d) It is unlawful for any person to solicit in an aggressive manner, including any of the following actions:

(1) Soliciting in a manner that impedes access to or from, or use of a building, vehicle or establishment;

(2) Soliciting in a manner that would alarm, intimidate, threaten, menace, harass, or coerce a reasonable person;

(3) By following behind, ahead or alongside, blocking the path of, or continuing to solicit a person who walks or drives away from the person soliciting or who gives notice or demonstrates verbally or physically that such solicitation is offensive, unwelcome or that the solicitation should cease;

(4) By using profane or abusive language or gestures either during the solicitation or following a refusal, or making any statement, gesture or other communication that would cause a reasonable person to be fearful or would be perceived as a threat; or

(5) By touching the solicited person without a statement, gesture or other communication that the person being solicited consents to the touching.

(e) It is unlawful for any person to knowingly make a false or misleading representation in the course of soliciting a donation. False or misleading representations include, but are not limited to the following:

(1) Stating that the donation is needed to meet a specific need, when the person soliciting already has sufficient funds to meet that need and does not disclose that fact;

(2) Stating that the donation is needed to meet a need that does not exist;

(3) Stating that the person soliciting is from out of town and stranded, or that he or she is homeless when that is not true;

(4) Stating or representing that the person soliciting is a member of a military service when the person soliciting is neither a present nor a former member of a military service;

(5) Stating or representing that the person soliciting suffers from a mental or physical disability or deformity when the person soliciting does not suffer the disability or deformity indicated; or

(f) It is unlawful for any person to solicit without possession of a valid registration issued by the police department. Any person who has been registered shall keep a copy of the registration on his or her person at all times while engaging in acts of solicitation and shall show it to any police officer upon request. No person whose registration has been revoked shall engage in acts of solicitation within the City of Cincinnati for a period of eighteen (18) months following the revocation.

The police chief or his designee shall issue the registration, without fee, to any eligible person who presents himself or herself at the registration location to be designated and

operated by the health department, states his or her true name, presents a photo identification or signs a declaration under penalty of perjury that he or she has no such identification, and permits himself or herself to be photographed. The regular registration shall expire one (1) year from the date of issuance.

Upon receipt of an application for registration that is in accordance with this section, the police department shall issue a temporary registration valid for ten (10) days and shall determine eligibility for a regular registration before the temporary registration expires. An eligible applicant shall receive a regular registration upon determination of the applicant's eligibility. If such determination is not made within the ten-day period, the temporary registration shall remain in effect until such time that the determination is made.

The regular registration shall be sent by U.S. mail to the address as provided by the applicant, or pursuant to procedures as established by the police department. Along with the regular registration, the police department shall provide the applicant with a copy of this section.

No person shall make a false or misleading representation while applying for registration under this section.

First time offenders of the registration requirement will be issued a warning citation by the issuing officer, which will be recorded at the police department, but such first-time offenders will not be charged with a violation of this section. Subsequent violations of the registration requirement will result in a charge of violation of this section.

(g) A person is ineligible to register if, and only if, within the past eighteen (18) months, he or she has (1) been previously convicted of a violation of Section 910-12 of the Cincinnati Municipal Code; or (2) has had a registration revoked pursuant to section (h) of this ordinance; or (3) has been convicted of an offense under the laws of any jurisdiction which involve aggressive or intimidating behavior while engaging in solicitation or false or misleading representations while engaging in solicitation.

(h) The police chief or his designee shall revoke any registration issued under this section to a person who has been convicted of a violation of Section 910-12 of the Cincinnati Municipal Code within the past eighteen (18) months. Upon any arrest for any violation of this section, the arrested person shall release to the arresting officer any registration issued under this section to the arrested person. The arrested person may apply at the registration location designated and operated by the health department for consecutive thirty-day temporary registrations pending adjudication of the arrest case. Such temporary registrations shall be issued to the arrested person during pendency of the arrest case under this section.

(i) Any applicant shall have the right to appeal the denial or revocation of registration by immediately requesting review by the Office of Administrative Hearings of the City of Cincinnati. The appeal to the Office of Administrative Hearings shall be taken by the applicant or registration holder within ten (10) days after issuance of the notice of denial or revocation by filing written notice of appeal with the police chief at the 310 Ezzard Charles Drive, Cincinnati, Ohio 45202, which shall be immediately provided to the Office of Administrative Hearings. The Office of Administrative Hearings shall consider the appeal within a reasonable time period as set forth within its regulations. The Office of Administrative Hearings shall direct that the denial or revocation be rescinded if the applicant has met all of the qualifying criteria set forth in this section. The applicant or registration holder may appeal the decision of the Office of Administrative Hearings to the Court of Common Pleas of Hamilton County pursuant to Chapter 2505 of the Ohio Revised Code.

(j) Each section and each part of each section of this ordinance is hereby declared to be an independent section and part of a section and, notwithstanding any other evidence

of legislative intent, that if any section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those to whom it is held invalid, shall be affected thereby, and it is hereby declared to be the legislative intent that the provisions of this ordinance would have been adopted independently of such section, sections or parts of a section so held invalid.

(k) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 156-1995, eff. June 2, 1995; a. Ord. No. 368-1995, eff. Nov. 8, 1995; a. Ord. No. 140-1999, eff. May 21, 1999; a. Ord. No. 68-2002, eff. April 5, 2002; a. Ord. No. 158-2003, § 2, eff. June 20, 2003; Emer. Ord. No. 140-2006, § 1, eff. May 10, 2006)

**Sec. 910-13. Interference With Pedestrian or Vehicular Traffic.**

No person shall recklessly interfere with pedestrian or vehicular traffic in a public place. "Interfere with pedestrian or vehicular traffic" as used in this section means to walk, stand, sit, lie, or grab, touch or approach another person, in a public place so as to block, interfere with, or impede the passage of any person or any vehicle, or to cause any person or any driver of any vehicle to alter his or her intended direction of travel. "Public place" as used in this section includes street, sidewalks, parks, plazas, parking lots, driveways, public or private buildings open to the public, and doorways and entrances to buildings or dwellings.

Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ordained by Ord. No. 230-1992, eff. May 20, 1992; a. Ord. No. 68-2002, eff. April 5, 2002)

**CITY OF CLEVELAND, OHIO**

**471.06 Use of Highway for Soliciting;**

(a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle. This division does not apply in the case of emergency or when the solicitation is due to the person engaging transportation for hire.

(b) No person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle. This division does not apply to police or firefighters soliciting contributions for bona fide charities.

(c) No person shall stand on a street or highway, or on any other portion of the right-of-way, including the berm, shoulder, treelawn, and sidewalk, and transfer or receive any item, object, package, currency, or anything of value, to or from the driver or an occupant of any vehicle.

This division shall not apply in the case of emergency, or when the transfer or exchange of the item, object, package, currency, or thing of value is due to the person engaging transportation for hire or making a purchase from a licensed vendor. This division does not apply in the case of emergency; or when the transfer or exchange of the item object, package, currency, or thing of value is due to the person engaging transportation for hire by a public hack; or is due to the person facilitating a funeral escort vehicle; or is due to the person making a purchase from a licensed vendor; or is due to police or firefighters soliciting contributions for bona fide charities; or is due to a charitable entity soliciting for bona fide charitable purposes.

(d) No person who is the driver or occupant of a vehicle shall transfer or receive any item, object, package, currency, or anything of value, to or from any person standing on a street or highway, or on any other portion of the right-of-way, including the berm, shoulder, treelawn, and sidewalk.

This division shall not apply in the case of emergency, or when the transfer or exchange of the item, object, package, currency, or thing of value is due to the person engaging

transportation for hire or making a purchase from a licensed vendor. This division does not apply in the case of emergency; or when the transfer or exchange of the item, object, package, currency, or thing of value is due to the person engaging transportation for hire by a public hack; or is due to the person facilitating a funeral escort vehicle; or is due to the person making a purchase from a licensed vendor; or is due to police or firefighters soliciting contributions for bona fide charities; or is due to a charitable entity soliciting for bona fide charitable purposes.

(e) No person shall stand on a street or highway, or on any other portion of the right-of-way, including the berm, treelawn, shoulder, and sidewalk, and repeatedly stop, beckon to, or attempt to stop vehicular traffic by hailing, waving arms, or making other bodily gestures.

This division shall not be construed to prohibit a person from stopping, beckoning to, or attempting to stop vehicles due to emergency, or to warn drivers of danger, or to engage transportation or hire.

(l) Whoever violates divisions (b), (c), (d) or (e) of this section is guilty of a misdemeanor of the fourth degree on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the first degree on the third and each subsequent offense. Whoever violates any other division of this section is guilty of a minor misdemeanor on the first offense; a misdemeanor of the fourth degree on a second offense; and a misdemeanor of the third degree on the third and each subsequent offense.

(RC 4511.51; Ord. No. 1534-02. Passed 11-11-02, eff. 11-19-02)

## **CITY OF DALLAS, TEXAS**

### **SEC. 31-35. SOLICITATION BY COERCION; SOLICITATION NEAR DESIGNATED LOCATIONS AND FACILITIES.**

(a) In this section:

(1) **AUTOMATED TELLER MACHINE** means a machine, other than a telephone:

(A) that is capable of being operated by a customer of a financial institution;

(B) by which the customer may communicate to the financial institution a request to withdraw a benefit for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and

(C) the use of which may or may not involve personnel of a financial institution.

(2) **COERCION** means:

(A) to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

(i) imminent bodily injury; or

(ii) the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

(B) to persist in a solicitation after the person solicited has given a negative response;

(C) to block, either individually or as part of a group of persons, the passage of a solicited person; or

(D) to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.

(3) **EXTERIOR PUBLIC PAY TELEPHONE** means any coin or credit card reader telephone that is:

(A) installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and

(B) accessible and available for use by members of the general public.

(4) PUBLIC TRANSPORTATION STOP means an area officially marked and designated as a place to wait for a bus, a light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.

(5) SELF-SERVICE CAR WASH means a structure:

(A) at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and

(B) that is accessible and available for use by members of the general public.

(6) SELF-SERVICE FUEL PUMP means a fuel pump:

(A) from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located; and

(B) that is accessible and available for use by members of the general public.

(7) SOLICITATION means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

(b) A person commits an offense if he conducts a solicitation by coercion.

(c) A person commits an offense if he conducts any solicitation within 25 feet of:

(1) an automated teller machine;

(2) an entrance or exit of a bank, credit union, or other similar financial institution;

(3) an exterior public pay telephone;

(4) a self-service car wash;

(5) a self-service fuel pump; or

(6) a public transportation stop.

(d) For purposes of Subsection (c), measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:

(1) the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;

(2) the nearest entrance or exit of a bank, credit union, or other similar financial institution;

(3) the nearest part of an exterior public pay telephone;

(4) the nearest part of the structure of a self-service car wash;

(5) the nearest part of a self-service fuel pump; or

(6) the nearest point of any sign or marking designating an area as a public transportation stop.

(e) In addition to any enforcement action by a peace officer for a violation of this section, any person who is a victim of a solicitation prohibited under Subsection (b) or (c), or who witnesses a violation of Subsection (c), may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence. (Ord. Nos. 21030; 25213)

**SEC. 28-63.3. SOLICITATIONS TO OCCUPANTS OF VEHICLES ON PUBLIC ROADWAYS PROHIBITED.**

- (a) In this section:
  - (1) GOODS means property of every kind.
  - (2) PUBLIC PROPERTY means:
    - (A) any property open or devoted to public use or owned by the city; and
    - (B) any area dedicated to the public use for sidewalk, street, highway, or other transportation purposes, including, but not limited to, any curb, median, parkway, shoulder, sidewalk, alley, drive, or public right-of-way.
  - (3) ROADWAY has the meaning given that term in Chapter 541, Texas Transportation Code.
  - (4) SERVICES means any work done for the benefit of another person.
  - (5) SOLICITATION means any conduct or act whereby a person:
    - (A) either orally or in writing, asks for a ride, employment, goods, services, financial aid, monetary gifts, or any article representing monetary value, for any purpose;
    - (B) either orally or in writing, sells or offers for sale goods, services, or publications;
    - (C) distributes without remuneration goods, services, or publications; or
    - (D) solicits signatures on a petition or opinions for a survey.
  - (6) VEHICLE has the meaning given that term in Chapter 541, Texas Transportation Code.
- (b) A person commits an offense if, while occupying any public property adjacent to any public roadway in the city, he knowingly conducts a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle stopped or traveling on the roadway. An offense occurs when the solicitation is made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place.
- (c) It is a defense to prosecution under Subsection (b) that the person was:
  - (1) summoning aid or requesting assistance in an emergency situation; or
  - (2) a law enforcement officer in the performance of official duties.
- (d) In addition to any enforcement action by a peace officer for a violation of this section, any person who is a victim of a solicitation prohibited under Subsection (b), or who witnesses a violation of Subsection (b), may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence. (Ord. 25213)

**CITY OF DAYTON, OHIO**

**Sec. 70.05. Manner of riding and solicitation.**

- (A) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.
- (B) No person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

**Sec. 137.14. Definitions.** . . .Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

**Sec. 137.16. Place of panhandling.**

No person shall panhandle by soliciting a person in any of the following places:

- (A) At any bus stop;
- (B) In any public transportation vehicle or facility;
- (C) In any vehicle within the public right-of-way;

- (D) Within 20 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 20 feet of any automated teller machine during the time it is available for customers' use;
- (E) In or at any sports stadium owned or operated by a political subdivision;
- (F) In or at any hall or theater owned or operated by a political subdivision;
- (G) In or at the Dayton Aviation Heritage National Historical Park;
- (H) In or at the National Afro-American Museum and Cultural Center;
- (I) On private property, unless the panhandler has permission from the owner or occupant.

