

ORDINANCE ENACTING SECTION
16-6-60
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 16-6-60 Restrictions on solicitations, begging, etc.

- (a) The purposes of the solicitation restrictions imposed under this section are to:
- (1) Reduce the detrimental effect that threatening and intimidating conduct has on a safe environment in the city;
 - (2) Restrict certain aggressive acts of solicitors without prohibiting constitutionally protected activity; and
 - (3) Maintain the peace and order of the City and preserve and protect the rights of all citizens to be free of intimidation.
- (b) No person shall solicit, ask, or beg in an aggressive manner, as defined herein, in any public place; or solicit, ask or beg
- (1) In any public transportation vehicle, or bus station or stop; provided, however, that this paragraph shall not apply to services rendered in connection with such transportation services.
 - (2) Within thirty (30) feet of any entrance or exit of any bank during the hours of operation of such bank.
 - (3) Within thirty (30) feet of any automated teller machine, during the hours of operation of such machine.
 - (4) On private property, if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating those solicitations are not welcome on the property.
- (c) Definitions. The following words, terms, or phrases shall have the following meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *Solicit, ask, or beg* means using the spoken, written, or printed word or bodily gestures, signs, or other means for the purpose of soliciting a ride, contributions, employment, business, or with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services regardless of the solicitor's purpose or intended use of the money or other thing of value.
 - (2) *Aggressive manner* means and includes:
 - (i) Touching or causing physical contact with another person without that person's consent in the course of soliciting, asking, or begging;
 - (ii) Blocking the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator

to take evasive action to avoid physical contact in the course of soliciting, asking, or begging;

- (iii) Approaching or following the person being solicited, if that conduct is:
 (i) intended to or is likely to cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person or property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (iv) Continuing to solicit the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person or property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (v) Using violent, obscene, or threatening gestures or language toward a person solicited, if such conduct is intended to or is likely to cause a reasonable person to fear bodily harm to oneself, or the commission of a criminal act upon the person or upon property in the person's possession or otherwise be intimidated into giving money or other thing of value or buying merchandise.
- (3) *Public area* means an area to which the public has access, including, but not limited to: alleys, bridges, buildings, driveways, parking lots, playgrounds, sidewalks, streets open to the general public, and the doorways and entrances to public buildings, together with the grounds enclosing them.
- (d) The provisions of this section shall not apply to any person soliciting transportation in the case of a bona fide emergency, or from public transportation or transportation for hire. Acts constituting an exercise of a person's constitutional right to picket, protest, or speak and acts authorized by a permit issued by the City shall not constitute unlawful activity under this section; nor does aggressive solicitation include solicitation without engaging in the acts specifically prohibited by this section.
- (e) Any person convicted of a violation of this section shall be guilty of a class 2 misdemeanor. Any person convicted of a second or subsequent violation of this section shall be guilty of a class 1 misdemeanor.

This ordinance shall be effective from the 22 day of April, 2014. Adopted and approved this 22 day of April, 2014.

Red Boyd
 MAYOR

ATTESTE:

Erica S. Kern
 CITY CLERK