

TOWN OF RUTLAND
AGGRESSIVE PANHANDLING
ORDINANCE

(A) Findings The Town of Rutland Select Board finds that aggressive begging, panhandling, or solicitation negatively affects the following significant governmental interest:

1. Protection of citizens from physical threats or injury and from damage to property;
2. Prevention of harassment and intimidation of members of the public;
3. Prevention of violent crime;
4. Traffic control and public safety;
5. Orderly movement of traffic and pedestrians; and
6. Provision and maintenance of a safe, aesthetically attractive environment in areas designed to attract tourist revenue.

The Town of Rutland Select Board finds that aggressive begging, panhandling or solicitation is extremely disturbing and disruptive to the public and contributes to a loss of access to and enjoyment of public place, and to an enhanced sense of fear, intimidation, and disorder. This law is intended to promote these governmental interests and combat the negative effects of aggressive begging, panhandling or solicitation. It is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity.

(B) Definitions For the purpose of this section:

1. **Aggressive** manner shall mean any of the following:
 - 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 or continuing to engage that person after that person has given a negative response to such soliciting;
 - c. Intentionally or recklessly touching or causing physical contact with another person or that person's property without that person's consent in the course of soliciting;
 - d. Intentionally or recklessly 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, obscene or threatening gestures toward a person solicited;

f. Following the person being solicited, with the intent of asking that person for money or other things of value;

g. Speaking in a volume unreasonably loud under the circumstances;

h. Soliciting from anyone who is waiting in line.

2. **Soliciting** shall mean asking for money or objects of value in a public place, 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. However, this ordinance is not intended to prescribe and demand for payment for services rendered or goods delivered. Nor is this ordinance or the definition of solicitation intended to include or prescribe fixed advertising attached to an existing premises.
3. **Public place** shall mean a place where a government entity has title to or which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation structure, facility or vehicle, school, place of amusement, park, playground or sidewalk or to the doorways and entrances to buildings or dwellings, or grounds enclosing them thereupon.
4. **Financial institution** shall mean any banking corporation, credit union, foreign exchange office or like institution as defined in §11101 of Title 8 of the Vermont Statutes Annotated.
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 Title 8 of the Vermont Statutes Annotated.
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 inquires and mortgage and loan payments.
7. **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 after regular banking hours.

(C) Prohibited acts

1. No person shall solicit in aggressive manner in any public place.
2. No person shall solicit on private or residential property without permission from the owner or other person lawfully in possession of such property.
3. No person shall solicit within fifteen (15) feet of public toilets.
4. No person shall solicit within fifteen (15) feet of any entrance or exit of any financial institution or check cashing business or within fifteen (15) 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.
5. No person shall solicit while under the influence of alcohol or a controlled substance.
6. No person shall solicit by stating that funds are needed to meet a specific need, when the solicitor has the funds to meet that need, does not intend to use funds to meet that need or does not have that need.
7. No person shall solicit in any public transportation vehicle, or within fifteen (15) feet of any handicapped parking space, taxicab stand, bus or train or stop in any public parking lot or structure or dedicated walkway to such parking lot or structure.
8. No person shall solicit within fifteen (15) feet of an entrance to a building
9. No person shall solicit within fifteen (15) feet of any valid vendor.
10. No person shall solicit within fifteen (15) feet of any pay telephone or public information booth, board or other structure, 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.

11. No person shall solicit in an area unless the area is sufficiently illuminated to allow the solicitee to fully observe the solicitor at a distance of fifteen (15) feet.

- d. Penalties Any violation of the provisions of this law constitutes a civil offense punishable by a fine from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver penalty for such offense shall be fifty dollars (In lieu of or in addition to the penalty provided for in this section, a person in violation of this ordinance may be required to perform community service work as ordered by the court.
- (a) Severance 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.