**Sec. 137.20. Registration.**

(A) No person shall panhandle without a registration issued by the Chief of Police. The registration shall include the name and photograph of the person to whom it is issued. Any person who has been registered shall display the registration in plain view on the front of that person at all times while panhandling. No person whose registration has been revoked shall panhandle for a period of two years following the revocation.. . .

**CITY OF DENVER, COLORADO**

**Sec. 38-132. Panhandling.**

(a) *Definitions.* For the purpose of this section:

(1) *Aggressive panhandling* shall mean:

- a. Continuing to solicit from a person after the person has given a negative response to such soliciting;
- b. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
- c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- d. Using violent or threatening gestures toward a person solicited;
- e. Persisting in closely following or approaching the person being solicited, with the intent of asking that person for money or other things of value, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any thing of value to the solicitor;
- f. Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited;
- g. Soliciting money from anyone who is waiting in line for tickets, for entry to a building, or for another purpose.
- h. Approaching or following a person for solicitation as part of a group of two (2) or more persons, in a manner and with conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value.

(2) *Soliciting or Panhandling* for purposes of this section are interchangeable and mean any solicitation made in person requesting an immediate donation of money. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this chapter. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

(3) *Public place* shall mean a place to which the public or a substantial group of persons has access, including but not limited to any street, sidewalk, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

(4) *Financial institution* shall mean any bank, industrial bank, credit union, or savings and loan as defined in Title 11 of the Colorado Revised Statutes.

(5) *Automated teller machine* shall mean a device, linked to a financial institution's account record which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(6) *Automated teller machine facility* shall mean the area comprised of one (1) or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(b) *Prohibited acts.*

(1) No person shall engage in aggressive panhandling in any public place.

(2) No person shall panhandle on private or residential property after having been asked to leave or refrain from panhandling by the owner or other person lawfully in possession of such property.

(3) No person shall panhandle within twenty feet of public toilets.

(4) No person shall panhandle within twenty (20) feet of any automated teller machine. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.

(5) No person shall solicit from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space.

(6) No person shall panhandle in any public transportation vehicle, or within twenty (20) feet of any bus, train, or light-rail station or stop, or within the bus transit lane on the 16th Street Mall, or in any public parking lot or structure.

(7) No person shall panhandle within six (6) feet of an entrance to a building.

(8) No person shall panhandle within twenty (20) feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.

(9) No person shall solicit or panhandle after dark, which shall mean one-half hour after sunset until one-half hour before sunrise.

(10) No person shall solicit or panhandle within twenty (20) feet of any outdoor patio where food or drink are served.

**Sec. 54-548. Solicitation on or near street or highway.**

(a) The purpose of this section is to prevent dangers to persons and property, to prevent delays, and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. The presence of pedestrians on center medians poses dangers to both pedestrians and traffic and interferes with the traffic planning process. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.

(b) It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street, road or highway when such solicitation or collection:

(1) Causes the person performing the activity to enter onto the traveled portion of a street or highway; or

- (2) Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions.
  - (c) It shall be unlawful for any person to solicit or attempt to solicit employment, business, contributions or sales of any kind from the occupant of any vehicle on any highway included in the interstate system including any entrance to or exit from such highway.
  - (d) For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.
- (Ord. No. 407-01, § 1, 5-14-01; Ord. No. 903-05, § 1, 12-5-05)

**CITY OF FEDERAL WAY, WASHINGTON**

WHEREAS, the current provisions of the Federal Way City Code include regulation of activity that involves aggressive begging, such as intimidation, false or misleading activities, or activities that involve safety concerns for people; and  
 WHEREAS, because there is an increase of activities at off-ramps and along public rights-of-way that interfere with or potentially jeopardize the safety of pedestrians or vehicular traffic, it is appropriate that the provisions of the aggressive begging ordinance be modified to assure a better ability of the law enforcement officials to protect the safety of the public that may otherwise be threatened;  
 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 6, Article VIII, Section 6-188 of the Federal Way City Code is hereby amended to read as follows:

**6-188 Aggressive begging.**

- (a) It is a crime for any person to engage in aggressive begging in any public place in the city as those terms are defined by this section.
- (b) As used in this section:
  - (1) Aggressive begging shall mean (a) to beg with intent to intimidate another person into giving money or goods, (b) to beg with the use of false or misleading information, (c) to beg with or to involve activities that are unsafe or dangerous to any person or property or to beg at locations or in a manner that threatens the safety of persons or property or that impedes or threatens to impede pedestrian or vehicular traffic, (d) to beg in a manner that exploits children, or (e) to willfully provide or deliver or attempt to provide or deliver unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return.
  - (2) Beg shall mean to ask for money or goods as a charity, whether by words, bodily gestures, signs or other means.
  - (3) Intimidate shall mean to engage in conduct which would make a reasonable person fearful or feel compelled.
  - (4) Public place shall mean any road, alley, lane, parking area, sidewalk or any place, private or otherwise, adopted to and fitted for vehicular or pedestrian travel, that is in common use by the public with the consent, expressed or implied, of the owner or owners, and further, any public playground, school grounds, recreation grounds, parks, parkways, park drives, park paths and rights-of-way open to the use of the public.
  - (5) Exploit children shall mean using children in an unethical, selfish, or abusive manner or in any other manner that gives an unfair advantage.

Section 2. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

## **CITY OF GALVESTON, TEXAS**

Sec. 24-19. Aggressive solicitation.

(a) *Definitions.* The following words, terms, and phrases when used in this section shall have the meaning ascribed to them in this subsection, unless the context of their usage clearly indicates another meaning:

(1) *Aggressive manner* means and includes:

- a. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
- b. 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;
- c. Continuing to solicit within eight (8) 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;
- d. 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. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a permit issued by the city, shall not constitute obstruction of pedestrian or vehicular traffic;
- e. 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
- f. 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 solicitation.

(2) *Automated teller machine* or *ATM* means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(3) *Automated teller machine facility* means the area comprised of one or more automatic teller machines, and any adjacent space, which is made available to banking customers.

(4) *Bank* includes a bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

(5) *Check cashing business* means a person in the business of cashing checks, drafts, or money orders for consideration.

(6) *Coin-operated machine* means a coin or cash operated contrivance, apparatus, or equipment used for the purpose of providing sales of goods or services.

(7) *Fuel dispensing device* means a pump or other machine utilized for dispensing fuel to motor vehicles for a fee.

- (8) *Pay telephone* means any coin-operated or credit or debit card reader operated telephone located on any public or private property that is accessible for public use.
- (9) *Parking meter* means any coin-operated meter utilized to charge for parking a motor vehicle on public property.
- (10) *Parking fee collection box* means a device utilized to collect coins or currency as a charge for parking a motor vehicle on private property.
- (11) *Public area* means an outdoor area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, library, office building, transport facility, or shop.
- (12) *Request* means any imperative instruction, whether verbal or non verbal, by a solicitee to a solicitor to desist the solicitation including but not limited to words or gestures such as "stop," "back off", "stay back", "get away", "leave me alone," or "withdraw".
- (13) *Solicitation* means the act of panhandling by seeking through a communication with another person, whether by gesture or verbally, funds or good for food, personal favors, (such as trips, transportation, clothing, or other) drink, lodging, vehicle fare, or any other purpose to directly benefit an individual or his family members.
- (14) *Solicitee* means any individual to whom a solicitor, as defined herein, directs a solicitation.
- (15) *Solicitor* means any person who engages in the act of solicitation as defined above.
- (16) *Transportation facility* means a facility or designated location that is owned, operated, or maintained by the city and is designed to serve as point from which patrons take ingress and egress from the transit system and includes one more of the following structures: a sign or signs indicating a transit stop or pick-up point, a shelter for transit patrons, or benches or chairs for transit patrons.
- (17) *Transit system* means a vehicle, including but not limited to a bus or trolley, operated by the city for public transportation.
- (b) *Prohibited acts*. It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:
- (1) In an aggressive manner in a public area;
  - (2) In any public transportation vehicle or transportation facility;
  - (3) At a marked crosswalk;
  - (4) Within twenty-five (25) feet of:
    - a. An automated teller facility;
    - b. The entrance or exit of a bank;
    - c. The entrance or exit of a check cashing business;
    - d. Coin-operated machine;
    - e. Fuel dispensing device;
    - f. Parking meter or parking fee collection box; or,
    - g. Pay telephone.
  - (5) 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; or
  - (6) From any operator of a motor vehicle that is in traffic on a public street, 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; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle.

(c) *Penalties.* A violation of this section shall be a Class C misdemeanor and upon conviction shall be punishable by a fine not to exceed five hundred dollars (\$500.00). In lieu of, or in addition to the penalty provided in this section, a person in violation of this section may be required to perform community service work as described by the court. A culpable mental state is not required, and need not be proved, for an offense under subsections (b)(2), (3), (4).

(Ord. No. 02-055, § 2, 6-13-02)

## **CITY OF HOUSTON, TEXAS**

### **Sec. 28-46. Aggressive panhandling.**

(a) The following words, terms, and phrases when used in this section shall have the meanings ascribed to them in this subsection, unless the context of their usage clearly indicates another meaning:

*Automated teller machine* or *ATM* means a machine, other than a telephone, that is capable of being operated by a patron to communicate to a financial institution:

- (1) A request to withdraw money from an account directly or under a line of credit previously authorized;
- (2) An instruction to deposit money in an account with the financial institution;
- (3) An instruction to transfer money between one or more accounts maintained with the financial institution;
- (4) An instruction to apply money against an indebtedness to the financial institution; or
- (5) A request for information concerning the balance of the account with the financial institution.

*Fuel dispensing device* means a pump or other machine utilized for dispensing fuel to motor vehicles for a fee.

*Pay telephone* means any coin-operated or credit or debit card reader operated telephone located on any public or private property that is accessible for public use.

*Parking meter* means any coin-operated meter utilized to charge for parking a motor vehicle on public property.

*Parking fee collection box* means a device utilized to collect coins or currency as a charge for parking a motor vehicle on private property.

*Public place* means a street, sidewalk, or other place that is open to the public.

*Request* means any imperative instruction, whether verbal or non-verbal, by a solicitee to a solicitor to desist the solicitation including but not limited to words or gestures such as "stop," "back off," "stay back," "get away," "leave me alone," or "withdraw."

*Solicitation* means the act of panhandling by seeking through a communication with another person, whether by gesture or verbally, funds or goods for food, personal favors (such as trips, transportation, clothing, or other), drink, lodging, vehicle fare, or any other purpose to directly benefit an individual or his family members.

*Solicitee* means any individual to whom a solicitor, as defined herein, directs a solicitation.

*Solicitor* means any person who engages in the act of solicitation as defined above.

*Transit facility* means a facility that:

- (1) Is owned and operated by the Metropolitan Transit Authority of Harris County, Texas (METRO);
- (2) Constitutes a permanent and integral part of the transit system of METRO;
- (3) Is designed to serve as a point from which METRO patrons take ingress and egress from the METRO transit system; and
- (4) Includes one or more of the following structures: a sign or signs indicating a transit stop or pick-up point, a shelter for transit patrons or benches or chairs for transit patrons.

