

AN ORDINANCE AMENDING ORDINANCE NO. 017886 WHICH AMENDED TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.32 (PEDESTRIANS) OF THE EL PASO CITY CODE BY REPEALING SECTION 12.32.060 (SOLICITING RIDES OR BUSINESS-PROHIBITIONS) AND ADOPTED A NEW SECTION 12.32.063 (SOLICITATION PROHIBITIONS) TO AMEND SECTION 12.32.063(A) (DEFINITIONS) BY AMENDING THE DEFINITION OF AGGRESSIVE MANNER AND ADDING DEFINITIONS OF "INTIMIDATE" AND "THREATENING CONDUCT", AND AMEND SECTION 12.43.063(B)(1)(b) BY DELETING SECTIONS 12.43.063(B)(1)(b)(i-vii) & (ix-x).

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Title 12 (Vehicles and Traffic), Chapter 12.32 (Pedestrians), Section 12.32.063 (Solicitation Prohibitions) of the El Paso City Code is adopted to read as follows:

**12.32.063 Solicitation Prohibitions**

**12.32.063(A) Definitions**

As used in this Chapter, the following words, terms, and phrases should have the following meanings:

1. *Aggressive manner* means:

- a. Making any physical contact with or touching another person while in the course of soliciting without the other person's, operator's, or passenger's consent; or
- b. Following a person, group, operator, or passenger being solicited, if the conduct is:
  - i. Reasonably likely to cause fear of imminent bodily injury or theft; or
  - ii. Reasonably likely to intimidate the person, group, operator, or passenger being solicited; or
- c. Continuing to solicit from a person, operator, or passenger of a motor vehicle, after the person, operator, or passenger has made a negative response such as to constitute threatening conduct; or
- d. Blocking the passage of a person, group, operator, or passenger of a motor vehicle; or
- e. Using abusive or obscene language or bodily gestures towards a person, group, operator, or passenger of a motor vehicle such as to constitute threatening conduct; or

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- f. Approaching a person, group, operator, or passenger of a motor vehicle in a manner:
    - i. That is likely to put a reasonable person in fear of imminent harm or theft or
    - ii. Is reasonably likely to intimidate into responding in the affirmative.
- 2. *Adult* means a person who is 18 years of age or older.
- 3. *Automated Teller Machine (ATM)* means a device, linked to a bank's account records, which is able to carry out banking transactions.
- 4. *Automated Teller Facility* means the area comprised of one or more automatic teller machines, and any adjacent space that is made available to banking customers.
- 5. *Bank* includes a bank, savings bank, savings and loan association, credit union, trust company, or a similar financial institution.
- 6. *Bus* means a vehicle operated by a transit authority for public transportation.
- 7. *Check cashing business* means an entity in the business of cashing checks, drafts, or money orders for consideration.
- 8. *Intimidate* means conduct which threatens the person solicited.
- 9. *Median* means a dividing area, whether landscaped or paved, maintained for the purpose of separating or directing vehicular traffic.
- 10. *Minor* means a person who is below the age of 18.
- 11. *Parking meter or pay station* means a location on a street, parking lot or parking garage where persons pay for parking by either cash or credit to a person or at a machine or other device designed to accept payment.
- 12. *Public place* means an area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.
- 13. *Solicitation or solicit* mean to request, by the spoken, written, or printed word, or by other means of communication, an immediate donation or transfer of money or

another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

14. *Threatening conduct* means conduct which would make a reasonable person fearful of harm to his person or property.

#### **12.32.063(B) Solicitation Prohibitions**

(1) A person commits an offense if the person solicits:

(a) In an aggressive manner in a public place; or

(b) From a median in a street open to the public or within fifteen (15) feet of a street corner on a street open to the public;

(c) Upon any commercial property within the City when such property is affixed with conspicuously posted signage stating "NO SOLICITING ALLOWED," that notifies that solicitation is not permitted on the property, or is otherwise permitted only in restricted areas of the property. Such signs shall have bold lettering of not less than one inch in height as follows:

i) "NO SOLICITING ALLOWED. VIOLATIONS ARE SUBJECT TO FINE PURSUANT TO THE EL PASO CITY CODE 12.32.063." -The sign shall comply with the permit requirements under 20.18.400 of the El Paso City Code.

