

CHAPTER 13. Offenses

CHAPTER 13. OFFENSES

ARTICLE 1. NUISANCES

Sec. 13-1. Nuisance

(a) As used in this Article:

1. "Public nuisance" shall mean any act, thing, occupation, condition or use of property which shall continue for such length of time as to:
 - (A) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - (B) In any way render the public insecure in life or in the use of property;
 - (C) Greatly offend the public morals or decency;
 - (D) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, lightway, navigable body of water or other public way;
 - (E) Interfere with the comfortable enjoyment of life or property an entire community or neighborhood, or by considerable number of person.
 - (F) Any violation of any Section of this Article.
 - (G) Keeping, maintaining or causing or permit to be kept or maintained, either as the owner or as the one in possession or in charge, any flood light or any other reflector type light on any property in such manner that its light is unnecessarily thrown into the residence of any person in the vicinity so as to constitute, while the light is on, a continuous annoyance to a person occupying the other residence.
2. Public nuisances affecting public safety shall include, but not be limited to the following:
 - (A) All ice not removed from public sidewalks and all snow not removed from public sidewalks as required by Town ordinance;
 - (B) All signs and billboards, awning and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety;
 - (C) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian cross-walks;
 - (D) All limbs of trees which project over a public sidewalk, less than eight feet above the surface thereof or less than ten feet above the surface of a public street;

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- (E) All wires over streets, alleys or public grounds which are strung less than sixteen feet above the surface of street or ground;
 - (F) All obstructions of streets, alleys, sidewalks or cross-walks and all excavations in or under the same, except as permitted by the ordinances of the town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;
 - (G) All open and unguarded pit, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
 - (H) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside;
 - (I) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
3. Public nuisances affecting health shall include but not be limited to the following acts, omissions, conditions, or things:
- (A) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - (B) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty four hours after death;
 - (C) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed. All stagnant water in which mosquitoes, flies or other insects can multiply;
 - (D) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;
 - (E) All noxious weeds and other rank growth or vegetation;
 - (F) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust in quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property; and
 - (G) Any use of property, substances or things emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons.

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Sec. 13-2. Public Nuisance Prohibited

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance, or any public nuisance affecting public safety or affecting health within the Town.

Sec. 13-3. Filing Complaint: Inspections

- (a) All complaints alleging the existence of a public nuisance shall be filed with the Chief of Police.
- (b) The Chief of Police shall inspect the premises and make a written report of his findings. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the photographs in the Police Department.
- (c) All complaints alleging the existence of a public nuisance affecting public safety shall be filed with the Director of Inspections and Permits who shall inspect the premises and make a written report of findings.
- (d) All complaints alleging the existence of a public nuisance affecting health shall be filed with the Director of Health who shall inspect the premises and make a written report of findings.

Sec. 13-4. Notice to Abate Nuisance

- (a) If the inspecting officer determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, in addition to any other enforcement authority under law, such officer may serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance, and to post a copy of the notice on the premises.
- (b) Such notice shall direct the owner, occupant, or person causing, permitting, or maintaining such nuisance to abate or remove such nuisance within twenty-four hours. The notice shall state that unless such nuisance is so abated, the Town will cause it to be abated and will charge such costs to the owner, occupant, or person causing, permitting, or maintaining the nuisance.

Sec. 13-5. Abatement by Court Action

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such so as to threaten great and immediate danger to the public health, safety, morals or decency, such officer, in addition to any other enforcement authority under law, shall file a written report of findings with the Corporation Counsel who may seek appropriate remedies in the Superior Court. The Corporation Counsel shall cause an action to abate such nuisance to be commenced in the name of the Town.

Town Of East Hartford-
Sec. 13-6. Possession and
Consumption of Alcoholic
Liquor In, Within and Upon
Public Areas, Public Highways,
and Parking Areas

Code Of Ordinances
Sec. 13-6. Possession and
Consumption of Alcoholic Liquor In,
Within and Upon Public Areas,
Public Highways, and Parking Areas

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ARTICLE 2. OFFENSES AGAINST PUBLIC PEACE AND SAFETY³

Sec. 13-6. Possession and Consumption of Alcoholic Liquor In, Within and Upon Public Areas, Public Highways, and Parking Areas

(a) For the purposes of this section, the following terms shall be defined as follows:

(1) "Alcoholic Liquor" shall have the same meaning as ascribed to that term in Section 30-1(2) of the Connecticut General Statutes, as amended from time to time.