(b) Immediately upon any request from a solicitee to a solicitor, a solicitor who is in a public place at the moment the request is made shall discontinue the solicitation until there is a space of at least eight feet between the solicitor and the solicitee or, in the alternative, discontinue all efforts to engage in the solicitation if within eight feet proximity to a requesting solicitee.

(c) For the purposes of subsection (b) of this section, distance shall be measured from any extension of the solicitor's body, including without limitation any sign or other object being used or carried by the solicitor, to any part of the solicitee's body.

(d) Regardless of whether or not any request is made by the solicitee to the solicitor, no solicitor shall engage in solicitation within a distance of eight feet from any ATM, pay telephone, parking meter, parking fee collection box, transit facility, or fuel dispensing device.

(e) For the purposes of subsection (d) of this section, distance shall be measured from any extension of the solicitor's body, including without limitation any sign or other object being used or carried by the solicitor, to any part of the physical structure of the ATM, pay telephone, parking meter, parking fee collection box, transit facility, or fuel dispensing device.

(f) Any person who knowingly or intentionally violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by section 1-6 of this Code.

(Ord. No. 92-390, § 2, 4-8-92; Ord. No. 92-1449, § 48, 11-4-92; Ord. No. 02-504, § 3, 6-12-02)

## **CITY OF INDIANAPOLIS, INDIANA**

### **Sec. 407-102. Panhandling.**

(a) As used in this section, panhandling means any solicitation made in person upon any street, public place or park in the city, in which a person requests an immediate donation of money or other gratuity from another person, and includes but is not limited to seeking donations:

(1) By vocal appeal or for music, singing, or other street performance; and

(2) Where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

However, panhandling shall not include the act of passively standing or sitting nor performing music, singing or other street performance with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

(b) It shall be unlawful to engage in an act of panhandling on any day after sunset, or before sunrise.

(c) It shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations: at a bus stop; in any public transportation vehicle or public transportation facility; in a vehicle which is parked or stopped on a public street or alley; in a sidewalk cafe; or within twenty (20) feet in any direction from an automatic teller machine or entrance to a bank.

(d) It shall be unlawful to engage in an act of panhandling in an aggressive manner, including any of the following actions:

(1) Touching the solicited person without the solicited person's consent;

(2) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;

(3) Blocking the path of a person being solicited, or the entrance to any building or vehicle;

- (4) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;
  - (5) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled; or
  - (6) Panhandling in a group of two (2) or more persons.
- (e) Each act of panhandling prohibited by this section shall constitute a public nuisance and a separate violation of this Code. Each violation shall be punishable as provided in section 103-3 of this Code, and the court shall enjoin any such violator from committing further violations of this section. (Code 1975, § 20-8; G.O. 78, 1999, § 1)

## **CITY OF KANSAS CITY, MISSOURI**

### **Sec. 50-151. Aggressive begging/begging at specified locations.**

(a) *Purpose.* The purpose of this section is to regulate and punish acts of aggressive begging and acts of begging that occur at locations or under circumstances specified herein which create an enhanced sense of fear or intimidation in the person being solicited or create disorder upon public streets or other public areas. The purpose of this section is not to punish the status or condition of any person. Regulation is required because aggressive begging anywhere in the city contributes to the loss of access to and enjoyment of public places and creates a sense of fear, intimidation and disorder. The city has substantial interests in the protection of public safety, the use of public transportation, the safe and unobstructed flow of traffic on its public streets and the preservation of the safe use of public areas. The regulations in this section further these substantial interests. This section is not intended to proscribe any demand for payment for services rendered or goods delivered. Nor is this section intended to prohibit acts authorized as an exercise of a person's constitutional right to legally picket, protest or speak.

(b) *Definitions.*

*Aggressive manner* means:

(1) *Threatening approaches.* Approaching the person being solicited in a manner that:

- a. 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
- b. Is intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(2) *Following.* Following the person being solicited, if that conduct is:

- a. 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
- b. Is intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(3) *Physical contact.* Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation, or approaching within an arm's length of the person, except with the person's consent;

(4) *Continuing to solicit.* Continuing to solicit a person after the person has made a negative response, if continuing the solicitation is:

- a. 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
- b. Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(5) *Verbal threats.* Intentionally or recklessly using words:

- a. 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 persons' possession; or

b. Words likely to intimidate the person into responding affirmatively to the solicitation;  
or

(6) *Blocking sidewalks or streets.* 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. *Automated teller machine* is a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: Account transfers, deposits, cash withdrawals, balance inquiries and mortgage and loan payments.

*Automated teller machine facility* is the area comprised of one or more automatic teller machines, and any adjacent space, which is made available to banking customers.

*Intimidate* means to engage in conduct which would make a reasonable person feel threatened or fearful of harm to the person's personal safety or property.

*Public area* is an area open to use by the general public, including, but not limited to, alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

*To solicit* includes, without limitation, the spoken, written or printed word or such other acts or bodily gestures as are conducted in furtherance of the purposes of begging, soliciting or asking for any item of value, monetary or otherwise.

(c) *Prohibitions.*

(1) *Aggressive begging or soliciting.* It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services, in an aggressive manner in a public area.

(2) *Public transportation.* It shall be unlawful to solicit money or other things of value, or to solicit the sale of goods or services in any public transportation vehicle, or bus or train station or stop.

(3) *Automated teller machine.* It shall be unlawful to solicit money or other things of value, or to solicit the sale of goods or services, if the person making the solicitation knows or reasonably should know that the solicitation is occurring within 15 feet of an automated teller machine or automated teller machine facility, or within 15 feet of any entrance or exit to a building containing an automated teller machine or automated teller machine facility.

(4) *Walk-up or drive-up teller window.* It shall be unlawful to solicit money or other things of value, or to solicit the sale of goods or services, if the person making the solicitation knows or reasonably should know that the solicitation is occurring within 15 feet of a walk-up or drive-up teller window located on the exterior of the building of a financial institution which is made available to its banking customers.

(5) *Private property.* It shall be unlawful to solicit money or other things of value, or to solicit the sale of goods or services on private property or residential 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.

(6) *Motor vehicles to be parked.* It shall be unlawful to solicit money or other things of value from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying or reserving a public space, directing the occupant to a public parking space or protecting a parked vehicle.

(Code of Gen. Ords. 1967, § 26.4; Ord. No. 960297, § 1, 4-18-96)

## **CITY OF KEY WEST, FLORIDA**

Sec. 42-11. No panhandling/no solicitation areas.

a) Definitions

Clinton Square shall mean that area of the Historic District, including its streets and sidewalks, and its interior park, bounded by Whitehead Street from Greene Street to Front Street, Front Street from Whitehead Street/David Wolkowsky Street to Greene Street, and Greene Street from Front Street to Whitehead Street.

Mallory Square shall mean the entire dimensions of Mallory Square including its pier, parking lot, the Waterfront Playhouse, the Sculpture Garden, and that portion of any other structure facing Mallory Square; Tift Alley; and Wall Street from the perimeter wall of the Mallory Square Parking Lot to Fitzpatrick Street

Panhandling shall mean begging or asking or soliciting money or goods for charity or personal gain, whether by word, bodily gestures, signs or other means.

Solicitation shall mean an offer by a person to perform a service or to sell a good in exchange for money or other type of compensation. For the purposes of this section, solicitation shall not mean such an offer by: (i) a person who holds an occupational license issued by the city for a business location when the offer is made at such location; (ii) a person who holds a mobile vendor's license, a coconut palm frond permit, or other specific license or permit issued by the city; or (iii) a person whose offered good or service is artistic in nature.

Southernmost Point shall mean that area of the Historic District, including the Southernmost Point Monument and including the sidewalks and streets bounded by South Street from Duval Street to Whitehead Street and Whitehead Street from South Street to United Street.

(b) Prohibition. Panhandling and solicitation are prohibited in Clinton Square, Mallory Square, and at the Southernmost Point. Panhandling and solicitation are prohibited on Simonton Street, Duval Street and Whitehead Street between and including Front Street and Angela Street. The city manager shall post signs in each area advising the public of this prohibition.

(c) Penalty. A violation of this section shall be punishable in accordance with section 1-15 of the Code of Ordinances. (Ord. No. 02-13, § 1, 5-7-02)

Sec. 42-3. Aggressive or obstructive panhandling.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Aggressively beg means to beg with the intent to intimidate another person into giving money or goods.

Beg means to ask or solicit for money or goods as a charity, whether by word, bodily gestures, signs, or other means.

Intimidate means to engage in conduct which would make a reasonable person fearful or feel compelled. Among the circumstances that may be considered in determining whether the actor intends to intimidate another person into giving money or goods are that the actor refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstance makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting him whether the actor:

- (1) Touches the person solicited;
- (2) Follows the person solicited, and persists in begging after the person solicited has given a negative response;
- (3) Directs profane or abusive language toward the person solicited; or
- (4) Acts in a violent or threatening manner toward the person solicited

Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take unreasonable evasive action to avoid physical contact.

Public place means an area accessible to the public and includes alleys, bridges, buildings, decks, driveways, parking lots, parks, plazas, sidewalks, school grounds, streets and other rights-of-way open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Unreasonable evasive action means causing a vehicle to depart from the lane of traffic in which it is traveling to change lanes, to straddle lanes, or to enter onto a swale to obtain passage; it also means causing a pedestrian to leave the sidewalk on which he is traveling or to make contact with a wall or fence bordering the sidewalk.

b) A person shall be guilty of aggressive or obstructive interference if, in a public place, he intentionally (i) aggressively begs, or (ii) obstructs pedestrian or vehicular traffic. Acts authorized as an exercise of one's constitutional right of assembly and free speech and acts authorized by a permit or a special events license duly issued by the city or by lease of real property owned by the city shall not constitute a violation under this section.

c) A violation of this section shall be punishable as provided in section 1-15. Nothing in this subsection shall limit the discretion of police, court personnel or judges from referring persons suspected, charged or convicted of a violation of this section to treatment programs or facilities that provide an alternative to prosecution or incarceration, if the alleged or convicted violator consents.(Code 1986, § 81.03)

## **CITY OF LAREDO, TEXAS**

### **Sec. 21-251. Definitions.**

Notwithstanding anything to the contrary, the following definitions are applicable to this article only:

*Highway* or *street* means the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular traffic.

*Individuals* means a natural person.

*Obstruct* means to render impassable or to render passage unreasonably inconvenient, unsafe, or hazardous.

*Person* means and includes both individual persons and organizations.

*Right-of-way* means any land owned by the city which is subject to the right of passage held by the public in general.

*Roadway* means the portion of the highway, other than the berm or shoulder, that is improved, designed, or ordinarily used for vehicular travel.

*Shoulder* means the portion of a highway that is:

- (1) Adjacent to the roadway;
- (2) Designed or ordinarily used for parking;
- (3) Distinguished from the roadway by different design, construction, or marking; and
- (4) Not intended for normal vehicular travel.

*Sidewalk* means the portion of a street that is between a curb or lateral line of a roadway and the adjacent property line and is for the exclusive use of pedestrians.

*Solicit, soliciting* or *solicitation* means to request an immediate donation 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 the spoken, written, or printed word, or by other means of communication.

Purchase of an item for an amount far exceeding its value, under circumstances where a

reasonable person would understand that the purchase is in substance a donation, is a solicitation.

*Street* or *highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

*Traffic control signal* means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

*Traffic island* means a curbed barrier within a street or roadway designated for the purpose of separating or directing streams of vehicular traffic.

(Ord. No. 98-215, § 2, 8-24-98; Ord. No. 2004-O-331, § 1, 12-20-04)

**Sec. 21-252. Time of solicitation.**

It shall be unlawful for any person to solicit outside a building after sunset or before sunrise.

(Ord. No. 98-215, § 2, 8-24-98)

**Sec. 21-253. Place of solicitation.**

It shall be unlawful for any person to solicit in any of the following places or to solicit from persons who are in the following places:

- (1) At any bus stop;
- (2) In any public transportation vehicle or facility;
- (3) On private property, unless the solicitor has permission from the owner or tenant;
- (4) Within twenty (20) feet of any entrance way into or exit from any public building;
- (5) Within forty (40) feet of any outdoor automatic teller machine (ATM);
- (6) On any public property, unless allowed by other provisions of this article;
- (7) Anywhere in the public right-of-way used for vehicular traffic, street, highway or roadway, unless in conformance with the requirements of section 21-254.