(d) No occupant of a motor vehicle may contribute to, accept or purchase material from any other person who is on any public roadway, or from a person twelve years of age or younger who is on the surrounding sidewalks, medians, islands and unpaved roadway, while the motor vehicle is stopped in obedience to a traffic control signal. It is specifically provided that a person may contribute to, accept, or purchase material from a person, other than a person twelve years of age or younger, who is on the surrounding sidewalks, medians, islands and unpaved shoulders, and not in or on the roadway itself.

(e) It is unlawful for a person, without the effective consent of an occupant, to intentionally or knowingly touch or strike or cause an object to touch or strike a vehicle stopped on a public roadway in obedience to a traffic control signal light, during an act of soliciting rides or business from the occupants of the vehicle.

(2) A culpable mental state is not required, and need not be proved, for an offense under this section.

(3) The penalty for violation of this ordinance is provided in Chapter 1.08 of this Code.

Section 2. Except as amended herein, Title 12 (Vehicles and Traffic) shall remain in full force and effect.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

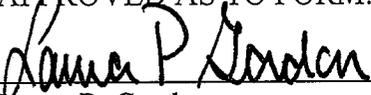
CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Laura P. Gordon  
Deputy City Attorney

APPROVED AS TO CONTENT

  
\_\_\_\_\_  
Joyce Wilson  
City Manager

CITY CLERK DEPT.  
2013 APR 11 AM 10:00

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 017886 WHICH AMENDED TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.32 (PEDESTRIANS) OF THE EL PASO CITY CODE BY REPEALING SECTION 12.32.060 (SOLICITING RIDES OR BUSINESS-PROHIBITIONS) AND ADOPTED A NEW SECTION 12.32.063 (SOLICITATION PROHIBITIONS) TO AMEND SECTION 12.32.063(A) (DEFINITIONS) BY AMENDING THE DEFINITION OF AGGRESSIVE MANNER AND ADDING DEFINITIONS OF “INTIMIDATE” AND “THREATENING CONDUCT”, AND AMEND SECTION 12.43.063(B)(1)(b) BY DELETING SECTIONS 12.43.063(B)(1)(b)(i-vii) & (ix-x).**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

Section 1. That Title 12 (Vehicles and Traffic), Chapter 12.32 (Pedestrians), Section 12.32.063 (Solicitation Prohibitions) of the El Paso City Code is adopted to read as follows:

**12.32.063 Solicitation Prohibitions**

**12.32.063(A) Definitions**

As used in this Chapter, the following words, terms, and phrases should have the following meanings:

*1. Aggressive manner* means:

- a. Making any physical contact with or touching another person while in the course of soliciting without the other person’s, operator’s, or passenger’s consent; or
- b. Following a person, group, operator, or passenger being solicited, if the conduct is:
  - i. Reasonably likely to cause fear of imminent bodily injury or theft; or
  - ii. Reasonably likely to intimidate the person, group, operator, or passenger being solicited; or
- c. Continuing to solicit from a person, operator, or passenger of a motor vehicle, after the person, operator, or passenger has made a negative response such as to constitute threatening conduct; or
- d. Blocking the passage of a person, group, operator, or passenger of a motor vehicle; or

- e. Using abusive or obscene language or bodily gestures towards a person, group, operator, or passenger of a motor vehicle such as to constitute threatening conduct; or
- f. Approaching a person, group, operator, or passenger of a motor vehicle in a manner:
  - i. That is likely to put a reasonable person in fear of imminent harm or theft or
  - ii. Is reasonably likely to intimidate into responding in the affirmative.

2. *Adult* means a person who is 18 years of age or older.

3. *Automated Teller Machine (ATM)* means a device, linked to a bank's account records, which is able to carry out banking transactions.

4. *Automated Teller Facility* means the area comprised of one or more automatic teller machines, and any adjacent space that is made available to banking customers.

5. *Bank* includes a bank, savings bank, savings and loan association, credit union, trust company, or a similar financial institution.

6. *Bus* means a vehicle operated by a transit authority for public transportation.

7. *Check cashing business* means an entity in the business of cashing checks, drafts, or money orders for consideration.