(2) "Motor Vehicle" means a motor vehicle as defined in Section 14-1(30) of the Connecticut General Statutes, as amended from time to time.

(3) "Open Container" means any open bottle, flask, or other container lacking an intact liquor tax stamp or seal, whether or not stopped; any can or other container which has been opened in any way; any key, mini-keg or other container which has been tapped or opened in any way; or any glass, cup, jar, or other container or vessel containing an alcoholic beverage which is open or has been opened in any way.

(4) "Parked Vehicle" shall have the same meaning as ascribed to that term in Section 14-1(3) of the Connecticut General Statutes, as amended from time to time.

(5) "Public Highway" means a highway, road, street, avenue, boulevard, or other way located within and under the control of the Town of East Hartford and open to public use, including the tree-belts and sidewalks of any such public highway. This term shall not include sidewalks or driveways located within the boundaries of privately owned property.

(6) "Public Area" means any park, plaza, mall, arena, stadium, theater, cemeteries, and other areas, regardless of by who owned or controlled, open to the public use with or without charge. This term shall not include any private property whose owner or lessee has given written permission to any person who consumes alcoholic liquor therein to so use the property.

(7) "Parking Area" means parking lots, parking garages and similar areas made available for the parking of motor vehicles away from the highway or street which are open to public use with or without charge.

(b) Except as permitted by sub-section (a) (6) above, no person shall consume any alcoholic liquor, or have in his possession any open container of alcoholic liquor, while upon or within the limits of any public highway, public area or parking area within the Town of East Hartford. The possession of an open container of alcoholic liquor or consumption therefrom by any person while in a

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motor vehicle parked within or upon parking areas of a public highway or sidewalk, or within or upon a public area, shall also be a violation hereof.

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Sec. 13-7. Barbed Wire and Electrical Fences

- a) No person shall build, construct, erect or maintain any electrical or barbed wire fencing within the town.
- b) Any such barbed wire or electrical fencing shall be removed within ten days after notice by the Chief of Police has been given to the owners or occupants of lots on which such fences are constructed or maintained. If the fencing is not removed, the Chief of Police shall cause such fencing to be removed and the costs to be charged as taxes and become a lien against the property.
- c) This Section shall not apply to:
1. Electrical fencing when used on any land used for raising livestock; provided that the energizing unit used shall be approved for said use by the Underwriters Laboratories or other recognized certified body; that it shall not cause physical injury to any person, and, that there shall be warning signs on the fence every seventy-five feet. Effective: 3/17/82
 2. Barbed wire when strung on extension arms at the top of a fence; provided that such barbed wire is at least six feet from the ground and not extend beyond the property line upon which such fence is situated.
 3. Barbed wire when used on any land used for raising livestock
Effective: 3/17/82

Sec. 13-8. Public Library Rules of Conduct

- a) No person shall, in or about the public libraries:
- (1) Engage in loud talking in such manner or volume or to otherwise create such noise as unreasonably to disturb other individuals using the library facilities;
 - (2) Obstruct or unreasonably interfere with an individual's use of any entrance, exit, aisle, or library facility;
 - (3) Smoke or carry about the person a lighted cigarette, cigar, pipe or other material in the library building, except in such portions of the premises posted as smoking areas;

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- (4) Litter, deface, spit upon or otherwise injure any library property;
- (5) Mutilate or deface a book, record, work of art, or other library materials;
- (6) Eat or drink any food or beverage in the library building except where a special permit has been granted for functions sponsored by or under agreement with the Public Library in areas so designated by such permit; and,
- (7) Violate any rule or regulation promulgated for the conduct of the Library by the Town, provided notice of such rule or regulation is posted upon the library premises in a conspicuous place.

Sec. 13-9. Trespassing or Unauthorized Entry on School Property

- (a) No person who is not a regularly enrolled student, or parent or guardian of a student, or a school official, teacher, or other public or school employee, shall enter or trespass upon or loiter in or upon any school building or school property for any reason whatsoever unless such person has received written permission from the principal or other person designated by the principal to be in or upon or to remain in or upon such school building or school property.
- (b) This Section shall not apply to persons engaging in or attending a school or Recreation Department authorized activity, or to persons lawfully using the school playground or any playground equipment after school hours or when school is not in session, unless such entry or use has been prohibited by an order, rule or regulation of the School Board, school principal, or other person, department, board, or committee with authority to prohibit such use or entry.