(Ord. No. 98-215, § 2, 8-24-98; Ord. No. 2004-O-331, § 1, 12-20-04)

**Sec. 21-254. Manner of solicitation.**

It shall be unlawful for any person to solicit in any of the following manners:

- (1) By coming within five (5) feet of the person solicited, until that person has indicated that he or she wishes to make a donation;
- (2) By blocking the path of the person solicited, or other pedestrians, along a sidewalk or street by walking, standing, sitting, lying, or placing an object in such a manner as to block passage by another person or vehicle, or to require another person or vehicle to take evasive action to avoid physical contact;
- (3) By following a person who walks away from the solicitor while the solicitor is in the act of soliciting;
- (4) By using profane or abusive language, either during the solicitation or following a refusal;
- (5) By soliciting in a group of two (2) or more persons when such solicitors are standing within ten (10) feet of each other;
- (6) While under the influence of alcohol or any illegal narcotic or controlled substance;  
or
- (7) By stepping into or remaining in a roadway, unless the controlling traffic signal has stopped all vehicular movement. The only time a solicitor is allowed to step into the roadway is when traffic has come to a complete stop. The solicitor may step into the roadway only to collect contributions from vehicles. Walking in between lanes of moving traffic is strictly prohibited and such will be cause to terminate the solicitation by that organization.

(Ord. No. 98-215, § 2, 8-24-98; Ord. No. 2004-O-331, § 1, 12-20-04)

**Sec. 21-255. False or misleading solicitation.**

Any person who knowingly makes a false or misleading representation in the course of soliciting a donation shall be prohibited from further solicitation and will be prosecuted to the fullest extent of the law. Upon conviction, that person shall be deemed guilty of a class C misdemeanor. Instances of false or misleading representations include, but are not limited to, the following:

- (1) Stating that the solicitor is soliciting on behalf of an organization which does not exist or which has not authorized the solicitor to seek donation on its behalf.
- (2) Wearing a military, medical or religious order uniform or other indication of military service, medical profession or religious order when the solicitor is neither a present nor former member of the service indicated, a member of such medical profession or a member of such religious order.
- (3) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated or using makeup or a device to simulate any deformity.
- (4) Reserved.

(Ord. No. 98-215, § 2, 8-24-98; Ord. No. 2004-O-331, § 1, 12-20-04)

**Sec. 21-256. Streets and highways solicitation.**

(a) *Requirement for solicitors.* All solicitors must comply with the following requirements:

- (1) Wear a high-visibility traffic vest at all times during the solicitation;
- (2) Solicit only at intersections controlled by a traffic control signal and within forty (40) feet of the said intersection where all traffic is required to come to a full stop;
- (3) Solicit only while located on a curbed traffic island, shoulder, improved shoulder or sidewalk by the roadway (if the center areas between lines of traffic do not have curbed traffic islands, then no solicitation is permitted there.) Traffic cones are recommended to be placed on the curbed traffic island, shoulder, improved shoulder or sidewalk by the roadway;
- (4) Wait to solicit until the traffic has come to a full stop. Solicitors must move away from the vehicles before the traffic control signal turns green and traffic starts to move again;
- (5) Be at least eighteen (18) years of age. It shall be unlawful to cause children, defined as persons under the age of eighteen (18) years, to solicit or attempt to solicit funds from the occupants of a vehicle on a roadway;
- (6) Solicitors must not stand in a roadway, except solicitors may enter a roadway to collect funds as a result of an immediate solicitation and only when traffic has stopped and it is safe to enter such roadway; and
- (7) Solicitors must never obstruct traffic.

(b) *CPR and first aid certifications required for group solicitations.* Group solicitations involving more than four (4) adults in the group must provide a person certified in CPR and first aid at each location of solicitation.

(Ord. No. 98-215, § 2, 8-24-98; Ord. No. 2004-O-331, § 1, 12-20-04)

**Sec. 21-257. Scope of article.**

This article which regulates the time, place and manner of solicitation is intended to apply to aggressive solicitation by individuals, as well as noncommercial street solicitation, as defined in chapter [section] 28-139 of the Code of Ordinances.

(Ord. No. 2004-O-331, § 1, 12-20-04)

**Sec. 21-258. Enforcement.**

In addition to enforcement by the Laredo Police Department, the city's code enforcement officers are also responsible for enforcing the provisions of this article. Both police officers and code enforcement officers are authorized to halt and order the dispersal of any ongoing solicitation by an individual or a group, as a consequence of violating any provision of this ordinance.

(Ord. No. 2004-O-331, § 1, 12-20-04)

**Sec. 21-259. Penalties.**

Each day any violation of this article shall continue shall constitute a separate offense. Upon conviction, each offense is punishable by a fine not to exceed five hundred dollars (\$500.00). Any person convicted of violating any provision of this ordinance shall be guilty of a class "C" misdemeanor.

(Ord. No. 2004-O-331, § 1, 12-20-040

Secs. 21-260--21-270. Reserved

**CITY OF LAS VEGAS, NEVADA**

**10.44.010 Definitions.**

For purposes of this Chapter:

(A) "Solicitation," for purposes of this Chapter, means to ask, beg, solicit or plead, whether orally, or in a written or printed manner, for the purpose of obtaining money, charity, business or patronage, or gifts of items of value for oneself or another person or organization.

(B) "Coercion" means to wilfully and knowingly:

(1) Approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

(a) Imminent bodily injury, or

(b) The commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

(2) Persist in a solicitation after the person solicited has given a negative response;

(3) Block, either individually or as part of a group of persons, the passage of a solicited person; or

(4) Engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.

(Ord. 3862 § 3 (part), 1995)

**10.44.020 Solicitation, by coercion--Misdemeanor.**

Any individual who personally commits solicitation by coercion shall be guilty of a misdemeanor.

(Ord. 3862 § 3 (part), 1995)

**10.44.030 Solicitation at certain locations--Misdemeanor.**

Any individual who personally engages in solicitation at any of the following places shall be guilty of a misdemeanor:

(A) At any bus, taxi, limousine, trolley or train stop;

(B) In any public transportation vehicle or facility;

(C) At any enclosed parking structure;

(D) Within twenty feet of an Automatic Teller Machine (ATM);

(E) Within ten feet of a point of entry to or exit from any building open to the public, including commercial establishments;

(F) Within the area designated as a pedestrian mail in Ordinance 3747, in accordance with NRS 268.810 et seq.

(Ord. 3862 § 3 (part), 1995)

**10.44.040 On private property.**

If property is owned or controlled by a private owner or operator, nothing in this Chapter shall be construed as applying to the conduct or activity of a person on said property with the permission of the owner or operator of the property.

(Ord. 3862 § 3 (part), 1995)

**10.44.050 Effective date.**

Subsection (F) of Section 10.44.030 shall become effective only after adoption by the City Council of a Resolution declaring the pedestrian mall in Ordinance 3747 as being “substantially complete.” All other parts of this ordinance shall become effective upon publication and signature.

(Ord. 3862 § 3 (part), 1995)

**[Note: LV Code 11.44.030(F) not relied upon in anyway & 11-68 “Pedestrian Mall” not included or relied upon in anyway]**

**11.30.110 Solicitation from roadway.**

No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(1949 code Ch. 36 § 96(c): prior code § 10-16-9(A))

**CITY OF LONGMONT, COLORADO**

**10.20.010 Aggressive begging.**

No person shall beg aggressively for a gift of money or any thing of value on any public street, sidewalk, way, mall, park, building or other public property while in close proximity to the individual addressed. Aggressive begging means begging accompanied by or followed immediately by one or more of the following:

- A. Repeated requests after a refusal by the individual addressed;
- B. Blocking the passage of the individual addressed;
- C. Addressing fighting words to the individual addressed; or
- D. Touching the individual addressed. (Ord. 0-92-51 § 1 (part))

**11.38.010 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

“Median” means the area of a street, generally in the middle, which separates traffic traveling in one direction from traffic traveling in another direction, or which, at intersections, separates traffic turning left from traffic proceeding straight. Such an area is physically defined by curbing, landscaping, or other physical obstacles, to the area’s use by motor vehicles, or by traffic control markings which prohibit use of a portion of the pavement of a street by motor vehicles other than to drive generally perpendicularly across the markings or to wait there awaiting the opportunity to cross or merge with the opposing lanes of traffic (also known as painted medians, which are wider than a double yellow line); or

The area of a street at an intersection between the streets and a right turn only lane, roughly triangular in shape, and separated from the motor vehicular traffic lanes by curbing, landscaping, or other physical obstacles to the area’s use by motor vehicles (also known as a right turn island).

“Street” or “highway” means the entire width between the boundary lines of every way publicly maintained when any part thereon is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state, except the area intended for pedestrian travel, such as a sidewalk. (Ord. 0-2003-82 ).

**11.38.020 Solicitation in or near street or highway.**

A. The purpose of this section is to prevent dangers to persons and property, to prevent delays, and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.

B. It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle

traveling upon any street or highway when the person performing the activity:

1. Enters onto the traveled portion of a street or highway; or
2. Is located upon any median; or
3. Is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

C. For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic. (Ord. 0-2003-82 § 1 (part))

## **CITY OF LOS ANGELES, CALIFORNIA**

### **SEC. 41.59. PROHIBITION AGAINST CERTAIN FORMS OF AGGRESSIVE SOLICITATION.**

**(Amended by Ord. No. 173,705, Eff. 1/27/01)**

(a) **Definitions.** For purposes of this section:

(1) **“Solicit, ask or beg”** shall include using the spoken, written, or printed word, or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

(2) **“Public place”** shall mean a place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby and other portion of any business establishment, an apartment house or hotel not constituting a room or apartment designed for actual residence.

(b) **Aggressive Solicitation prohibited.**

(1) No person shall solicit, ask or beg in an aggressive manner in any public place.

(2) **“Aggressive manner”** shall mean any of the following:

(A) Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to

(i) fear bodily harm to oneself or to another, damage to or loss of property, or

(ii) otherwise be intimidated into giving money or other thing of value;

(B) Intentionally touching or causing physical contact with another person or an occupied vehicle without that person’s consent in the course of soliciting, asking or begging;

(C) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

(D) Using violent or threatening gestures toward a person solicited either before, during, or after soliciting, asking or begging

(E) Persisting in closely following or approaching a person, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or

(F) Using profane, offensive or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during, or after solicitation.

(c) **All solicitation prohibited at specified locations.**

(1) **Banks and ATMs.** No person shall solicit, ask or beg within 15 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 15 feet of any automated teller machine during the time it is available for customers use. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such

distance shall be measured from the entrance or exit of the automated teller machine facility. Provided further that no person shall solicit, ask or beg within an automated teller machine facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession of such facility. Nothing in this paragraph shall be construed to prohibit the lawful vending of goods and services within such areas.

(A) **Definitions.** For purposes of this section:

(i) **"Bank"** means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(ii) **"Savings and loan association"** means any federal savings and loan association and any "insured institution" as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

(iii) **"Credit union"** means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration.

(iv) **"Check cashing business"** means any person duly licensed as a check seller, bill payer, or prorater pursuant to Division 3 of the California Financial Code, commencing with section 12000.

(v) **"Automated teller machine"** shall mean any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

(vi) **"Automated teller machine facility"** shall mean the area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(B) **Exemptions.** The provisions of Subdivision (c)(1) shall not apply to any unenclosed automated teller machine located within any building, structure or space whose primary purpose or function is unrelated to banking activities, including but not limited to supermarkets, airports and school buildings, provided that such automated teller machine shall be available for use only during the regular hours of operation of the building, structure or space in which such machine is located.

(2) **Motor vehicles and parking lots.**

(A) **Motor vehicles.** No person shall approach an operator or occupant of a motor vehicle for the purpose of soliciting, asking or begging while such vehicle is located in any public place.

(B) **Parking lots.** No person shall solicit, ask or beg in any public parking lot or structure any time after dark. **"After dark"** means any time from one-half hour after sunset to one-half hour before sunrise.