~~7.8.~~ *Intimidate* means conduct which threatens the person solicited.

~~8.9.~~ *Median* means a dividing area, whether landscaped or paved, maintained for the purpose of separating or directing vehicular traffic.

~~9.10.~~ *Minor* means a person who is below the age of 18.

~~10.11.~~ *Parking meter or pay station* means a location on a street, parking lot or parking garage where persons pay for parking by either cash or credit to a person or at a machine or other device designed to accept payment.

~~11.12.~~ *Public place* means an area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.

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13. *Solicitation or solicit* mean to request, by the spoken, written, or printed word, or by other means of communication, an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor’s purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

~~12.14.~~ Threatening conduct means conduct which would make a reasonable person fearful of harm to his person or property.

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### 12.32.063(B) Solicitation Prohibitions

(1) A person commits an offense if the person solicits:

(a) In an aggressive manner in a public place; or

(b) ~~From a median in a street open to the public or Within within~~ fifteen (15) feet of ~~a street corner on a street open to the public; the following areas, where the public is considered vulnerable, or where solicitation would interfere with the flow of traffic:~~

~~i) An automated teller machine;~~

~~ii) An automated teller facility;~~

~~iii) The entrance or exit of a bank;~~

~~iv) The entrance or exit of a check cashing business;~~

~~v) A parking meter or parking pay station on a street;~~

~~vi) A public parking garage or parking lot pay station;~~

~~vii) The entrance or exit of a restaurant or the outdoor café portion of a restaurant;~~

~~viii) From a median;~~

~~ix) A bus station or stop, or at a facility operated by a transportation authority for passengers;~~

~~x) On either side of the street on a block where the entrance to a school attended by minors is located or where a child care facility has an entrance or exit;~~

(c) Upon any commercial property within the City when such property is affixed with conspicuously posted signage stating “NO SOLICITING ALLOWED,” that notifies that solicitation is not permitted on the property, or is otherwise permitted only in

restricted areas of the property. Such signs shall have bold lettering of not less than one inch in height as follows:

i) "NO SOLICITING ALLOWED. VIOLATIONS ARE SUBJECT TO FINE PURSUANT TO THE EL PASO CITY CODE 12.32.063." The sign shall comply with the permit requirements under 20.18.400 of the El Paso City Code.

(d) No occupant of a motor vehicle may contribute to, accept or purchase material from any other person who is on any public roadway, or from a person twelve years of age or younger who is on the surrounding sidewalks, medians, islands and unpaved roadway, while the motor vehicle is stopped in obedience to a traffic control signal. It is specifically provided that a person may contribute to, accept, or purchase material from a person, other than a person twelve years of age or younger, who is on the surrounding sidewalks, medians, islands and unpaved shoulders, and not in or on the roadway itself.

(e) It is unlawful for a person, without the effective consent of an occupant, to intentionally or knowingly touch or strike or cause an object to touch or strike a vehicle stopped on a public roadway in obedience to a traffic control signal light, during an act of soliciting rides or business from the occupants of the vehicle.

(2) A culpable mental state is not required, and need not be proved, for an offense under this section.

(3) The penalty for violation of this ordinance is provided in Chapter 1.08 of this Code.

Section 2. Except as amended herein, Title 12 (Vehicles and Traffic) shall remain in full force and effect.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

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Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

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Laura P. Gordon  
Deputy City Attorney

APPROVED AS TO CONTENT

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Joyce Wilson  
City Manager

February 5, 2013

John Cook, Mayor  
El Paso City  
2 Civic Center Plaza  
El Paso TX 79901



Dear Mayor Cook:

My name is Mark Lusk. I am a social worker in El Paso. I was unable to speak to the Council today due to timing. I write in relation to Ordinance **017886** – an ordinance that pertains to panhandling. I represent the Human Rights Committee of the Texas Chapter of the National Association of Social Workers. Our association represents thousands of social workers in Texas who seek to create better conditions for those in Texas who have low incomes and limited access to resources.

Our association respectfully requests that the City Council reconsider the Panhandling Ordinance as it infringes on the First Amendment rights of El Pasoans. The First Amendment permits all forms of free speech including what some may deem as undesirable speech, such as begging. Laws that seek to regulate begging by limiting the mobility of the speaker or the content of his speech go against the rights of citizens.

