

ORDINANCE NO. 3716

AN ORDINANCE to add a new Section 13-1-41 (PANHANDLING) to Chapter 1 (GENERAL OFFENSES), Title 13 (MISCELLANEOUS OFFENSES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

WHEREAS, panhandling has become increasingly common in the city, and often involves aggressive behavior, including unwanted touching and verbal abuse, that creates in the minds of persons being solicited an apprehension of imminent harm; and

WHEREAS, panhandling in the city has involved the obstruction of the flow of pedestrian traffic on public sidewalks, mass transit stations and public transportation vehicles, and of motor vehicle traffic on city streets, and has involved the accosting of individuals immediately after their use of automatic teller machines; and

WHEREAS, the city council has determined that there is need to protect residents of and visitors to the city from harassment caused by panhandlers, to preserve and improve the quality of life of city residents, and to keep the public spaces of the city safe; and

WHEREAS, the city council has determined to regulate the aggressive conduct frequently associated with panhandling, while preserving the individual's right to freedom of speech; now, therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That a new Section 13-1-41 shall be and hereby is added to Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, to read as follows:

Sec. 13-1-41 Panhandling.

(a) Definitions. The following words and phrases, when used in this section, shall have the following meanings:

(1) "Aggressive manner" means:

(i) approaching, speaking to or following a person in a manner that would cause a reasonable person to fear imminent physical injury, or the imminent commission of a criminal act upon the person or upon property in the person's immediate possession;

(ii) touching another person without that person's consent;

(iii) intentionally blocking or interfering by any means with the free passage of a person; or

(iv) engaging in any conduct with the intention of intimidating another person into giving money or goods to any person.

(2) "Panhandle" or "panhandling" means doing any of the following acts:

(i) begging, soliciting or asking for any item of value, monetary or otherwise;

(ii) attempting to sell or obtain compensation for an item or service for or in an amount that is at least twice its value, or an item or service that is already offered or available at no charge to the general public; or

(iii) attempting to sell or obtain compensation for an item or service under circumstances that would lead a reasonable person to conclude that the payment is in substance a donation.

(3) "Public place" means any street, sidewalk, alley, park, bridge, parking lot or other public property within the city, excluding any building or other structure, that is open to the general public;

(4) "Travel lane" means the portion of a public street over which motor vehicles travel.

(b) Prohibited acts. It shall be unlawful for any person while in the city:

(1) to panhandle in an aggressive manner in or on any public place;

(2) to panhandle in an aggressive manner in any public transportation vehicle, including busses and trains;

(3) to panhandle in an aggressive manner within any train, Metro or other mass transit station or in or on any sidewalk, roadway or parking lot serving any such station and under the control of the owner or operator of such station;

(4) to panhandle within 15 feet of any automatic teller machine; and

(5) to panhandle or, as a result of panhandling, to receive money or any other item of value, while standing or otherwise present in a travel lane, from any operator or occupant of a motor vehicle located in a travel lane.

(c) Any person convicted of violating this section shall be guilty of a class 3 misdemeanor.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER  
Mayor

Final Passage: April 16, 1994