(C) **Exemptions.** Subdivision (c)(2) shall not apply to any of the following:

(i) to solicitations related to business which is being conducted on the subject premises by the owner or lawful tenants;

(ii) to solicitations related to the lawful towing of a vehicle; or

(iii) to solicitations related to emergency repairs requested by the operator or other occupant of a vehicle.

(3) **Public transportation vehicles.**

(A) **"Public transportation vehicle"** shall mean any vehicle, including a trailer bus, designed, used or maintained for carrying 10 or more persons, including the driver; or a passenger vehicle designed for carrying fewer than 10 persons, including the driver, and used to carry passengers for hire.

(B) Any person who solicits, asks or begs in any public transportation vehicle is guilty of a violation of this section.

(d) **Penalty.** A violation of this section is punishable as a misdemeanor or infraction, chargeable at the City Attorney's discretion.

(e) **Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

(f) **Non-exclusivity.** Nothing in this chapter shall limit or preclude the enforcement of other applicable laws.

## **CITY OF MILWAUKEE, WISCONSIN**

### **106-1.1. Aggressive Panhandling.**

**1. DEFINITIONS.** a. "Aggressive behavior" means engaging in any conduct with the intention of intimidating another person into giving away money or goods, including but not limited to, intentionally approaching, speaking to or following a person in a manner that would cause a reasonable person to fear imminent physical injury or the imminent commission of a

criminal act upon the person or upon the property in the person's immediate possession; intentionally touching another person without consent; or intentionally blocking or interfering

with the free passage of a person. b. "Panhandling" means begging, soliciting, or asking for any item of value; attempting to sell or obtain compensation for an item or service for an amount that is at least twice its value, or an item or service that is already offered or available at no charge to the general public; or attempting to sell or obtain compensation for an item or service under circumstances that would lead a reasonable person to conclude that the payment is in substance a donation.

**2. PROHIBITED.** It shall be unlawful for any person to engage in the act of panhandling when either the panhandler or the person being solicited is located at any of the following locations:

a-1. At a bus stop.

a-2. In any public transportation vehicle or public transportation facility.

a-3. In a vehicle which is parked or stopped on a public street or alley.

a-4. In a sidewalk café.

a-5. Within 20 feet in any direction from an automatic teller machine or entrance to a bank.

b. It shall be unlawful for any person to engage in the act of aggressive panhandling at any location within the city.

**3. PENALTY.** Any person violating this section shall upon conviction forfeit not more than \$25, or in lieu of paying the forfeiture perform community service work, in accordance with s.

800.09, Wis. Stats.

**CITY OF MONTLAKE TERRACE, WASHINGTON**

ORDINANCE NO. 2385

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, AMENDING ORDINANCE NO. 1773, AND ADDING A NEW SECTION 9.40.030 TO THE MOUNTLAKE TERRACE MUNICIPAL CODE, RELATING TO AGGRESSIVE BEGGING

WHEREAS, current provisions of the Mountlake Terrace City Code do not regulate activity that involves aggressive begging, such as intimidation, false or misleading activities or activities that involve safety concerns for people; and

WHEREAS, because there is an increasing experience of activities at off ramps or along public right-of-way that interfere with or potentially jeopardize the safety of pedestrians or vehicular traffic, it is appropriate to provide for regulation of aggressive begging to assure a better ability of the law enforcement officials to protect the safety that otherwise be threatened.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

**Section 1.** Mountlake Terrace Ordinance No. 1773 and Mountlake Terrace Municipal Code Chapter 9.40 is hereby amended by adding a new Section 9.40.030 to read as follows:

**9.40.030      Aggressive Begging.**

A. It is unlawful for any person to engage in aggressive begging in any public place in the city, as those terms are defined by this section.

B. As used in this section:

1. "Aggressive begging" shall mean: (a) begging with intent to intimidate another person into giving money or goods; (b) begging with use of false, misleading information; (c) begging with or involving activities that are unsafe or dangerous to any person or property, or begging at locations or in a manner that threatens the safety of persons or property, or that impedes or threatens to impede pedestrian or vehicular traffic; (d) begging in a manner that exploits children; or (e) willfully providing or delivering, or attempting to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return.

2. "Begging" shall mean asking for money or goods as a charity, whether by words, bodily gestures, signs or other means.

3. "To intimidate" shall mean to coerce or frighten into submission or obedience, or to engage in conduct which would make a reasonable person fearful or feel compelled.

4. "Public place" shall mean: (a) any public road, alley, lane, parking area, sidewalk, or other publicly owned building, facility or structure; (b) any public playground, school ground, recreation ground, park, parkway, park drive, park path, or right-of-way open to the use of the public; or (c) any privately owned property adapted to and fitted for vehicular or pedestrian travel that is in common use by the public with the consent, expressed or implied of owner or owners.

5. "Exploit" shall mean using in an unethical, selfish or abusive manner or in any other manner that gives an unfair advantage.

C. Violation of, or failure to comply with, any provision of this section is a civil offense subject to a fine, which may be set by resolution, for the first three violations found to be committed within a twelve month period. Provided, however, a fourth or subsequent violation of the same or like provision committed within a twelve month period shall constitute a misdemeanor and shall be punishable by a fine up to \$1,000 or by a jail sentence of up to 90 days, or by both such fine and jail time.

D. Any person or entity cited for violation under MTMC 9.40.030 for a civil infraction may request an administrative hearing by notifying the Violations Bureau in writing within

15 days of the issuance of the citation. The requested hearing shall be brought before the Hearing Examiner in accordance with and pursuant to Chapter 2.120 MTMC.

**Section 2. Conflicts.** All ordinances or parts of Ordinances of the City of Mountlake Terrance in conflict herewith, be and the same, are hereby repealed.

**Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any section, sentence, clause or phase of this Ordinance.

**Section 4. Summary.** This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City and shall take effect and be in full force five days after the date of publication.

## **CITY OF NEW YORK, NEW YORK**

§ 10–136 Prohibition against certain forms of aggressive solicitation. a. Definitions. For purposes of this section: (1) "Aggressive manner" shall mean: (a) Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to (i) fear bodily harm to oneself or to another, damage to or loss of property, or the commission of any offense as defined in section ten of the penal law upon oneself or another, or (ii) otherwise be intimidated into giving money or other thing of value, or (iii) suffer unreasonable inconvenience, annoyance or alarm; (b) Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting, asking or begging; (c) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact; or (d) Using violent or threatening gestures toward a person solicited. (2) "Solicit, ask or beg" shall include using the spoken, written, or printed word, or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services. (3) "Public place" shall mean a place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any hallway, lobby and other portion of an apartment house or hotel not constituting a room or apartment designed for actual residence. (4) "Bank" shall mean any banking corporation as defined in section 11–164 of the code. (5) "Check cashing business" shall mean any person duly licensed by the superintendent of banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of article 9-A of the banking law. (6) "Automated teller machine" shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(7) "Automated teller machine facility" shall mean the area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours. b. Prohibited acts. (1) No person shall solicit, ask or beg in an aggressive manner in any public place. (2) No person shall solicit, ask or beg within ten feet of any entrance or exit of any bank or check cashing business during its business hours or within ten feet of any automated teller machine during the time it is available for customers' use. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility. Provided further that no person shall solicit, ask or beg within an automated teller machine facility

where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession of such facility. Nothing in this paragraph shall be construed to prohibit the lawful vending of goods and services within such areas. (3) No person shall approach an operator or other occupant of a motor vehicle while such vehicle is located on any street, for the purpose of either performing or offering to perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services, if such approaching, performing, offering or soliciting is done in an aggressive manner as defined in paragraph one of subdivision a of this section. Provided, however, that this paragraph shall not apply to services rendered in connection with the lawful towing of such vehicle or in connection with emergency repairs requested by the operator or other occupant of such vehicle. c. Exemptions. The provisions of this section shall not apply to any unenclosed automated teller machine located within any building, structure or space whose primary purpose or function is unrelated to banking activities, including but not limited to supermarkets, airports and school buildings, provided that such automated teller machine shall be available for use only during the regular hours of operation of the building, structure or space in which such machine is located. d. Penalties. Any violation of the provisions of this section shall constitute a misdemeanor punishable by imprisonment for not more than sixteen days or by a fine not to exceed one hundred dollars, or by both.

#### **CITY OF ORLANDO, FLORIDA**

#### **Sec. 43.87. Solicitation and Off-Premises Canvassing on Public Property in the Downtown Core District of Orlando, Florida.**

(1) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

(a) "Solicitation" means person-to-person communication which, directly or indirectly:  
(1) seeks a present donation of money or other thing of material value, or  
(2) is panhandling as defined in Section 43.86(1) or charitable solicitation as defined in Section 51.01 of the City Code.

(b) "Off-premises canvassing" means person-to-person distribution on public property of written, printed, drawn, or illustrated matter, in whatever format, advertising or promoting a business or business activity, including, without limitation, handbill, circular, dodger, pamphlet, paper, booklet, sample or device. It does not include newspapers or other printed matter contained in receptacles.

(c) "Business" means any commercial establishment, service or activity operated for financial gain.

(d) "Public property" means any street, alley, highway, parking lot, sidewalk, garage, park, plaza, building, ground, or other property owned or controlled by the City of Orlando, or any portion thereof.

(e) "Downtown Core District" means an area in the City of Orlando, Florida comprised of two sectors, further defined as:

#### **[LIST OF SECTORS/STREETS DELETED]**

(f) "Exempt Zones" means those portions of public property within, or on the boundary of, the Downtown Core District specifically excluded by City Council from the prohibitions of Section 43.87(2). Solicitation and off-premises canvassing, as defined above, and otherwise meeting the requirements of the City Code, may take place in exempt zones. The size, number and location of exempt zones shall be determined by City Council, established by Resolution and clearly marked on the public property. Maps showing the location of the Downtown Core District and exempt zones shall be made available at

the Orlando Police Headquarters. Exempt zones that are part of public property leased, permitted or otherwise contracted to third parties by the City shall lose their exempt status during the term of the contract.

(2) *Prohibitions.*

(a) *Off-Premises Canvassing:* It is unlawful for any person to conduct off-premises canvassing on public property in the Downtown Core District, unless:

- 1) Operating within and pursuant to a current franchise, concession contract, permit or agreement with the City of Orlando for the use of the public property in question; or
- 2) Operating a transportation service otherwise permitted by this Code or State law; or
- 3) Incidental to route, delivery, service, supply or repair persons responding to service calls and operating from clearly identifiable vehicles; or
- 4) The off-premise canvassing occurs in a designated exempt zone, as defined herein.

(b) *Solicitation:* It is unlawful to conduct solicitation, as defined herein, or for charitable purposes as defined in Section 51.01 of the City Code or panhandling purposes as defined in Section 43.86(1) of the City Code on public property in the Downtown Core District, unless:

- (1) The solicitation or panhandling is conducted in a designated exempt zone, as defined herein, or
- (2) The solicitation falls within a recognized, constitutionally guaranteed exercise of religion, press, or noncommercial speech, where money is not solicited for a present donation or exchange.

Presence and conduct in an exempt zone is subject to all other regulations provided for in the Code of the City of Orlando, such as, without limitation, noise, camping, blocking passage, licensing and permitting.

(3) *Penalties.* Any person who violates any of the provisions of Section 43.87 shall be subject to the penalties provided for in Section 1.08 of the City Code.

(Ord. of 8-21-2000, § 1, Doc. #33175)

**Sec. 43.88. Sitting/Lying on Sidewalks in the Downtown Core District Prohibited.**

(1) *Definitions.*

*Sidewalk* - An improved walkway intended primarily for pedestrians, usually running parallel to one or both sides of the pavement of a street and public transit waiting areas located within the public right-of-way.

(2) *Prohibition.* It is unlawful for any person, after having been notified by a law enforcement officer of the prohibition in this section, to sit or lie down upon a public sidewalk or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, in the Downtown Core District, as defined in Section 43.87 of the City Code.

(3) *Affirmative Defenses.* It is an affirmative defense to the prohibition in this section if it is shown that:

- (a) Sitting or lying down on a public sidewalk is due to a medical emergency; or
- (b) As a result of age, infirmity or disability a person utilizes a wheelchair, walker, stroller, or similar device to move about a public sidewalk; or
- (c) The person is operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use or similar permit: or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting or similar event conducted on a public sidewalk pursuant to a street use or other applicable permit; or
- (d) The person is sitting on a chair or bench located on the public sidewalk which is supplied by a public or private agency or by the abutting private property owner; or
- (e) The sitting or lying is while waiting in an orderly line for entry to any building, including shelters, or awaiting social services such as provision of meals; or outside a

box office to purchase tickets to any sporting event, concert, performance, or other special event; or

(f) The sitting or lying is an integral part of a planned, publicized protest by ten (10) or more people accompanied by incidents of speech such as signs and literature explaining the protest, for which proper city permits have been obtained.