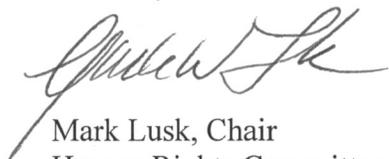
If a person who solicits money does so in a disorderly way or acts under the influence, law enforcement has adequate tools already in the form of statues against disorderly conduct, criminal mischief and public intoxication. To single out lawful panhandlers is an act of discrimination based on membership in a particular group and restricts a specific type of speech – begging.

The causes of panhandling are rooted in high unemployment and poverty. Many turn to begging as their sole means of support. Our organization, the Human Rights Committee of the Texas Chapter of the National Association of Social Workers, respectfully requests that you repeal this ordinance.

They are not just asking for alms, they are begging for justice.

Thank you for your time and consideration.

Sincerely,



Mark Lusk, Chair  
Human Rights Committee  
Texas Chapter – National Association of Social Workers

## **Austin City Code**

(A) The council finds that:

(1) Aggressive solicitation is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder.

(2) Aggressive solicitation includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.

(3) The presence of individuals who solicit money from persons at or near banks, automated teller machines, public transportation facilities, and crosswalks is especially troublesome because of the enhanced fear of crime in a place that is confined, difficult to avoid, or where a person might find it necessary to wait.

(4) This section is intended to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, and not to limit a constitutionally protected activity.

(B) In this section:

(1) **AGGRESSIVE MANNER** means:

(a) intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

(b) following the person being solicited, if that conduct is:

(i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) intended to or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(c) continuing to solicit a person within five feet of the person being solicited after the person has made a negative response;

(d) intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;

(e) using obscene or abusive language or gestures toward the person being solicited;

(f) approaching the person being solicited in a manner that:

(i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon 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.

(2) AUTOMATED TELLER MACHINE means a device, linked to a bank's account records, which is able to carry out banking transactions.

(3) AUTOMATED TELLER FACILITY means the area comprised of one or more automatic teller machines, and any adjacent space that is made available to banking customers.

(4) BANK includes a bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

(5) BUS means a vehicle operated by a transit authority for public transportation.

(6) CHECK CASHING BUSINESS means a person in the business of cashing checks, drafts, or money orders for consideration.

(7) PUBLIC AREA means an outdoor area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.

(8) SOLICIT means to request, by the spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

(C) A person commits an offense if the person solicits:

(1) in an aggressive manner in a public area;

(2) in a bus, at a bus station or stop, or at a facility operated by a transportation authority for passengers;

(3) within 25 feet of:

(a) an automated teller facility;

(b) the entrance or exit of a bank; or

(c) the entrance or exit of a check cashing business; or

(4) at a marked crosswalk.

(5) on either side of the street on a block where a school attended by minors or a child-care facility has an entrance or exit;

(6) at a sidewalk café authorized under [Chapter 14-4](#) (*Sidewalk Cafés*) or the patio area of a bar or restaurant; or

(7) in the downtown business area described in Section [9-4-14](#) (*Sitting or Lying Down on Public Sidewalks in the Downtown Business Area Prohibited*) between 7:00 p.m. and 7:00 a.m.

(D) A culpable mental state is not required, and need not be proved, for an offense under Subsection (C)(2), (3), or (4).

(E) This section is not intended to proscribe a demand for payment for services rendered or goods delivered.

*Source: 1992 Code Section 10-1-15; Ord. 031023-13; Ord. 031211-11; Ord. 20051215-017.*

