
Sec. 62-71. Begging and soliciting money.

- (a) *Definitions.* The following words, terms and phrases when used in this section shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggressive manner shall be defined as:

- (1) Any one of the following: a) intentionally making any physical contact with another person in the course of the solicitation, except with the person's consent, or b) touching another person in the course of the solicitation, except with the person's consent, or c) approaching another person within an arm's length of the person, except with the person's consent;
- (2) Following the person being solicited, if that conduct is intended to or is likely to cause any of the following: a) a reasonable person to fear imminent bodily harm, a battery, or the commission of a criminal act upon the person or 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 within ten feet of the person being solicited after the person has made a negative response, if continuing the solicitation is intended to or is likely to cause any of the following: a) a reasonable person to fear imminent bodily harm, a battery, or the commission of a criminal act upon the person or property in the person's possession, or b) reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (4) Intentionally blocking the 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) Intentionally doing any of the following: a) speaking at an unreasonably loud volume under the circumstances; or b) using words: 1) intended to or likely to cause a reasonable person to fear imminent bodily harm, a battery, or the commission of a criminal act upon the person or property in the person's possession, or 2) likely to intimidate the person into responding affirmatively to the solicitation; or
- (6) Approaching the person being solicited in a manner that is likely to do any of the following: a) cause a reasonable person to fear imminent bodily harm, a battery, or the commission of a criminal act upon the person or property in the person's possession, or b) intimidate the person being solicited into responding affirmatively to the solicitation.

Public area means an area open to use by the general public, including, but not limited to, streets, bridges, buildings, driveways, parking lots, parks, plazas and sidewalks open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

To solicit money or anything of value shall include, without limitation, the spoken, written, or printed word or such other acts or bodily gestures as are conducted in furtherance of the purposes of obtaining charitable or gratuitous donations, contributions or alms.

Anything of value shall have the same meaning as provided in R.S. 14:2(A)(2), as from time to time amended.

- (b) *Prohibited activity.*

- (1) It shall be unlawful for any person to solicit money or anything of value, or to solicit the sale of goods or services, in an aggressive manner in a public area.
- (2) It shall be unlawful for any person to solicit money or anything of value, or to solicit the sale of goods or services, from a person in a public area after that person has made a negative response.
- (3) It shall be unlawful for any person to solicit money or anything of value, or to solicit the sale of goods or services, in any public vehicle or at a bus stop.

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- (4) It shall be unlawful for any person to solicit money or anything of value, or to solicit the sale of goods or services, if the person making the solicitation knows or reasonably should know that the solicitation is occurring within 50 feet of an automated teller machine, or within 50 feet of any entrance or exit to a building containing an automated teller machine, unless a private owner of the property covered by this clause consents to such solicitations.
 - (5) It shall be unlawful for any person to solicit money or anything of value, or to solicit the sale of goods or services, on private property or residential property, under any of the following circumstances: a) if the presence of the person constitutes a trespass as defined in section 62-33 of this Code; b) if the owner, tenant, or lawful occupant has asked the person not to solicit money or anything of value on the property, or c) if the owner, tenant, or lawful occupant has posted a sign clearly indicating that solicitations or panhandling are not welcome or permitted on the property.
 - (6) It shall be unlawful for any person to solicit money or anything of value, or to solicit the sale of goods or services, from any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows or otherwise; provided that, this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such motor vehicle.
 - (7) It shall be unlawful for any person to solicit money or anything of value from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public space, or directing the occupant to a public parking space.
- (c) *Penalty.* A violation of this section may be punished by a fine not to exceed \$500.00, or by imprisonment for a term not to exceed 30 days, or by both, or by a required public service work as directed by the court.
- (d) *Exemptions.* This section shall not apply to:
- (1) A professional firefighters association or other nonprofit organization who solicits contributions, as a member of such association, on behalf of bona fide charitable organizations.
 - (2) A person who is conducting an activity that has been authorized by the issuance to such person of a permit pursuant to section 70-61 of this Code.

(City Code 1965, § 10-71; Ord. No. O-120-2007, §§ 2, 3, 6-19-07)

State law reference(s)—Similar provisions, R.S. 14:107.