Sec. 13-10. Presence on School Property Between Sunset and Sunrise

No person shall loiter or idle in any school building or in or on any school property between the hours of sunset and sunrise. No person shall be present in any school building or on any school property between the hours of sunset and sunrise without specific authorization from a duly authorized official or employee of the Board of Education, the Department of Parks and Recreation or any other department having jurisdiction over and control of the school buildings or property.

Sec. 13-11. Display of Firearms for Sale

No person shall display or place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm, with a barrel of less than twelve inches in length.

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Sec. 13-12. Playing in Streets

No person shall play ball or engage in any other athletic activity or sport in any street.

ARTICLE 3. CURFEW

Sec. 13-13. Minor Defined

As used in this Article, minor shall mean any person under the age of sixteen years.

Sec. 13-14. Minors on Streets

- (a) No minor shall loiter, idle, congregate or otherwise be in or on any public street, highway, alley, park or other public place between the hours of 10:00 P.M. and 5:00 A.M., unless such minor is:
- (1) Accompanied by his parent or guardian or some other adult delegated by the parent or guardian to accompany such minor;
 - (2) In any such place in connection with and required by some legitimate work, trade, profession or occupation in which such minor is engaged;
 - (3) On an emergency errand or other legitimate business directed by his parent or guardian;
 - (4) Returning home from a dance, party, or other function held under the auspices of a public, private, or parochial school, or any other organization approved by the Police Department; or
 - (5) During the hours of employment in some occupation or business in which such minor may lawfully be engaged under State Law.

Sec. 13-15. Responsibility of Parent or Guardian

- (a) No parent or guardian of a minor shall permit such minor to be upon any of the streets, alleys, or public places between the hours of 10:00 P.M. and 5:00 A.M. except as provided in this Article.
- (b) It shall not constitute a defense that such parent or guardian did not have knowledge of the presence of the minor upon any of the streets, alleys, or public places.

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ARTICLE 4. ADULT READING MATERIAL

Sec. 13-16. Definitions

As used in this Chapter, the following words and phrases shall have the following meaning:

- a) "Adult Reading Material" means any magazine or newspaper which contains on the cover any photograph, picture, drawing or depiction of any of the following:
 - 1. The complete exposure of the entire nipple area or entire areola area of any female breast or breasts except those of infants; and
 - 2. The complete exposure of the entire genitalia or buttocks of either males or females, except those of infants. This definition of "adult reading material" does not include any medical publications or bona fide educational publications, nor does it include any art or photography publication which devotes at least twenty-five per cent (25%) of the lineage of each edition to articles and advertisements dealing with the subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs or nude or semi-nude persons in connection with dissemination of the news. Nor does this definition apply to publications which describe and report on different cultures, and which may, from time to time, publish photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.
- b) "Display" means the exhibiting within the open view of patrons, invitee or other persons of adult reading material for sale. "Display" shall include the exhibiting of adult reading material from news racks or newspaper vending stands.

Sec. 13-17. Display of Adult Reading Material Limited

No person shall display adult reading material, or permit or allow the display of adult reading material, except as follows: The shelf, rack, stand or ledge upon which adult reading material is displayed shall be located behind a counter or other place not readily accessible to minors, or such adult reading materials shall be sealed in plastic or other suitable material or otherwise bound so as to prevent the viewing of the contents and all but the top two inches of the cover of such adult reading materials by minors.

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Sec. 13-18. Exceptions

Section 13-44 shall not apply to any establishment or portion thereof where in fact the entry of any person under eighteen years of age is prohibited and which has notice posted accordingly.

ARTICLE 5. ALARM SYSTEMS

Sec. 13-19. Short Title

This article shall be known and may be cited as an "Ordinance Regulating the Use of Alarm Systems."

Sec. 13-20. Purpose and Definitions

- a) The purpose of this article is to reduce avoidable alarm signals and to encourage the use of reliable alarm systems.
- b) For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
 1. The term "alarm system" means an assembly of equipment and devices (whether operated by AC current supplied by a utility company or by battery, or a single device, such as a solid state unit, which plugs directly into a one hundred ten-volt AC line) arranged to signal the presence of a hazard requiring urgent attention, and to which police are expected to respond. In this article, the term "alarm system" shall include the terms "holdup alarm systems", "burglar alarm systems", and "automatic tape dialing device".
 2. The term "alarm user" means any owner or occupant on whose premises an alarm system is maintained within the town except for alarm systems on motor vehicles or proprietary systems. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises (other than a proprietary system), the person using such a system is an alarm user. Also excluded from this definition and from the coverage of this article are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of alarm system and shall be subject to this article.
 3. The term "automatic tape dialing device" refers to an alarm device which

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automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect. Specifically excluded from this definition are devices which send coded messages over regular telephone lines onto a receiver specifically designed to receive these coded signals.

