

Introduced by: Councilmember Snipper

First Reading: April 11, 2011  
Second Reading: May 9, 2011  
Effective Date: May 9, 2011

**CITY OF TAKOMA PARK, MARYLAND**

**ORDINANCE NO. 2011- 12**

**Panhandling**

**WHEREAS**, the City of Takoma Park wishes to promote the safety and well-being of residents, visitors and business patrons in the City and foster a safe and harassment-free climate in public places in the City of Takoma Park; and

**WHEREAS**, the City respects the right to free speech established by the Constitutions of Maryland and the United States.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.**

**SECTION 1.** Title 14, Health and Safety, of the *Takoma Park Code* is amended by the addition of a new Chapter 14.24. Panhandling, as follows:

**Chapter 14.24. Panhandling**

**14.24.010. Panhandling.**

A. 1. *Panhandling Defined.* As used in this chapter, “panhandling” means any solicitation made in person in any public place 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 by vocal appeal or offering 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.

2. *Passive Panhandling.* Panhandling shall not include the act of passively standing, sitting, or performing music, singing, or other 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. *Panhandling During Darkness Prohibited.* It shall be unlawful to engage in an act of panhandling on any day between sunset and sunrise.

C. *Prohibited Locations.* 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; at a taxi stand; in a sidewalk café; or within twenty feet of an automatic teller machine or entrance to a bank.

D. *Panhandling Directed at Persons in Motor Vehicles Prohibited.*

1. It shall be unlawful for any person to engage in an act of panhandling directed at the occupant of any motor vehicle from a parking lot, from a median divider or traffic island separating the drive lanes of a roadway, or from a sidewalk, bicycle or walking path, roadway shoulder, curb, or private property located adjacent to a path of vehicular travel on a roadway.

2. This subsection does not regulate a person standing in the roadway from soliciting a ride, employment, or business from the occupant of a vehicle or a minor standing either in the roadway or on a median divider from soliciting money or donations from vehicle occupants, which activities are already prohibited by *Md. Code Ann.*, Transportation Art., § 21-507(a) and (g).

**14.24.020. Aggressive Panhandling.** It shall be unlawful for any person to engage in an act of aggressive panhandling at any time, including any of the following actions:

- A. Touching the solicited person without the solicited person's consent;
- B. Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;
- C. Blocking the path of a person being solicited or the entrance to any building or vehicle;
- D. Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;
- E. 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 that would cause a reasonable person to fear for his or her safety or feel compelled to donate;
- F. Panhandling in a group of two or more persons; or
- G. Continuing vocally to solicit from a person after receiving a negative response.

**14.24.040. Penalties.**

A. *Penalty for Prohibited Panhandling.* Each act of panhandling prohibited by section 14.24.010 shall constitute a misdemeanor and shall be punishable as a Class C offense.

B. *Penalty for Aggressive Panhandling.* Each act of aggressive panhandling prohibited by section 14.24.020 shall constitute a misdemeanor and shall be punishable as a Class B offense.

**14.24.050. Severability.** The provisions of this chapter are severable. If any part of this chapter is held to be invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect.

**SECTION 2.** This Ordinance shall be effective immediately.

**ADOPTED THIS 9TH DAY OF MAY, 2011, BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, BY ROLL-CALL VOTE AS FOLLOWS:**

**AYE:** Williams, Wright, Clay, Robinson, Schutlz, Snipper

**NAY:** Seamens

**ABSENT:** None

**ABSTAIN:** None

**EXPLANATORY NOTE**

Additions to the existing language of the *Takoma Park Code* are shown by underlining.

Deletions to the existing language of the *Takoma Park Code* are shown by ~~strikeout~~.

\* \* \* indicates language of the *Takoma Park Code* which is not reproduced in this Ordinance and which is not being changed.