(Ord. of 8-5-2002, § 1, Doc. #020805701)

## **CITY OF PHILADELPHIA, PENNSYLVANIA**

§10-611. Sidewalk Behavior.

(1) *Scope.* The provisions of this Section shall apply as follows:

(a) The following provisions shall apply city-wide: Subsections . . . (2)(i), relating to the sale of goods or services, or solicitation of funds, on the highway; [(2)(i) Sell or offer for sale any goods, wares or services, or solicit funds for any purpose, in or on the public highway, except for licensed vendors.]

(b) The following provisions shall apply only in the zones designated by Council: . . .

(2)(g), relating to lying on the sidewalk; (2)(h), relating to sitting on the sidewalk. . .

(4)(a), (b) and (c), relating to aggressive solicitation; . . .

(4) *Aggressive Conduct on the Sidewalk Prohibited.* No person shall: (a) Solicit money for any purpose on the public sidewalk in an aggressive manner, or accompanied by conduct, including but not limited to repeated begging, insistent panhandling, retaliatory comments, blockage of free passage of a pedestrian, touching or yelling at a pedestrian, confrontation or intimidation, which is likely to cause a reasonable person to fear bodily harm to oneself or another, or damage to or loss of property. (b) Solicit money for any purpose on the public sidewalk in any manner, within an eight foot (8 ) radius of any building entrance, or within an eight foot (8 ) radius of any vending cart.

(c) Solicit money for any purpose on the public sidewalk in any manner, within a twenty foot (20 ) radius of any bank entrance or any automatic teller machine.

7) *Enforcement.*

(a) No law enforcement officer shall issue a notice of violation or take any coercive action against any person in violation of this Section, unless, prior to issuing such notice or taking such action, the officer or his or her designated representative:

(.1) With respect to violations of subsections (2)(g), (h), (l) or (m), relating to lying, sitting, obstructing, or leaving objects unattended, or (4)(b) or (c), relating to soliciting near a building entrance or bank, first issues an oral warning to the person or persons in violation, and then, if the person or persons refuse to comply after receiving an oral warning, issues a written warning to the person or persons in violation. The written warning shall be printed in English and Spanish.

(.2) With respect to violations of subsections (2)(g), (h), (l) or (m), or (4), attempts to ascertain whether the person is in need of medical assistance or social service assistance

## **CITY OF RALEIGH, NORTH CAROLINA**

### **Sec. 12-1026. SOLICITING BUSINESS OR EMPLOYMENT.**

(a) **Business.** It shall be unlawful for any person to solicit or attempt to solicit business of any kind on the streets or sidewalks of the City .

(b) **Employment near Nash Square.** Loitering for the purpose of seeking employment or the seeking thereof or the solicitation by any prospective employer of any person for hire within or upon any of the streets or sidewalks contiguous to Nash Square is declared to be a public nuisance and such practices are prohibited.

(c) **Employment, generally.** Loitering for the purpose of seeking employment or the seeking thereof or the solicitation by any prospective employer of any person for hire

within or upon any of the streets or sidewalks of the City is declared to be a public nuisance and such practices are prohibited.

(d) **Approaching motor vehicles.** No person shall stand, sit, or loiter in the right-of-way of any streets in the City with the intent to approach any motor vehicle for the purpose of soliciting employment, business or contribution from the driver or occupant of the motor vehicle; provided, that the provisions of this section shall not apply to licensees, employees or contractors of the Department of Transportation or City employees engaged in construction or maintenance or in making traffic or engineering surveys.

## **CITY OF RENO, NEVADA**

Sec. 8.12.025. Aggressive or fraudulent solicitation prohibited.

(a) The following definitions apply in this section:

(1) "*Aggressive manner*" means:

- a. Approaching, speaking to, or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession;
- b. Touching another person without that person's consent in the course of soliciting;
- c. By following behind, ahead or alongside, blocking the path of, or continuing to solicit a person who walks or drives away from the person soliciting or who gives notice or demonstrates verbally or physically that such solicitation is offensive, unwelcome or that the solicitation should cease;
- d. Intentionally blocking or interfering with the safe or free passage of a person or vehicle by any means, including unreasonably causing a person or a driver to take evasive action to avoid physical contact; or
- e. By using profane or abusive language or gestures either during the solicitation or following a refusal, or making any statement, gesture or other communication that would cause a reasonable person to be fearful or would be reasonably perceived as a threat.

(2) "*Invite*" means to request someone's presence or participation.

(3) "*Obstruct pedestrian or vehicular traffic*" means to walk, stand, sit, lie or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, participation in a legal event such as watching a parade or a special event and acts authorized by a permit or license issued pursuant to the Reno Municipal Code, shall not constitute obstruction of pedestrian or vehicular traffic.

(4) "*Public place*" means an area open to the general public, whether publicly or privately owned, and includes alleys, bridges, buildings, driveways, parking lots, parking garages, parks, plazas, sidewalks, streets, any public transportation vehicle and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(5) "*Solicit*" means and includes any request, offer, enticement or action which announces the availability for employment, the sale of goods or services, or a request for money or other property.

(6) "*Night*" is defined as the period from one hour after sunset to sunrise.

(b) A person is guilty of aggressive solicitation if, in a public place, he or she intentionally:

- (1) Obstructs pedestrian or vehicular traffic for the purpose of soliciting from pedestrian(s) or occupant(s) of vehicles;
- (2) Solicits in an aggressive manner;
- (3) Solicits within 20 feet of any automatic teller machine (ATM);

- (4) Approaches the occupant of any vehicle for the purpose of soliciting without being invited;
- (5) Solicits in any public parking lot during the night;
- (6) Solicits in any public transportation vehicle or within ten feet of any designated or posted transportation vehicle stop; or
- (7) Solicits in any indoor or outdoor dining area without being invited.
- (c) It is unlawful for any person to knowingly make a false or misleading representation in the course of soliciting a donation. False or misleading representations include, but are not limited to the following:
  - (1) Stating that the donation is needed to meet a specific need, when the person soliciting already has sufficient funds to meet that need and does not disclose that fact;
  - (2) Stating that the donation is needed to meet a need that does not exist;
  - (3) Stating that the person soliciting is from out of town and stranded, or that he or she is homeless when that is not true;
  - (4) Stating or representing that the person soliciting is a member of a military service when the person soliciting is neither a present nor a former member of a military service;
  - or
  - (5) Stating or representing that the person soliciting suffers from a mental or physical disability or deformity when the person soliciting does not suffer the disability or deformity indicated.
- (d) Penalties. Any person convicted under this section shall be punished for a misdemeanor.

(Ord. No. 4372, § 1, 3-8-94; Ord. No. 4838, § 2, 1-27-98; Ord. No. 5377, § 1, 10-22-02; Ord. No. 5741, § 1, 9-14-05)

Sec. 8.12.026. Soliciting without invitation.

The practice of going in and upon private premises, grounds, residences, business establishments or offices in the city by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of goods, wares or merchandise, without first having been requested or invited so to do by the owner or occupant of the private residence, grounds, premises, business establishment or office for the purpose of soliciting orders for any purpose whatsoever, or for the purpose of selling, disposing, peddling or hawking goods, wares or merchandise, is unlawful.

(Ord. No. 4647, § 1, 7-9-96)

## **CITY OF ROCHESTER, NEW YORK**

### **Aggressive Panhandling [Added 5-18-2004 by Ord. No. 2004-142]Code 44-4**

A. Legislative intent. This legislation is adopted in order to protect persons from threatening, intimidating or harassing behavior, to keep public places safe and attractive for use by all members of the community and to maintain and preserve public places where all of the community can interact in a peaceful manner. This legislation is also intended to provide for the free flow of pedestrian and vehicular traffic on streets and sidewalks in the City, to promote tourism and business and preserve the quality of urban life. The Council finds that aggressive acts associated with solicitation tend to interfere with the free flow of pedestrian and vehicular traffic and intimidate persons in public places, and can lead to disruption and disorder in public places. Aggressive acts can also cause persons to avoid public places and lead to declining patronage of commercial establishments and tourism. The Council further finds that solicitation in certain public places is inconsistent with the use of those places, is inherently intimidating, targets persons who are captive audiences or constitutes an invasion of privacy as persons are not able to simply move on if they do not wish to speak to the person soliciting. Solicitation in proximity to bank entrances or check-cashing businesses or automated

teller machines is inherently intimidating and should be restricted. By this legislation, the Council intends to promote the health, safety and welfare of the citizens and visitors to the City.

B. Definitions. Whenever the following words and phrases are used in this section, they shall have the following meanings:

**AGGRESSIVE MANNER:**

- 1) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation, or approaching within an arm's length of the person, except with the person's consent;
- 2) Following the person being solicited, if that conduct is: (a) 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 b) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (3) Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: a) 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 b) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (4) 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;
- (5) Intentionally or recklessly using words: (a) 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 b) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (6) Approaching the person being solicited in a manner that is: (a) 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 b) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

**AUTOMATED TELLER MACHINE** -- A device, linked to a financial institution's account records, which is able to carry out transactions, including but not limited to account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

**AUTOMATED TELLER MACHINE FACILITY** -- The area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

**BANKING ORGANIZATION** -- All banks, trust companies, private bankers, savings banks, industrial banks, safe deposit companies, savings and loan associations, credit unions and investment companies as defined in § 2 of the New York State Banking Law.

**LICENSED CASHIER OF CHECKS** -- Any individual, partnership, unincorporated association or corporation duly licensed by the New York State Superintendent of Banks to engage in business pursuant to the provisions of Article IX-A of the New York State Banking Law.

**PARKING GARAGE** -- As defined in § 111-117 of the Municipal Code, and including the Metro Center Garage.

**PARKING STATION** -- A municipal parking lot as defined in § 111-103 of the Municipal Code.

**PUBLIC PLACE** -- Any area or building owned, leased, operated or controlled by or on behalf of any government, municipality, public authority or public corporation in the City which is generally accessible by the public, including but not limited to any street, including the sidewalk portion thereof, skyway, bridge, tunnel, park, playground, recreation area, cemetery, school or school grounds, building, facility, driveway, parking lot or parking garage, and the doorways and entrances to buildings and dwellings.

**SOLICIT** -- Shall include, without limitation, the spoken, written, or printed word or such other acts or bodily gestures as are conducted in furtherance of the purposes of immediately obtaining money or any other thing of value.

C. No person shall solicit in an aggressive manner in a public place.

D. No person shall solicit within 20 feet of an automated teller machine or an entrance or exit of an automated teller machine facility during the time the automated teller machine is available for customers' use; or within 20 feet of an entrance or exit to a banking organization or a licensed casher of checks during its business hours.

E. No person shall solicit when either the person soliciting or the person being solicited is in a bus shelter or at a bus stop.

F. No person shall solicit in a parking garage or parking station.

G. No person shall solicit in any portion of a public skyway or tunnel.

H. No person on a sidewalk or alongside a roadway shall solicit from any occupant of a motor vehicle that is on a street or other public place.

I. Penalties. A violation of this section shall be a "violation" as that term is defined in the Penal Law. A person convicted of violating this section shall be fined not less than \$25 nor more than \$250, and, in addition, for a second conviction within 12 months of a preceding conviction, may be imprisoned for a term not longer than 15 days. In lieu of a fine, the court may impose an appropriate alternative sentence; provided, however, that an alternative sentence shall not be an unconditional discharge.

J. Severability. If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

## **CITY OF SACRAMENTO, CALIFORNIA**

### **5.116.190 Purpose.**

It is the intent of this article to impose reasonable place limitations on solicitation, as defined herein, in order to protect the safety of the general public while respecting the constitutional right of free speech. (Ord. 98-014 § 2 (part): prior code § 10.06.800)

### **5.116.200 Definitions.**

As used in this article, the following terms have the meanings respectively ascribed to them:

“Business” means any type of product, goods, service, performance or activity which is provided or performed, or offered to be provided or performed, in exchange for money, labor, goods or any other form of consideration.

