

RESOLUTION

Item #33431-2

RE: Panhandling

To Her Honor, the Mayor, and the Common Council of the City of New Britain:
the undersigned begs leave to recommend the adoption of the following:

Resolution Summary: PURPOSE. To amend the Code of Ordinance to prohibit aggressive panhandling.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that the Chapter 16 of the Code of Ordinances, City of New Britain, be amended to read as follows (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new]):

Sec.16-135 to 16-145 - Reserved

[NEW] ARTICLE IX PROHIBITION OF
AGGRESSIVE AND UNSAFE PANHANDLING.

Sec. 16-146 - Purpose.

Generally, the purpose of this section is to preserve the public order, to protect the citizens of the City of New Britain and to ensure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression or conduct.

Sec. 16-147 – Definitions

Definitions

For purpose of this article, the following terms shall have the meanings indicated:

“Panhandling” means solicitation made in person requesting an immediate donation of money or the 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. Except where the following activity is on private property without the written permission of the owner or tenant of such property, “Panhandling” does not include passively standing or sitting with a sign or other non-verbal indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person;

Aggressive Manner

- (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; or
- (b) Touching another person without that person's consent in the course of asking for alms; or
- (c) Continuing to ask, beg, or solicit alms from a person after the person has made a negative response; or
- (d) Following the person solicited before, after or while asking, begging or soliciting alms; or
- (e) Intentionally blocking or interfering with the safe or free passage of a person or vehicle by any means, including unreasonably causing a person or driver of a vehicle to take evasive action to avoid physical contact; or
- (f) Directing abusive or profane language toward the person solicited, either while asking, begging or soliciting alms, or following a refusal by the person solicited.

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 or money or thing of value.

False Or Misleading Manner

Includes, but is not limited to, the asking, begging, or soliciting of alms, including money and other things of value, through utilization of any of the following representations:

- (a) Stating or expressing 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 the fact; or
- (b) Stating the fact that the solicitor is from out of town and stranded, when that is not true; or
- (c) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated; or
- (d) Use of any makeup or device to simulate deformity.

Recklessly Includes

When the person is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

Sec. 16-148 - Unlawful Aggressive or Hazardous Activity

It shall be unlawful for any person to engage in one or more of the following activities:

- (a) Recklessly approaching, speaking to, or following a person in a manner which would cause a reasonable person to fear bodily harm.
- (b) Recklessly approaching, speaking to, or following a person in a manner which would cause a reasonable person to fear the commission of a criminal act upon such person's property.
- (c) Touching another person without that person's consent.

- (d) Recklessly blocking or interfering with the safe passage of a person or vehicle in a way likely to cause bodily harm or property damage.
- (e) Directing abusive or profane language toward any person.

Sec. 16-149 - Prohibited Conduct

In addition to the conduct prescribed in Sec. 16-148,

- 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, but not limited to, sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and gasoline service stations, automated teller machines (ATM) and the grounds enclosing buildings.
- b. No person may ask, beg, or solicit alms, including money and other things of value, in a false or misleading manner.
- c. No person may solicit money or other things of value within any public transportation vehicle, or within twenty-five (25) feet of any bus stop, taxi stand, rapid transit stop, or the entrance to, or exit from, any public transit facility.
- d. No person may solicit money or other things of value 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 permitted on the property.
- e. 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.

Sec. 16-150 – Interpretation of Provisions

No provision of this chapter shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws or Constitution of the State of Connecticut.

Sec. 16-151 – Penalties for Violations

Upon a finding that a person is in violation of any provision of this ordinance, a fine of ninety-nine (\$99.00) dollars per offense shall be imposed.

Ald. Polkowski moved to accept and adopt, seconded by Ald. Salvio. Roll Call Vote – 10 in favor, 5 opposed. IN FAVOR: Ald. Giantonio, Smedley, Carlozzi, Collins, Naples, Pabon, Polkowski, Rosado, Salvio and Salerno. OPPOSED: Ald. Black, Davis, Hargraves, Sanchez and Sanders. Approved April 28, 2016 by Mayor Erin E. Stewart. ADOPTED 5/3/2016