

For the most part Madison's is very similar to ours. Some differences are:

- One of the factors which may be considered under the Madison ordinance in determining whether a panhandler was acting illegally (e.g. manifesting a threat or coercion, or acting in an aggressive or intimidating manner) is whether the person has been convicted of panhandling in the previous year. The other factors to be considered are similar to ours.
- A panhandler in Madison may not be arrested "unless the arresting officer first affords such person an opportunity to explain" his conduct, and the person can not be convicted if at trial his explanation appears to have been true.
- Madison forbids panhandling within 50 feet of an ATM. Chapel Hill: 20 feet.
- Madison does not specifically address entrances and exits from financial institutions. (We forbid panhandling within 20 feet of these entrances and exits.) But Madison forbids panhandling "after having been warned that such activity is prohibited," within 20 feet of an entrance to any building that contains nonresidential uses and within 12 feet of any such building.
- Madison forbids panhandling, "after having been warned that such activity is prohibited," within 25 feet of an intersection. We forbid it "while sitting or standing on a roadway or the shoulder or median of a roadway." (We also ban panhandling at bus stops, which are often at intersections.)
- Madison forbids panhandling while sitting or reclining on a public sidewalk.
- We ban panhandling on public transportation vehicles; Madison's ordinance does not mention this.
- After sunset we ban vocal panhandling altogether, although we allow persons to hold signs or leave guitar cases open beside them, etc.

This is Chapel Hill's ordinance:
ARTICLE XVII. REGULATION OF AGGRESSIVE PANHANDLING*

***State law references:** City power to regulate begging, G.S. § 160A-179.

Sec. 11-170. Begging, panhandling, or soliciting contributions.

(a) Definitions:

(1) *Tobeg, panhandle, or solicit contributions* shall be defined to include, without limitation, the spoken, written, or printed word or such other acts as are conducted in furtherance of the purpose of obtaining contributions;

(2) *Accosting another person* shall be defined as approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act or damage to property in his immediate possession;

(3) *Intimidate another person* shall be defined as acting in such a way as would cause a reasonable person to fear bodily harm and therefore to do something he or she would not otherwise have done;

(4) *Forcing oneself upon the company of another person* shall be defined as:

(i) Continuing to request or solicit contributions in close proximity to the person addressed after that person has responded negatively;

(ii) Blocking the passage of the person addressed; or

(iii) Otherwise engaging in conduct which reasonably could be understood as intended to force a person to accede to demands.

(5) *Public place* shall be defined to include streets, highways, and roadways (including the shoulders and medians), sidewalks, alleys, and other public property, as well as town-owned and

town-controlled property and private property open to the public unless permission to solicit has been obtained from the town or from the property owner or other person in authority.

(6) Vocal appeal shall be defined as begging, **panhandling**, or solicitation of contributions by spoken word or other verbal request. This shall not include the act of performing music with a sign or other indication that a contribution is being sought, without any vocal request other than in response to an inquiry.

(7) Direct written appeal shall be defined as begging, **panhandling**, or solicitation by handing to a person or attempting to hand to a person a written solicitation for immediate contributions.

(8) Nighttime shall be defined as the time from dusk to dawn.

(b) No person shall beg, panhandle, or solicit contributions in a public place in a manner so as to intimidate another person or by accosting another person, or by forcing oneself upon the company of another person.

(c) No person shall beg, panhandle, or solicit contributions from another person within twenty (20) feet of an entrance or exit of any bank or financial institution or within twenty (20) feet of any automated teller machine.

(d) No person shall beg, panhandle, or solicit contributions in any public transportation vehicle owned or operated by the Town of Chapel Hill or at any station for such vehicle or within six (6) feet of a bus stop sign, bus stop shelter, or bus stop bench.

(e) No person shall beg, panhandle, or solicit contributions while sitting or standing on a roadway or the shoulder or median of a roadway.

(f) No person shall beg, panhandle, or solicit contributions in a public place by vocal appeal or direct written appeal during nighttime.

(g) Violation of this section shall constitute a misdemeanor and shall subject the violator to a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than seven (7) days.

(Ord. No. 98-9-98/O-4.1, § 1, 9-28-98; Ord. No. 98-10-26/O-2a, § 1, 10-26-98; Ord. No. 2003-03--3/O-1a, § 1; Ord. No. 2003-03-24/O-5, § 1)

Secs. 11-171--11-200. Reserved.

This is Madison's ordinance:

24.12 MENACING OR AGGRESSIVE **PANHANDLING** PROHIBITED.

- (1) Purpose . The purpose of this ordinance is to ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well-being of pedestrians and to otherwise foster a safe and harassment-free climate in public places in the City of Madison.
- (2) Definitions . As used in this section:
 - (a) "Intersection" has the meaning designated in Section 340.01(25), Wis. Stats.
 - (b) "Public place" or "Place open to the public" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways or entrances in buildings or dwellings and the grounds enclosing them;
 - (c) "Known panhandler" means a person who within one year previous to the date of arrest for violation of this section has been convicted in a court of competent jurisdiction of any civil or criminal offense involving **panhandling**.
 - (d) A conversation or gesture or both shall be construed as "threatening" if a reasonably prudent individual would perceive such conduct as intending to result in the procurement of money or goods by threat or coercion.

- (e) Behavior shall be construed as “aggressive” or “intimidating” if a reasonably prudent individual could be deterred from passing through or remaining in or near any thoroughfare, or place open to the public because of fear, concern or apprehension.

(Am. by ORD-05-00116, 6-28-05)

- (3) In or near any thoroughfare or place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in a manner or under circumstances manifesting an express or implied threat or coercion. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that such person repeatedly and in a threatening fashion, beckons to, stops, or attempts to stop passer(s)-by; that such person engages passer(s)-by in threatening conversation; or that such person utilizes threatening bodily gestures. The violator’s conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by threat or coercion. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.
- (4) In or near any thoroughfare or place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in an aggressive or intimidating manner. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that such person continues to beckon to, accost or follow or ask passer(s)-by for a handout after the passer(s)-by has failed to respond or has told the person “no”; that such person engages in a course of conduct or commits any act which harasses or intimidates the passer(s)-by; or that such person utilizes or attempts to utilize bodily gestures or physical contact to impede the path of any passer(s)-by, including but not limited to unwanted touching or blocking the path or impeding the free movement of the passer(s)-by. The violator’s conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by aggressive or intimidating behavior. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.
- (5) It shall be unlawful for any person to procure or attempt to procure a handout within fifty (50) feet of an automatic teller machine (ATM) or within twenty-five (25) feet of any open sidewalk cafe. (Am. by ORD-05-00116, 6-28-05)
- (6) It shall be unlawful for any person, after having been warned that such activity is prohibited, to procure or attempt to procure a handout within twenty-five (25) feet of an intersection or within twelve (12) feet of any building that contains nonresidential uses or within twenty (20) feet of any building entrance that contains nonresidential uses. (Am. by ORD-05-00116, 6-28-05)
- (7) It shall be unlawful for any person to sit or recline on a public sidewalk with an intent to procure or attempt to procure a handout.
- (8) Penalty . Any person violating this section shall be subject to a forfeiture of not less than \$10 nor more than \$200, notwithstanding any provision of this chapter setting a different penalty.
- (9) Severability . The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or

circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

(Sec. 24.12 Am. by Ord. 10,769, 11-1-93)