“Employment” means services, industry or labor performed by a person for wages or other compensation or under any contract of hire, written, oral, express or implied.

“Freeway” means any divided arterial highway for through traffic with full control of access, uninterrupted by private roads and intersecting streets.

“Highway” means any way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. “Highway” includes streets.

“Median” means that concrete portion of a divided highway separating the traveled ways for traffic in opposite directions.

“Off-ramp” means any public roadway providing vehicular access from a freeway.

“On-ramp” means any public roadway providing vehicular access to a freeway.

“Solicit” means to make a request, offer, enticement, or action which announces the availability for or of employment, or a request for money or other property, or to make a request, offer, enticement or action which seeks to purchase or secure goods or employment, or to receive a contribution of money or other property. A solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place. (Ord. 98-014 § 2 (part): prior code § 10.06.801)

**5.116.210 Prohibited solicitation.**

It is unlawful for any person on any median, on-ramp, off-ramp or area immediately adjacent thereto, to solicit or attempt to solicit employment, business or contributions of money or other property from any person traveling in a vehicle along a public right-of-way, including but not limited to public streets, highways or driveways. (Ord. 98-014 § 2 (part): prior code § 10.06.802)

**5.116.220 Violation—Penalty.**

Any person violating Section 5.116.210 of this chapter is guilty of an infraction. (Ord. 98-014 § 2 (part): prior code § 10.06.803)

**5.116.230 Nonexclusivity.**

Nothing in this article shall limit or preclude the enforcement of other applicable laws.

**CITY OF ST. PETERSBURG, FLORIDA**

**Sec. 20-79. Panhandling.**

(a) *Definitions.*

(1) *Panhandling* means any solicitation made in person requesting an immediate donation of money or other thing of value for oneself or another person or entity. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation, is a donation for the purpose of this section. Panhandling shall not include the act of passively standing or sitting, performing music, or singing with a sign or other indication that a donation is being sought but without any vocal request other than a response to an inquiry by another person.

(2) *Prohibited zone* means any of the following designated areas or rights-of-way (including sidewalks), which generally are shown on Diagram 1:

**[STREET LISTINGS DELETED]**

**[LINK TO GRAPH DELETED]**

(3) *Aggressive panhandling* means:

a. To approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

1. Imminent bodily injury; or

2. The commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

b. To persist in panhandling after the person solicited has given a negative response;

c. To block, either individually or as part of a group of persons, the passage of a solicited person;

d. To touch a solicited person; or

e. To engage in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to accede to demands.

(b) It shall be unlawful for any person to engage in an act of panhandling when either the panhandler or the person being solicited is located in, on, or at any of the following locations:

- (1) Prohibited zone;
  - (2) Bus stop;
  - (3) The bus transfer facility located at 3180 Central Avenue;
  - (4) Public transportation vehicle;
  - (5) Sidewalk cafe;
  - (6) Area within 15 feet (in any direction) of an automatic teller machine or entrance to a bank; or
  - (7) Private property, unless the panhandler has permission from the owner of such property.
- (c) It shall be unlawful to engage in an act of panhandling on any day after sunset or before sunrise.
- (d) It shall be unlawful for any person to engage in an act of aggressive panhandling. (Code 1973, § 20-32(a), (b); Ord. No. 199-G, § 2, 6-8-95; Ord. No. 532-G, § 1, 4-18-02)

### **CITY OF SAN FRANCISCO, CALIFORNIA**

[Appendix 69 to City Code. Proposition M, Adopted, November 4, 2003]

#### **120-2. AGGRESSIVE SOLICITATION BAN/ SUBSTANCE ABUSE AND MENTAL HEALTH DIVERSION PROGRAM.**

(a) Findings. The people of San Francisco find that the problems of aggressive and improper solicitation are among the most difficult and vexing faced by the City and that prior approaches mostly have failed.

The people of San Francisco find that aggressive solicitation for money in public and private places threatens residents' and visitors' safety, privacy and quality of life. San Franciscans seek policies that preserve citizens' right to enjoy public spaces free from fear and harassment while protecting the free speech rights of individuals and groups, permitting appropriate and safe commercial activities of street artisans, performers and merchants and providing for the basic needs of indigent and vulnerable populations. Where appropriate, San Franciscans also seek to establish policies and programs that limit the ability of indigent and homeless substance abusers to use cash contributions for the purchase of alcohol and illegal drugs.

The people of San Francisco find that the City's existing laws regulating panhandling and solicitation are outdated and unenforceable as a result of numerous court decisions and criminalize violators instead of diverting them to screening and assessment for eligibility in drug and alcohol dependency and mental health treatment programs.

The people of San Francisco find that people who aggressively or improperly solicit because of drug or alcohol dependency or mental illness should be diverted from the criminal court system to a program of screening, assessment and referral operated by the San Francisco Department of Public Health.

(b) Goals. This section: (1) replaces prior bans on panhandling, restrictions on aggressive solicitation, and solicitation near automatic teller machines (ATMs) rendered unenforceable by court rulings with a new aggressive solicitation prohibition; (2) establishes new specific prohibitions on solicitation near ATM machines, near residential property, in parking lots, on median strips and near freeway offramps and on the Municipal Railway and the BART system; (3) establishes a requirement that, as appropriate, violators of this ordinance be diverted from the criminal justice system to a screening and assessment program to identify candidates for alcohol and drug dependency treatment and mental health services administered by the Department of Public Health in order to clear their citations.

(c) **Definitions**

For purposes of this section:

1. "Aggressive manner" shall mean:

- A. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;
  - B. Continuing to solicit from a person after the person has given a negative response to such soliciting;
  - C. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
  - D. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
  - E. Using violent or threatening gestures toward a person solicited; or,
  - F. Following the person being solicited, with the intent of asking that person for money or other things of value.
2. "Soliciting" shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.
  3. "Public place" shall mean a place where a governmental entity has title, to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.
  4. "Check cashing business" shall mean any person duly licensed by the Attorney General to engage in the business of cashing checks, drafts or money orders for consideration pursuant to Section 1789.31 of the California Civil Code.
  5. "Automated teller machine" shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
  6. "Automated teller machine facility" shall mean the area comprised of one or more automatic teller machines, and any adjacent space that is made available to banking customers after regular banking hours.

(d) **Prohibited acts**

1. No person shall solicit in an aggressive manner in any public place.
2. No person shall solicit within twenty feet of any entrance or exit of any check cashing business or within twenty feet of any automated teller machine without the consent of the owner of the property or another 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 or exit of the facility.
3. No person shall solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street or highway on-ramp or off-ramp, for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting donations or the sale of goods or services. 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.
4. No person shall solicit in any public transportation vehicle, or in any public or private parking lot or structure.
5. Before any law enforcement officer may cite or arrest a person under this ordinance, the officer must warn the person that his or her conduct is in violation of this ordinance

and must give the person an opportunity to comply with the provisions of this ordinance.

**(e) Penalties**

Any person violating any provision of this section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine not to exceed \$50, or by attending a screening, assessment and diversion program designed and administered by the Department of Public Health and approved by the San Francisco Public Health Commission to identify candidates for drug and alcohol dependency counseling and treatment and mental health services. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than \$50 or more than \$100, and/or by attending a screening, assessment and diversion program designed and administered by the Department of Public Health and approved by the San Francisco Public Health Commission to identify candidates for drug and alcohol dependency counseling and treatment and mental health services. Any person guilty of violating this ordinance three or more times in a twelve month period shall be guilty of a misdemeanor and shall be fined not less than \$300 or more than \$500, and/or referred to a screening, assessment and diversion program designed and administered by the Department of Public Health and approved by the San Francisco Public Health Commission to identify candidates for drug and alcohol dependency counseling and treatment and mental health services, and/or referred to a community service assignment, or imprisoned in the county jail for a period no longer than three months.

**(f) Diversion Program**

The Director of Public Health shall establish, administer and/or certify the assessment and screening programs set forth in subsection (e) of this section and shall establish guidelines for determining whether and under what circumstances violators may be eligible to participate in diversion programs. In addition, the Department of Public Health shall establish, administer and/or certify diversion programs appropriate for treatment of violators, and shall establish guidelines for determining whether the conditions of diversion have been satisfied. All rules and guidelines governing the diversion program shall be established by the Director of Public Health subject to the approval of the San Francisco Health Commission not later than six months after the Board of Supervisors has declared the results of the election at which this measure is passed. Individuals who are referred for treatment but fail to participate in such treatment shall be subject to the other penalties set forth in subsection (e) of this section.

**(g) Effective Date**

This law shall become effective six months after the Board of Supervisors has declared the results of the election at which this measure is passed.

**(h) Severability**

If any section, sentence, clause, or phrase of this law is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

**CITY OF SEATTLE, WASHINGTON**

**SMC 12A.12.015 Pedestrian interference.**

A. The following definitions apply in this section:

1. "Aggressively beg" means to beg with the intent to intimidate another person into giving money or goods.
2. "Intimidate" means to engage in conduct which would make a reasonable person fearful or feel compelled.

3. "Beg" means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.
4. "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued pursuant to the Street Use Ordinance, Chapters 15.02 through 15.50 of the Seattle Municipal Code, shall not constitute obstruction of pedestrian or vehicular traffic.
5. "Public place" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.
  - B. A person is guilty of pedestrian interference if, in a public place, he or she intentionally:
    1. Obstructs pedestrian or vehicular traffic; or
    2. Aggressively begs.
  - C. Pedestrian interference is a misdemeanor.

**SMC 15.48.040 Sitting or lying down on public sidewalks in downtown and neighborhood commercial zones.**

A. Prohibition. No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between seven a.m. (7:00 a.m.) and nine p.m. (9:00 p.m.) in the following zones:

1. The Downtown Zone, defined as the area bounded by the Puget Sound waterfront on the west, South Jackson Street on the south, Interstate 5 on the East, and Denny Way and Broad Street on the North;
2. Neighborhood Commercial Zones, defined as areas zoned as Pioneer Square Mixed (PSM), International District Mixed (IDM), Commercial 1 (C1), Commercial 2 (C2), Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), and Neighborhood Commercial 3 (NC3).

B. Exceptions. The prohibition in subsection A shall not apply to any person:

1. Sitting or lying down on a public sidewalk due to a medical emergency;
2. Who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;
3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;
4. Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner;
5. Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by SMC Section 12A.12.015, Pedestrian interference.

C. No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.

## **CITY OF SPOKANE, WASHINGTON**

Spokane Code 10.10.025:

Pedestrian Interference.

A. Consistent with the findings of other Washington State cities, the city council finds that it is important to the general welfare of the citizens and residents of the city to protect and preserve the public safety of pedestrians and to insure the safe and efficient movement of pedestrian and vehicular traffic in public places. The city council further finds that public places as defined in this section serve the primary purpose of enabling pedestrian and vehicular traffic to safely and efficiently move about from place to place and that public places in the urban core have become increasingly congested and should be maintained to serve their primary purpose. Spokane, as well as other cities in Washington, has experienced an increase in the number of incidents of aggressive solicitation by individuals towards pedestrians and that pedestrian interference in public places deteriorates from the primary purpose and threatens public health, safety and welfare. The city has a compelling interest in protecting its citizens from threatening, intimidating or harassing behavior caused by aggressive solicitations, in preserving the quality of life in its urban center and in protecting and preserving the public health, safety and welfare.

B. The following definitions apply in this section:

1. "Aggressively solicit" means to solicit with the intent to intimidate another person into giving money or goods regardless of the solicitors purpose or intended use of the money or goods.
2. "Intimidate" means to engage in conduct which would make a reasonable person fearful of imminent harm to his or her person or property or feel threatened.
3. "Solicit" means to ask for money or goods whether by words, bodily gestures, signs or other means.
4. "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie or place an object in such manner as to obstruct or impede, or a person of ordinary sensibilities would conclude it tends to obstruct or impede, the free passage of pedestrians and/or vehicles through the area; or that requires, or would require, evasive action by a pedestrian and/or vehicle to avoid physical contact. If the impediment or obstruction is caused by the size of a particular group of persons, all persons within the group are equally subject to this section. Acts authorized as an exercise of one's constitutional rights, and acts authorized by an obstruction permit issued pursuant to SMC Sections 11.02.03458.D, 12.02.0706 or 12.02.0730 do not constitute obstruction of pedestrian or vehicular traffic.
5. "Public place" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those that serve food or drink or provide entertainment, and the doors and entrances to buildings or dwellings and the grounds enclosing them.

