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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 15 feet of the site of any automated teller machine (ATM);
  - (f) On private property, unless the panhandler has 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; or
  - (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.
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.*
  - (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, on any day after sunset or before sunrise.

6. *Penalty*

- (a) Any individual found in violation of this order, shall, on the first offense be give written notice to cease and desist the solicitation; Violations shall carry a fine of \$50 for the second offense; \$100 for the third; and \$500 for the fourth and subsequent violations. Habitual violators may be referred to the District Court for violations of this city code and the city will seek a definite term of imprisonment not to exceed sixty (60) days

*M. M. Rodrigues*

Councillor MOISES Rodrigues

**IN CITY COUNCIL**

*July 23, 2018*  
**READ AND REFERRED TO STANDING**  
**COMMITTEE ON ORDINANCE**  
*Anthony J. Zeoli*  
 CLERK

In City Council March 11, 2019

The amendment passed by a hand vote.

Passed to a third reading, as amended, by a hand vote.

*Anthony J. Zeoli*

City Clerk

In City Council March 25, 2019

Ordained as amended by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councillors Monahan, and Rodrigues being absent.

**SENT TO MAYOR FOR APPROVAL**

*March 28 2019*  
**APPROVED**  
*Bill DePa*  
 MAYOR

*Anthony J. Zeoli*

City Clerk

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Amendment

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  - (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

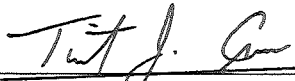
- (a) It shall be unlawful for any person to knowingly make any false or misleading representation during soliciting of donations. False or misleading representations include, but are not limited to, the following:
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- (c) Stating that the donation is 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.

  
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Councilor Timothy J. Cruise