### AGGRESSIVE SOLICITATION SURVEY

	AUSTIN	DALLAS	HOUSTON	SAN ANTONIO	FORT WORTH	EL PASO w/Amendment
ORDINANCE	YES	YES	YES	YES	Yes	YES
ENFORCEMENT	YES	YES	YES	YES	Yes	Yes
CITATIONS - FY 12	852	2490	NOT REPORTED	NOT REPORTED	NOT REPORTED	NONE
ARRESTS	NOT REPORTED	71	NOT REPORTED	NOT REPORTED	NOT REPORTED	NONE
<i>SOLICITATION PROHIBITED:</i>						
CONTINUING TO SOLICIT A PERSON	WITHIN 5 FEET		WITHIN 8 FEET			NO
PUBLIC PLACE, STREET MEDIAN			WITHIN 8 FEET		YES	YES - 15 FEET
A MARKED CROSSWALK	YES		WITHIN 8 FEET	WITHIN 50 FEET		NO
AUTOMATED TELLER MACHINE, FACILITY, OR ATM	WITHIN 25 FEET	WITHIN 25 FEET	WITHIN 8 FEET	WITHIN 50 FEET		NO
ENTRANCE OR EXIT OF A BANK	WITHIN 25 FEET	WITHIN 25 FEET		WITHIN 50 FEET		NO
ENTRANCE/EXIT OF CHECK CASHING BUSINESS	WITHIN 25 FEET			WITHIN 50 FEET		NO
SELF-SERVICE CAR WASH		WITHIN 25 FEET				NO
SELF-SERVICE FUEL PUMP		WITHIN 25 FEET	WITHIN 8 FEET			NO
EXTERIOR PUBLIC PAY TELEPHONE		WITHIN 25 FEET	WITHIN 8 FEET			NO
SIDEWALK CAFÉ, BAR OR RESTAURANT	WITHIN 25 FEET	WITHIN 25 FEET	WITHIN 8 FEET	WITHIN 50 FEET		NO
SCHOOL BLOCK OR CHILD-CARE FACILITY	WITHIN 25 FEET					NO
DOWNTOWN BUSINESS	WITHIN 25 FEET					NO
A CHARITABLE CONTRIBUTION METER				WITHIN 50 FEET		NO
PARKING METER/PAY STATION ON A STREET		YES	WITHIN 8 FEET	WITHIN 50 FEET		NO
PARKING FEE COLLECTION BOX			WITHIN 8 FEET			NO
PUBLIC TRANSPORTATION STOP		WITHIN 25 FEET	WITHIN 8 FEET			NO
IN A BUS,BUS STATION OR STOP OR A FACILITY	WITHIN 25 FEET		WITHIN 8 FEET	WITHIN 50 FEET		NO
PUBLIC PARKING GARAGE/PAY STATION				WITHIN 50 FEET		NO

NOTE: Dallas has a Central Business District solicitation free zone.  
Houston does not track violations  
San Antonio ordinance is new, no stats available.  
Fort Worth - Two Ordinances - Panhandling refers to soliciting for employment.  
- Soliciting for Groups, permit required.

## Dallas Solicitation Ordinance

### **SEC. 31-35. SOLICITATION BY COERCION; SOLICITATION NEAR DESIGNATED LOCATIONS AND FACILITIES; SOLICITATION AFTER SUNSET; SOLICITATION-FREE ZONES.**

(a) In this section:

(1) AUTOMATED TELLER MACHINE means a machine, other than a telephone:

(A) that is capable of being operated by a customer of a financial institution;

(B) by which the customer may communicate to the financial institution a request to withdraw a benefit for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and

(C) the use of which may or may not involve personnel of a financial institution.

(2) CENTRAL BUSINESS DISTRICT SOLICITATION-FREE ZONE means the area of the city bounded by Woodall Rodgers Freeway on the north, Central Expressway (elevated bypass) on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west.

(3) COERCION means:

(A) to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

(i) imminent bodily injury; or

(ii) the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

(B) to persist in a solicitation after the person solicited has given a negative response;

(C) to block, either individually or as part of a group of persons, the passage of a solicited person; or

(D) to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.

(4) DEEP ELLUM SOLICITATION-FREE ZONE means the area bounded by and including the following streets or portions of streets:

**STREET            EXTENT**

Good-Latimer Expressway Elm Street to Canton Street

Canton Street Good-Latimer Expressway to Hall Street

Hall Street Canton Street to Elm Street

Elm Street Hall Street to Good-Latimer Expressway

(5) EXTERIOR PUBLIC PAY TELEPHONE means any coin or credit card reader telephone that is:

(A) installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and

(B) accessible and available for use by members of the general public.

(6) FIXED FOOD ESTABLISHMENT means a food establishment, as defined in Section [17-1.5](#) of this code, that is operated from a fixed facility.

