

CITY OF BROCKTON

1. In City Council July 23, 2018
Ordinance: Chapter 14 -
Offenses—Miscellaneous. Sec 14-49
Panhandling.

2. In City Council November 13, 2018
An Ordinance Amending Chapter II of the
Revised Ordinances Be it hereby ordered
that An Ordinance Amending Chapter II of
the Revised Ordinances dated February 12,
2018 be amended. (Relative to Article XIII
“Motor Vehicle Repair”)

2. In City Council November 13, 2018
An Ordinance Amending Chapter II of the
revised Ordinances dated February 12, 2018.
To revise second entitled ‘Amendment’, to
delete the reference in the first line to
“Section “11-211” and to insert in its place
Section “11-214.”

In City Council March 11, 2019, item #1,
passed to a third reading as amended and
items 2 and 3 passed to a third reading and
on March 25, 2019 the question is on final
passage on all 3.

The foregoing Ordinances are on file in the
City Clerk’s Office and on the City’s
website in their entirety for review by
interested parties.

Anthony J. Zeoli, City Clerk

Will Be Published in Newspaper:

MARCH 15, 2019

Chapter 14 - OFFENSES—MISCELLANEOUS

Sec 14-49 Panhandling

1. *Definition.* "Panhandling" is a solicitation made in person for immediate donation of money or other gratuity. This may be done by vocal appeal (asking, requesting, coercing (badgering), sympathy appeals, harassment, threats, or demands) or by non-vocal appeal (usage of signs or other signals gestures, postures, children, animals, or props such as toys and musical instruments). It is a habitual manipulative, coercive, or intimidatory use of another individual's sympathy, fear, guilt, or insecurity for monetary gain. Except as specifically provided in this section, 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.
2. *Place of Panhandling—Violation.* It shall be unlawful for any person to panhandle, including passively standing or sitting with a sign or other indication that one is seeking donations, when the person solicited is in any of the following places within the City limits of Brockton, Massachusetts:
 - (a) At any bus or train stop;
 - (b) In any public transportation vehicle or facility;
 - (c) In any vehicle on the street;
 - (d) In a public park, fairground, or sporting facility, including entry ways or exits thereto;
 - (e) Within twenty-five (25) feet of the site of any automated teller machine (ATM) machine, bank and/or financial institution(s);
 - (f) On private property, unless the panhandler has written permission from the owner or occupant;
 - (g) In a parking lot or garage owned or operated by the City of Brockton, including entryways or exits and pay stations connected therewith;
 - (h) On public property in the Business District, unless the solicitor has been given the authority by the City of Brockton to conduct solicitations as described in ARTICLE VI, Sec. 11-96 of the city ordinances;
 - (i) In City-owned buildings or on property operated by the City of Brockton, including but not limited to public school(s); or
 - (j) within twenty-five (25) feet of any houses of worship or churches within the City of Brockton.
3. *Manner of Panhandling—Violation.* It shall be unlawful for any person to panhandle in any of the following manners:
 - (a) By blocking the path of the person solicited;
 - (b) By using profane or abusive language, either during the solicitation or following a refusal;
 - (c) By panhandling in a group of two or more persons; or
 - (d) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat.
4. *False or Misleading Solicitation—Violation.*

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Amendment

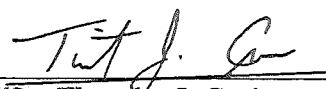
- (a) It shall be unlawful for any person to knowingly make any false or misleading representation during soliciting of donations. False or misleading representations include, but are not limited to, the following:
- (b) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
- (c) Stating that the donation is needed to meet a need which does not exist;
- (d) Stating that the solicitor is from out of town and stranded, when such is not true;
- (e) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
- (f) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;
- (g) Use of any makeup or device to simulate any deformity; or
- (h) Stating that the solicitor is homeless, when he or she is not.
- (i) It shall be unlawful for any person to solicit a donation stating that the funds are needed for a specific purpose and then spend the funds received for a different purpose.

5. *Time of Panhandling.*

- (a) It is unlawful for any person to panhandle, as defined in this Chapter, in the City of Brockton.

6. *Penalty*

- (a) Any individual found in violation of this order by the Brockton Police, shall, on the first offense be given a fine of \$100 and a fine of \$200 for the second violation and any violations thereafter.



Councilor Timothy J. Cruise

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In City Council, November 13, 2018 ✓

An Ordinance Amending Chapter II of the Revised Ordinances

Be it hereby ordered that An Ordinance Amending Chapter II of the Revised Ordinances dated February 12, 2018, be amended by inserting "(g)" at the beginning of the text, whereby the entirety of said An Ordinance Amending Chapter II of the Revised Ordinances shall be a continuation of Article XIII, Section 11-211 and shall be inserted into said Section 11-211 as subsection "(g)" to continue after subsection "(f)".

Ordinance Reference: Article XIII. – MOTOR VEHICLE REPAIR

Susan Nicastro
Councilor Susan Nicastro

IN CITY COUNCIL

November 13, 2018
**READ AND REFERRED TO STANDING
COMMITTEE ON ORDINANCE**
Anthony J. Zealis
CLERK

In City Council March 11, 2019

Passed to a third reading by a hand vote.

Anthony J. Zealis
City Clerk

566

In City Council November 13, 2018

AMENDMENT

1. An Amendment to revise the second page entitled 'Amendment' of 'An Ordinance Amending Chapter II of the Revised Ordinances dated February 12, 2018', to delete the reference in the first line to "Section 11-211" and to insert in its place "Section 11-214."

Susan Nicastro

Councillor Susan Nicastro

IN CITY COUNCIL

November 13, 2018
**READ AND REFERRED TO STANDING
COMMITTEE ON ORDINANCE**

Anthony J. Zeali
CLERK

In City Council March 11, 2019

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Anthony J. Zeali
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