4. The term "hold-up alarm system" means any alarm system in which a signal is transmitted that requires a police response.
5. The term "burglar alarm system" refers to an alarm system signaling an entry into the area protected by the system.
6. Alarm signals are defined and classified as follows:
 - a. Avoidable alarm signal. An emergency signal transmitted to the emergency response authority and necessitating a response by them, which can be definitely classified as resulting from one of the following causes:
 1. Intentional hold-up alarm system activation by the alarm user, or persons under his direct or indirect control, with the intent to summon the Police Department, where no threat of hold-up is present.
 2. Intentional burglar system activation by the alarm user, or persons under his direct or indirect control, with the intent to summon the police where no threat of burglary is present.
 3. Negligent activation of a burglar alarm by the alarm user, or persons under his direct or indirect control, when no threat of burglary is present
 4. Negligent activation of hold-up alarm system by the alarm user, or persons under his direct or indirect control, when no threat of hold-up is present.
 5. Alarm system malfunction. Activation of the alarm system caused by a defect in the alarm equipment or by improper installation.
 6. Testing of the alarm system by the alarm user, or persons under his direct or indirect control without prior notice to the alarm monitoring facility and the police of such test.
 - b. Unavoidable alarm signal. An emergency signal transmitted to the emergency response authority and necessitating a response by them, which can definitely be classified as resulting from one of the following causes:
 1. Acts of God, e.g., severe storm, flood, prolonged power outage, etc.
 2. Telephone line malfunction.
 3. Attempted break-in.
 4. Actual break-in.
 5. Fire or smoke.
 6. Suspicious or unauthorized activity within neighborhood of premises.
2. The term "false alarm" means all of the items listed under subsection (6) a.

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Sec. 13-21. Requirements for Registration

It shall be unlawful for any person, firm or corporation to own or to occupy any building or structure where there is installed an alarm system which is used or so installed that it can be used by such owner or occupant without registering the same with the Chief of Police as herein provided. Applications for registration shall be made within thirty days of any installation of an alarm system on forms provided by the Chief of Police and shall include the following information:

- (1) Name, address and telephone number of owner or occupant.
- (2) Address of place where device is installed and telephone number at that location.
- (3) Name and telephone number of any other person at a different location who is authorized to respond to any emergency and open the place where the device is installed.
- (4) Name, address and telephone number of company responsible for servicing the alarm.

Sec. 13-22. Time of Registration; Fees

Such registration shall be renewed on an annual basis by the first of May of each year. The fee for any registration of an alarm system, the fee for false alarms and the fee for any renewal of registration of an alarm system shall be as provided by the Town Council in the Schedule of Fees. (Effective: 10/23/92)

Sec. 13-23. Prohibitions

(a) It shall be unlawful for any owner or occupant to install, operate, or cause to be installed, or operated, any alarm system unless such owner or occupant has complied with Sections 13-50 and 13-51 of this chapter.

(b) It shall be unlawful to maintain, own, or operate an alarm system which is defective or which is improperly used in that it causes more than three false alarms within a twelve-month registration period.

(Effective: 10/23/92)

(c) It shall be unlawful to install or maintain an automatic tape dialing device that is or could be connected directly to the East Hartford Police Department.

(d) It shall be unlawful to operate any alarm system that emits a sound beyond the boundaries of the property for any period of time in excess of thirty minutes.

(Effective: 10/23/92)

(e) Notwithstanding any other provisions of this Article, the first false alarm of any unregistered system shall not be considered a violation of this Article; however, the alarm system owner shall have seven days thereafter within which to register said system. (Effective: 10/23/92)

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(f) Notwithstanding any other provisions of this Article, the owner and/or the said building occupant of a new alarm system shall have thirty days from the date of installation within which no false alarm shall be charged against that system.

(Effective: 10/23/92)

Sec. 13-24. Revocation of Registration

An alarm system user guilty of ten or more false alarms may have his or her registration revoked or the Chief of Police may refuse to renew such registration. A copy of revocation shall be mailed to the alarm user by certified mail and revocation shall be effective three days after the receipt of the revocation notice by the alarm user.