(7) PUBLIC TRANSPORTATION STOP means an area officially marked and designated as a place to wait for a bus, a light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.

(8) SELF-SERVICE CAR WASH means a structure:

(A) at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and

(B) that is accessible and available for use by members of the general public.

(9) SELF-SERVICE FUEL PUMP means a fuel pump:

(A) from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located; and

(B) that is accessible and available for use by members of the general public.

(10) SOLICITATION means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

(11) SUNRISE means the time of day published on the weather page of the *Dallas Morning News* as the time for sunrise on a particular day in the city.

(12) SUNSET means the time of day published on the weather page of the *Dallas Morning News* as the time for sunset on a particular day in the city.

(13) UPTOWN SOLICITATION-FREE ZONE means the area bounded by and including the following streets or portions of streets:

**STREET            EXTENT**

Akard Street            Woodall Rogers Freeway to Cedar Springs Road

Cedar Springs Road      Akard Street to McKinnon Street

McKinnon Street      Cedar Springs Road to the Katy Trail

Katy Trail            McKinnon Street to Cambrick Street

Cambrick Street      Katy Trail to Central Expressway

Central Expressway      Cambrick Street to Woodall Rogers Freeway

Woodall Rogers Freeway    Central Expressway to Akard Street

(14) VICTORY SOLICITATION-FREE ZONE means the area bounded by and including the following streets or portions of streets:

**STREET            EXTENT**

Harry Hines Boulevard    Dallas North Tollway to N. Field Street

N. Field Street            Harry Hines Boulevard to Caroline Street

Caroline Street          N. Field Street to Woodall Rogers Freeway

Woodall Rogers Freeway    Caroline Street to Stemmons Freeway

Stemmons Freeway        Woodall Rogers Freeway to the Dallas North Tollway

Dallas North Tollway      Stemmons Freeway to Harry Hines Boulevard

(b) A person commits an offense if he conducts a solicitation by coercion.

(c) A person commits an offense if he conducts a solicitation in any outdoor area in the city at any time between sunset and sunrise on any day of the week. It is a defense to prosecution under this subsection if the solicitation:

(1) consisted exclusively of passive, nonverbal acts; or

(2) was being conducted on property with the advance written permission of the owner, manager, or other person in control of the property.

(d) Solicitation-free zones.

(1) A person commits an offense if he conducts a solicitation at any time in any outdoor area located within any of the following solicitation-free zones:

(A) Central Business District solicitation-free zone.

(B) Deep Ellum solicitation-free zone.

(C) Uptown solicitation-free zone.

(D) Victory solicitation-free zone.

(2) It is a defense to prosecution under this subsection if the solicitation was being conducted on property with the advance written permission of the owner, manager, or other person in control of the property.

(e) A person commits an offense if he conducts a solicitation to any person placing or preparing to place money in a parking meter.

(f) A person commits an offense if he conducts any solicitation within 25 feet of:

(1) an automated teller machine;

(2) an entrance or exit of a bank, credit union, or other similar financial institution;

(3) an exterior public pay telephone;

(4) a self-service car wash;

(5) a self-service fuel pump;

(6) a public transportation stop; or

(7) an outdoor dining area of a fixed food establishment.

(g) For purposes of Subsection (f), measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:

(1) the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;

(2) the nearest entrance or exit of a bank, credit union, or other similar financial institution;

(3) the nearest part of an exterior public pay telephone;

(4) the nearest part of the structure of a self-service car wash;

(5) the nearest part of a self-service fuel pump;

(6) the nearest point of any sign or marking designating an area as a public transportation stop; or

(7) the nearest part of any table in an outdoor dining area or, if the outdoor dining area is contained within an enclosure, the nearest part of that enclosure.

(h) In addition to any enforcement action by a peace officer for a violation of this section, any person who is a victim of a solicitation prohibited under Subsection (b), (c), (d), (e), or (f), or who witnesses a violation of Subsection (c), (d), (e), or (f), may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

(i) An offense under this section is punishable by a fine not to exceed \$500. (Ord. Nos. 21030; 25213; 26738; 28075)

 **SEC. 31-36. MENACING ANOTHER PERSON.**

(a) In this section, **BODILY INJURY** and **SERIOUS BODILY INJURY** have the meaning given each term, respectively, in Section 1.07 of the Texas Penal Code, as amended.

