

City of Fall River, *In City Council*

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 46 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Offenses be amended by inserting a new section as follows:

§46-19. Panhandling

A. Definitions

Donation – A gift. Includes the purchase of an item for an amount far exceeding its actual value under circumstances where a reasonable person would understand that the “purchase” is, in substance, a donation.

Panhandler – A person who performs the act of panhandling, as defined below.

Panhandling – Panhandling is any in-person solicitation of an immediate donation of money. Panhandling does not include passively standing or sitting with a sign or making a verbal or non-verbal indication that one is seeking donations.

B. Time Restrictions on Panhandling

A panhandler shall be guilty of a misdemeanor if panhandling after sunset or before sunrise.

C. Place Restrictions on Panhandling

A panhandler shall be guilty of a misdemeanor if the person being solicited is located:

1. At any bus stop or train stop;
2. In any public transportation vehicle or facility;
3. In any motor vehicle on the street; OR
4. On private property, unless the panhandler has permission from the owner or occupant.

D. Restriction on Manner of Panhandling

A panhandler shall be guilty of a misdemeanor if the panhandling takes place in the following manner:

1. By approaching, and coming within three feet of, the person being solicited, unless the person being solicited has initiated the interaction and/or has indicated that he or she wishes to make a donation;
2. By blocking the path of the person being solicited;
3. By following a person who walks away from the panhandler;
4. By using profane or abusive language, either during the solicitation or following a refusal; OR
5. By making a threatening statement, gesture, or other communication to the person being solicited.

E. False or Misleading Solicitation

A person shall be guilty of a misdemeanor if he or she knowingly makes a false or misleading representation while panhandling. A false or misleading representation would include, but is not limited to, any of the following actions:

1. Stating that the donation is for a need or purpose that does not actually exist;
2. Stating that the solicitor is from out of town and stranded, when that is not true;
3. Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
4. Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;
5. Use of any makeup or device to simulate any deformity; OR
6. Stating that the solicitor is homeless, when he or she is not.

F. Enforcement

It shall be the duty of the City of Fall River's Police Department to enforce the provisions of this ordinance.

G. Penalty/Fine

Any person who violates the provisions of this panhandling ordinance shall be subject to a fine of \$50.00 for the first offense and \$100 for the second and each subsequent offense. With the exception of the fine amount, the noncriminal disposition provisions set forth in §§ 2-1021 through 2-1025 of the City Code will apply to violations of this panhandling ordinance.

In City Council, February 15, 2024
Passed to be ordained.

Approved, February 16, 2024
Paul E. Coogan, Mayor

A true copy. Attest:

Alison M. Bouchard
City Clerk