C. A person is guilty of pedestrian interference if, in a public place, he or she knowingly:

1. obstructs pedestrian or vehicular traffic, or
2. aggressively solicits.

D. Pedestrian interference is a misdemeanor.

The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance does not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

## **WASHINGTON, D.C.**

22-2301. 1) "Aggressive manner" means: A) Approaching, speaking to, or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession; B) Touching another person without that person's consent in the course of asking for alms; C) Continuously asking, begging, or soliciting alms from a person after the person has made a negative response; or D) Intentionally blocking or interfering with the safe or free passage of a person by any means, including unreasonably causing a person to take evasive action to avoid physical contact.

2) "Ask, beg, or solicit alms" includes the spoken, written, or printed word or such other act conducted for the purpose of obtaining an immediate donation of money or thing of value.

### **22-2302. Prohibited acts.**

a) No person may ask, beg, or solicit alms, including money and other things of value, in an aggressive manner in any place open to the general public, including sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and gasoline service stations, and the grounds enclosing buildings.

b) No person may ask, beg, or solicit alms in any public transportation vehicle; or at any bus, train, or subway station or stop.

c) No person may ask, beg, or solicit alms within 10 feet of any automatic teller machine (ATM).

d) No person may ask, beg, or solicit alms from any operator or occupant of a motor vehicle that is in traffic on a public street.

e) No person may ask, beg, or solicit alms from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space.

f) No person may ask, beg, or solicit alms in exchange for cleaning motor vehicle windows while the vehicle is in traffic on a public street.

g) No person may ask, beg, or solicit alms in exchange for protecting, watching, washing, cleaning, repairing, or painting a motor vehicle or bicycle while it is parked on a public street.

h) No person may ask, beg, or solicit alms on private property or residential property, without permission from the owner or occupant.

### **22-2303. Permitted activity.**

Acts authorized as an exercise of a person's constitutional right to picket, protest, or speak, and acts authorized by a permit issued by the District of Columbia government shall not constitute unlawful activity under this chapter.

### **22-2304. Penalties.**

a) Any person convicted of violating any provision of § 22-2302 shall be fined not more than \$300 or be imprisoned not more than 90 days or both.

b) In lieu of or in addition to the penalty provided in subsection (a) of this section, a person convicted of violating any provision of § 22-2302 may be required to perform community service as provided in § 16-712.

### **22-2305. Conduct of prosecutions.**

Prosecutions for violations of this chapter shall be conducted in the name of the District of Columbia by the Corporation Counsel.

### **22-2306. Disclosure.**

Any arrest or conviction under this chapter shall be disclosed to public and private social service agencies that request the Metropolitan Police Department or the court to be notified of such events.

## **CITY OF WILMINGTON, DELAWARE**

Article VII. Offenses involving regulations of panhandling and fraudulent solicitation

### **Sec. 36-221. Definitions.**

For purposes of this article and the sections thereof, "panhandling" is defined as any solicitation made in person requesting an immediate donation of money. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purposes of this article. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

(Ord. No. 94-073(sub 1), § 1, 12-1-94)

### **Sec. 36-222. Time of panhandling.**

Any person who panhandles after sunset or before sunrise is guilty of a violation of this article of this chapter of the city Code.

(Ord. No. 94-073(sub 1), § 1, 12-1-94)

### **Sec. 36-223. Place of panhandling.**

Any person who panhandles when the person solicited is in any of the following places is guilty of a violation of this article:

- (1) At any bus stop or train stop;
- (2) In any public transportation vehicle or facility;
- (3) In any vehicle on any city street; or
- (4) On private property, unless the panhandler has permission from the owner or the occupant.

(Ord. No. 94-073(sub 1), § 1, 12-1-94)

### **Sec. 36-224. Manner of panhandling.**

Any person who panhandles in any of the following manners is guilty of a violation of this article:

- (1) By coming within three feet of the person solicited until that person has indicated that he or she does wish to make a donation;
- (2) By blocking the path of the person soliciting along a sidewalk or street;
- (3) By following a person who walks away from the panhandler;
- (4) By using profane or abusive language, either during the solicitation or following a refusal;
- (5) By panhandling in a group of two or more persons; or
- (6) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat.

(Ord. No. 94-073(sub 1), § 1, 12-1-94)

### **Sec. 36-225. False of misleading solicitation.**

Any person who knowingly makes any false or misleading representation in the course of soliciting a donation is guilty of a violation of this article. False or misleading representations include, but are not limited to, the following:

- (1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
- (2) Stating that the donation is needed to meet a need which does not exist;
- (3) Stating that the solicitor is from out of town and stranded, when that is not true;
- (4) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
- (5) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;
- (6) Use of any make-up or device to simulate any deformity; or
- (7) Stating that the solicitor is homeless, when he is not.

(Ord. No. 94-073(sub 1), § 1, 12-1-94)

**Sec. 36-226. Permit requirement.**

(a) No person shall panhandle on five or more days in a single calendar year without a permit issued by the police department. A person who has been issued a permit shall keep it on his or her person at all times while panhandling and show it to any police officer upon request. No person whose permit has been revoked shall panhandle for a permit of two years following the revocation. Any person who violates this subsection is guilty of a violation of this article.

(b) The police department shall issue the permit, without fee, to any eligible person who presents himself at the public safety building, states his true name, presents a photo identification or signs a declaration under penalty of perjury that he has no such identification, and permits himself to be photographed and fingerprinted.

(c) A person is ineligible for a permit if and only if within the past five years he (1) has been convicted of two or more violations of this article, (2) has had a permit revoked pursuant to subsections (e) or (f) of this section, or (3) has been convicted of two or more offenses under the law of any jurisdiction which involve aggressive or intimidating behavior while panhandling or false or misleading representations while panhandling.

(d) If the police department is unable to determine eligibility within 24 hours of the application, the department shall issue a permit good for 30 days and determine eligibility for a regular permit before the temporary permit expires. The regular permit shall expire three years from the date of issuance. Along with the permit, the police department shall give the applicant a copy of this article.

(e) Any person who makes any false or misleading representation while apply for a period under this section is guilty of a violation of this article. Upon conviction of violation of this subsection, the police department shall revoke any permit issued to the subject defendant under this section.

(f) If a permit is issued to a person under this section and that person subsequently commits and is convicted of a violation of any provision of this article, the police department shall revoke the permit.

(Ord. No. 94-073(sub 1), § 1, 12-1-94)

**Sec. 36-227. Violations; penalties.**

Each section of this article is distinct and any violation of any section is a separate violation of this article. A conviction of a violation of any section of this article shall be punishable by a fine in an amount not to exceed \$500.00.

(Ord. No. 94-073(sub 1), § 1, 12-1-94)

	A	B	C	D	E	F	G	H	I	J
1	<b>ATMs/Banks etc.</b>	<b>Public Transport</b>	<b>Car Wash</b>	<b>Gas Station</b>	<b>Pay Phone</b>	<b>Building Entrance</b>	<b>Private Property</b>	<b>In or outdoor eating</b>	<b>Towards Traffic</b>	<b>Night</b>
2	Baltimore-10'-Misdemeanor	Baltimore-no distance stated-Misdemeanor	Dallas-25'-Misdemeanor	Dallas-25'-Misdemeanor	Dallas-25'-Misdemeanor	Laredo-20'-misdemeanor	Baltimore-if owner requests or posts	Reno-unless invited	Aurora CO [from vehicle occupant if solicitor enters traveled roadway or vehicle can't pull off traveled roadway] Misdemeanor	Chapel Hill
3	Galveston-25'-Misdemeanor	Galveston-25'-Misdemeanor		Galveston-25'-Misdemeanor	Galveston-25'-Misdemeanor	Philadelphia-8'-oral & written warnings required; offer social services	Galveston-misdemeanor	Denver-outdoor-20'-Misdemeanor	Dallas--Misdemeanor	Baltimore [excludes passive] infraction
4	Houston-8'-Misdemeanor	Houston-8'-Misdemeanor		Houston-8'-Misdemeanor	Houston-8'-Misdemeanor	Denver-6'-Misdemeanor	Laredo-without consent-Misdemeanor	Milwaukee-outdoor-\$25 Fine or community service	Baltimore [from occupant in traffic] Misdemeanor	Asheville misdemeanor
5	Reno-20'-Misdemeanor	Reno-10'-Misdemeanor		Reno-10'-Misdemeanor	Denver-20'-Misdemeanor	Las Vegas-10'-misdemeanor	Denver--if owner requests-Misdemeanor	Austin-outdoor-Misdemeanor	Galveston ["from operator in traffic"] Misdemeanor	Austin downtown only 7PM to 7 AM
6	Laredo-40'-Misdemeanor	Laredo-no distance stated-Misdemeanor					WA DC-without consent-Misdemeanor	Asheville NC-misdemeanor	Reno [approach vehicle without invitation] Misdemeanor	Denver Misdemenao
7	Dallas-25'-Misdemeanor	Dallas-25'-Misdemeanor					Las Vegas-no distance stated-Misdemeanor		Sacramento [on any median, on- or off-ramp or immediately adjacent thereto] Infraction	Indianapolis [excludes passive] infraction
8	Philadelphia-20'-oral & written warnings required	Las Vegas-no distance stated-Misdemeanor					Kansas City-if owner requests or posts-Misdemeanor		Rochester-towards any vehicle occupant -minimum \$25 fine; 2nd conviction in 12 mo.s-15 days jail	Reno [public parking lot only] Misdemeanor

	A	B	C	D	E	F	G	H	I	J
1	<b>ATMs/Banks etc.</b>	<b>Public Transport</b>	<b>Car Wash</b>	<b>Gas Station</b>	<b>Pay Phone</b>	<b>Building Entrance</b>	<b>Private Property</b>	<b>In or outdoor eating</b>	<b>Towards Traffic</b>	<b>Night</b>
9	Las Vegas-20'-misdemeanor	Denver-20'-Misdemeanor							Denver [from vehicle occupant if solicitor enters traveled roadway or vehicle can't pull off traveled roadway]-Misdemeanor	Wilmington misdemeanor
10	San Francisco-20'	WA DC-Misdemeanor							WA DC-["from operator in traffic"] Misdemeanor	
11	Denver-20'-Misdemeanor	Kansas City-Misdemeanor							San Francisco [on any on- or off-ramp] oral & written warnings required; offer social services	
12	NYC-10'-Misdemeanor	Milwaukee-20'-\$25 or community service							Milwaukee [of parked or stopped vehicle]- -20'-\$25 or community service	
13	WA DC-10'-Misdemeanor	Rochester-minimum \$25 fine; 2nd conviction in 12 mo.s-15 days jail							Cleveland-prohibits transfer to or from occupant, specifically exempts police or firefighter charitable solicitations-misdemeanor	
14	San Francisco-20'-oral & written warnings required; offer social services	Austin-Misdemeanor							Austin-from vehicle occupant-\$500 fine only	
15	Kansas City-50'-Misdemeanor	Asheville NC-6'-misdemeanor							Longmont CO [from vehicle occupant if solicitor enters traveled roadway or vehicle can't pull off traveled roadway]-Misdemeanor	

	A	B	C	D	E	F	G	H	I	J
1	<b>ATMs/Banks etc.</b>	<b>Public Transport</b>	<b>Car Wash</b>	<b>Gas Station</b>	<b>Pay Phone</b>	<b>Building Entrance</b>	<b>Private Property</b>	<b>In or outdoor eating</b>	<b>Towards Traffic</b>	<b>Night</b>
16	Milwaukee-20'- \$25 or community service	Chapel Hill, NC-6'- misdemeanor							Agoura Hills ["from any person traveling in a vehicle"]- misdemeanor	
17	Boston-10'-\$50 fine or community service	Rochester- minimum \$25 fine; 2nd conviction in 12 mo.s-15 days jail							Los Angeles-solicitor mayn't <i>approach</i> vehicle located in a public place- infraction or misdemeanor at Prosecutor's discretion	
18	Rochester-20'- minimum \$25 fine; 2nd conviction in 12 mo.s-15 days jail									
19	Austin-25'- Misdemeanor									
20	Asheville NC-20'- misdemeanor									
21	Chapel Hill, NC- 20'-misdemeanor									
22	Los Angeles-15'- infraction or misdemeanor at Prosecutor's discretion									