(b) A person commits an offense if he intentionally places or attempts to place another person in fear of bodily injury, serious bodily injury, or death by:

(1) following the other person on two or more occasions; or

(2) over a period of time, engaging in a course of conduct or committing two or more specific acts against the other person that would cause a reasonable person to fear bodily injury, serious bodily injury, or death. (Ord. 21443)

**Fort Worth City Code Sec. 22-179. - Solicitation between an occupant of a motor vehicle a pedestrian.**

(a) This section applies:

(1) In the area defined by a boundary beginning at the intersection of Pine and Vickery, proceeding north on Pine to Lancaster, then proceeding west on Lancaster to Commerce, then proceeding north on Commerce to 5th Street, then proceeding west on 5th Street to Throckmorton, then proceeding south on Throckmorton to Lancaster, then proceeding west on Lancaster to the east bank of the Trinity River, then proceeding south along the east bank of the Trinity River to Vickery, then proceeding east on Vickery to the point of beginning; and

(2) On the streets and pedestrian rights-of-way that bound the areas described in this subsection.

(b) In this section "private parking area" means privately owned property for vehicle parking, and adjacent driveways, walkways, setbacks, and landscaped areas.

(c) A person who is in or next to a street, on a sidewalk, or in a private parking area commits an offense if the person solicits, attempts to solicit employment or business from an occupant of a motor vehicle.

(d) A person in a motor vehicle commits an offense if the person hires, or attempts to hire a person who is in or next to a street, on a sidewalk, or in a private parking area.

(e) This section does not apply to:

(1) At a facility operated by or for the city, and designated by the city manager as a place where the solicitation of employment is permitted;

(2) At a facility primarily operated as a employment agency and where the solicitation of employment is permitted; or

(3) A private parking area unless the owner of the parking area has permanently posted a conspicuous sign at each entrance of the parking area, in both English and Spanish, stating that it is a misdemeanor to engage in solicitation for employment.

(f) An offense under this section is punishable by a fine not to exceed five hundred dollars (\$500.00).

(Ord. No. 14896, § 1, 12-18-01)

## Houston Solicitation Ordinance

### Sec. 28-46. - Aggressive panhandling.

(a)

The following words, terms, and phrases when used in this section shall have the meanings ascribed to them in this subsection, unless the context of their usage clearly indicates another meaning:

*Automated teller machine* or *ATM* means a machine, other than a telephone, that is capable of being operated by a patron to communicate to a financial institution:

(1)

A request to withdraw money from an account directly or under a line of credit previously authorized;

(2)

An instruction to deposit money in an account with the financial institution;

(3)

An instruction to transfer money between one or more accounts maintained with the financial institution;

(4)

An instruction to apply money against an indebtedness to the financial institution; or

(5)

A request for information concerning the balance of the account with the financial institution.

*Fuel dispensing device* means a pump or other machine utilized for dispensing fuel to motor vehicles for a fee.

*Pay telephone* means any coin-operated or credit or debit card reader operated telephone located on any public or private property that is accessible for public use.

*Parking meter* means any coin-operated meter utilized to charge for parking a motor vehicle on public property.

*Parking fee collection box* means a device utilized to collect coins or currency as a charge for parking a motor vehicle on private property.

*Public place* means a street, sidewalk, or other place that is open to the public.

*Request* means any imperative instruction, whether verbal or non-verbal, by a solicitee to a solicitor to desist the solicitation including but not limited to words or gestures such as "stop," "back off," "stay back," "get away," "leave me alone," or "withdraw."

*Solicitation* means the act of panhandling by seeking through a communication with another person, whether by gesture or verbally, funds or goods for food, personal favors (such as trips, transportation, clothing, or other), drink, lodging, vehicle fare, or any other purpose to directly benefit an individual or his family members.

*Solicitee* means any individual to whom a solicitor, as defined herein, directs a solicitation.

*Solicitor* means any person who engages in the act of solicitation as defined above.