ARTICLE 6. Control of Noise Pollution Emitted by Sound Amplifying Equipment

Sec. 13-25. Purpose

The Town Council of the Town of East Hartford hereby finds and declares that excessive noise created by sound amplifying equipment such as radios, cassette recorders/players, compact disc players, television receivers, and instruments pose a serious hazard to the health, welfare and quality of life of East Hartford's residents. It also finds that excessive noise can inflict psychological and economic damage to persons submitted to such noise, and that such noise should be abated so that residents of the Town may enjoy an environment free from excessive noises which may jeopardize their health and welfare.

Sec. 13-26. Definitions

For the purposes of this Ordinance, the following definitions shall apply:

(a) "Background Noise" shall mean noise which exists at a point as a result of the combination of many distant sources which are not distinguishable from other sources regulated pursuant to C.G.S. Section 22a-69.

(b) "Daytime Hours" shall mean the hours of the day which are not nighttime hours.

(c) "Nighttime Hours" shall mean the following:

9:00 p.m. Sunday through 7:00 a.m. on Monday

9:00 p.m. Monday through 7:00 a.m. on Tuesday

9:00 p.m. Tuesday through 7:00 a.m. on Wednesday

9:00 p.m. Wednesday through 7:00 a.m. on Thursday

9:00 p.m. Thursday through 7:00 a.m. on Friday

10:00 p.m. Friday through 9:00 a.m. on Saturday

10:00 p.m. Saturday through 9:00 a.m. on Sunday

(d) "Decibel" (dB) is a unit of measurement of a sound level.

(e) "Sound" is a transmission of energy through solid, liquid or gaseous media in the form of

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vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations including, but not limited to, an auditory response when impinging upon an ear. For the purposes of measuring such sound, the A scale (dBA) as specified in ANSI Specifications for Sound-Level meters, S1.4 — 1971 as revised, shall be used

- (f) "Sound Amplifying Equipment" is any machine or device used to amplify the human voice, music or any other sound. Sound amplifying equipment or devices, as used in this ordinance, does not include warning devices used on emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

Sec. 13-27. Prohibitions

(a) No person shall operate in public or in private any sound amplifying equipment at a level above fifty-five (dBA) during daytime hours, or forty-five (dBA) during nighttime hours as measured from a point outside the property from which the sound originated unless the noise created by such sound amplifying equipment registers not more than five (dBA) higher than the background noise, provided that no source subject to the provisions of this section shall emit noise in excess of eighty (dBA) at any time.

Sec. 13-28. Exemptions

- (a) Noise created by emergency activities authorized by State or local governmental authorities, or emergency vehicles such as fire trucks, police cars or ambulances.
- (b) Noise created to give warning of emergencies or signaling particular times of the day, such as church bells or clocks.
- (c) Noise generated by parades, carnivals and other special public social events, sporting events or celebrations sponsored by the Town, or a private entity which has been granted a valid permit by the Town to conduct such parade, carnival, social event, sporting event or celebration.

Sec. 13-29. Compliance with Request from Police Officers

If a police officer has reason to believe that there is a violation of this Article, such officer may request that a person turn down or off the sound amplifying equipment suspected of generating the noise so that measurements of ambient noise may be made. Refusal to turn down or off such sound amplifying equipment shall be a violation of this Section.

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ARTICLE 7. Panhandling

Section 13-30.

- (a) As used in this section: "Panhandling" means any solicitation made in person requesting an immediate donation of money or the purchase of an item for an amount far exceeding its value,

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under circumstances where a reasonable person would understand that the purchase is, in substance, a donation. Except where the following activity is on private property without the written permission of the owner or tenant of such property, "Panhandling" does not include passively standing or sitting with a sign or other non-verbal indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person;

- (b) No person shall engage in panhandling: (1) between sunset and sunrise on any street, sidewalk, public right-of-way, or other public property; (2) at a bus stop; (3) in a vehicle on the street; (4) on private property, unless the person panhandling has written permission from the owner or tenant of the private property; (5) in a manner that blocks the path of the person being asked for a donation; (6) by following a person who walks away from the person who is panhandling; (7) by making any statement, gesture, or other communication by which the person panhandling knows, or should have known, that his action causes, or would cause, another to believe that the panhandler will cause physical harm to the person or property of the other person; (8) by knowingly making any false or misleading representation in the course of panhandling; or (9) by stating that the donation is needed for a specific purpose then spending the donation received for a different purpose.
- (c) Any person violating the provisions of this ordinance shall be fined not more than one hundred dollars for each offense.

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