Section

112.01 Definitions

112.02 Peddling, hawking, and soliciting

**§ 112.01 DEFINITIONS**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**TO BEG, PANHANDLE, OR SOLICIT CONTRIBUTIONS.** To beg, 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.

**ACCOSTING.** 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.

**INTIMIDATE.** 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.

**FORCING ONESELF UPON THE COMPANY OF ANOTHER PERSON.** Forcing oneself upon the company of another person shall be defined as:

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

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

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

**PUBLIC PLACE.** 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.

**VOCAL APPEAL.** 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.

**DIRECT WRITTEN APPEAL.** 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.

**NIGHTTIME.** Nighttime shall be defined as the time from dusk to dawn.

**§ 112.02 BEGGING, PANHANDLING, OR SOLICITING CONTRIBUTIONS.**

The purpose of this section is to ensure unimpeded pedestrian and vehicle traffic flow, to maintain and protect the well-being of pedestrians and to otherwise foster a harassment-free climate in public places.

(A) No person shall:

(1) 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.

(2) 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.

(3) beg, panhandle, or solicit contributions in any public transportation vehicle owned or operated by the Town of Fremont or at any station for such vehicle or within six (6) feet of a bus stop sign, bus stop shelter, or bus stop bench.

(4) beg, panhandle, or solicit contributions while sitting or standing on a roadway or the shoulder or median of a roadway.

(5) beg, panhandle, or solicit contributions in a public place by vocal appeal or direct written appeal during nighttime.

(B) 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.

(C) Exceptions: The conduct prohibited does not include solicitations made by authorized representatives of not-for-profit corporations, organizations or groups in order to obtain funds designed principally to further the purpose of such not-for-profit corporations, organizations or groups provided proper identification such as signs, vests, badges, etc. are clearly visible to the general public naming the not-for-profit corporations, organizations or groups.

(D) Severability: If a portion of this section is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed severable, and such holding shall affect the validity of the remaining portions hereof.

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