*Transit facility* means a facility that:

- (1)  
Is owned and operated by the Metropolitan Transit Authority of Harris County, Texas (METRO);
- (2)  
Constitutes a permanent and integral part of the transit system of METRO;
- (3)  
Is designed to serve as a point from which METRO patrons take ingress and egress from the METRO transit system; and
- (4)  
Includes one or more of the following structures: a sign or signs indicating a transit stop or pick-up point, a shelter for transit patrons or benches or chairs for transit patrons.

(b)  
Immediately upon any request from a solicitee to a solicitor, a solicitor who is in a public place at the moment the request is made shall discontinue the solicitation until there is a space of at least eight feet between the solicitor and the solicitee or, in the alternative, discontinue all efforts to engage in the solicitation if within eight feet proximity to a requesting solicitee.

(c)  
For the purposes of subsection (b) of this section, distance shall be measured from any extension of the solicitor's body, including without limitation any sign or other object being used or carried by the solicitor, to any part of the solicitee's body.

(d)

Regardless of whether any request is made by the solicitee to the solicitor, no solicitor shall engage in solicitation within a distance of eight feet from any ATM, pay telephone, parking meter, parking fee collection box, transit facility, fuel dispensing device, or outdoor dining establishment, including, but not limited to, a sidewalk cafe.

(e)

For the purposes of subsection (d) of this section, distance shall be measured from any extension of the solicitor's body, including without limitation any sign or other object being used or carried by the solicitor, to any part of the physical structure of the ATM, pay telephone, parking meter, parking fee collection box, transit facility, fuel dispensing device, or outdoor dining establishment, including but not limited to, a sidewalk cafe.

(f)

Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in [section 1-6](#) of this Code.

*(Ord. No. 92-390, § 2, 4-8-92; Ord. No. 92-1449, § 48, 11-4-92; Ord. No. 02-504, § 3, 6-12-02; Ord. No. 2011-655, §§ 2—4, 8-3-2011)*

**Sec. 21-29. - Aggressive solicitation.** 

(a)

In this section, the following definitions apply:

*Aggressive manner* means:

(1)

Making any physical contact with or touching another person in the course of the solicitation without the person's consent;

(2)

Following the person being solicited, if that conduct is:

a.

Likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

b.

Reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(3)

Continuing to solicit a person after the person has made a negative response;

(4)

Blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;

(5)

Using obscene or abusive language or gestures toward the person being solicited; or

(6)

Approaching the person being solicited in a manner that:

a.

Is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

b.

Is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

*Automated teller machine* means a device, linked to a bank's account records, which is able to carry out banking transactions.

*Automated teller facility* means the area comprised of one or more automatic teller machines, and any adjacent space that is made available to banking customers.

*Bank* includes a bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

*Charitable contribution meter* means a re-dedicated parking meter sanctioned by the city to allow charitable donations to be made by the public to support services for the homeless or some other charitable purpose.

*Check cashing business* means an entity in the business of cashing checks, drafts, or money orders for consideration.

*Parking meter or pay station* means a location on a street, parking lot or parking garage where persons pay for parking by either cash or credit to a person or at a machine or other device designed to accept payment.

*Public area* means an area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.

*Solicit* means to request, by the spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

(b)

A person commits an offense if the person solicits:

(1)

In an aggressive manner in a public area; or

(2)

Within fifty (50) feet of the following areas where the public is considered vulnerable or where solicitation would interfere with the flow of traffic:

a.

An automated teller machine;

b.

An automated teller facility;

c.

- d. The entrance or exit of a bank;
- e. The entrance or exit of a check cashing business;
- f. A charitable contribution meter;
- g. A parking meter or parking pay station on a street;
- h. A public parking garage or parking lot pay station;
- i. The entrance or exit of a restaurant or the service area of an outdoor eating establishment;
- j. In a bus, at a bus station or stop, or at a facility operated by a transportation authority for passengers; or
- k. A marked crosswalk.

(c)

A culpable mental state is not required, and need not be proved, for an offense under this section.

(d)

Any person who engages in any activity specified in subsection (b), maybe subject to prosecution for a Class C misdemeanor and a fine not to exceed five hundred dollars (\$500.00).

*(Ord. No. 100380, §§ 1, 2, 2-3-05; Ord. No. 2011-11-17-0958, § 1, 11-17-11)*