

State of New Jersey
Township of Lawrence

Ordinance No. 2182-14

**AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE
PROHIBITING AGGRESSIVE PANHANDLING**

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, as follows:

WHEREAS, the Lawrence Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, strives to protect citizens from fear and intimidation accompanying certain kinds of solicitation that have become an unwelcome and overwhelming presence in the Township; and

WHEREAS, the goal of the Lawrence Township Council is to restore an atmosphere of mutual respect within the community; and

WHEREAS, within the last few years there has been a substantial increase in aggressive solicitation or panhandling throughout the Township of Lawrence as well as an increase in targeted panhandling in certain areas of the Township; and

WHEREAS, aggressive panhandling, which usually includes approaching or following pedestrians, the use of abusive language, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic, is extremely disturbing and disruptive to residents and businesses and contributes not only to the loss of access and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder; and

WHEREAS, the increase of targeted panhandling at locations where residents are captive audiences, in which it is impossible or difficult for them to exercise their own right to decline to listen to or avoid solicitation from others, intimidates persons who are approached, interferes with privacy and security, impedes traffic flow, causes congestion, and negatively impacts businesses within the town. Such places include buses and bus shelters, parking lots, major intersections where cars and bicyclists must stop for traffic, and pedestrian foot bridges where pedestrians are unable to take an alternate route; and

WHEREAS, aggressive and targeted panhandling of commercial customers as they enter and exit retail establishments, including malls, restaurants, bars and cafes, has become increasingly disturbing to residents and businesses, has generated an enhanced sense of fear, intimidation and disorder, and has caused many retail customers to avoid shopping or dining within the Township, This situation threatens the economic vitality of the Township; and

WHEREAS, this law is timely and appropriate because current laws and Township regulations are insufficient to address the above-mentioned problems. The restriction contained herein are neither overbroad nor vague, and are narrowly tailored to serve a substantial governmental interest;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 15 of the Lawrence Township Administrative Code entitled “Offenses – Miscellaneous” be and is hereby amended by the addition of the following new section

15-20 Panhandling

Section I. Definitions

A. “Aggressive Manner” shall mean:

- 1. Approaching or speaking to a person, or following a person before, during or after panhandling, if that conduct is likely to cause a reasonable person to:**
 - (a) Fear bodily harm to oneself or to another, damage to or loss of property or;**
 - (b) Otherwise be intimidated into giving money, goods or other things of value**
- 2. Approaching an occupied vehicle by entering into the roadway when traffic is either stopped or moving, before, during or after panhandling;**
- 3. Knocking on the window of, or physically reaching toward or into an occupied vehicle before, during or after panhandling;**
- 4. Continuing to solicit from a person after the person has given a negative response to such panhandling;**
- 5. Intentionally touching or causing physical contact with another person without that person’s consent in the course of panhandling;**
- 6. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including causing a pedestrian or vehicle operator to take evasive action to avoid physical contact before, during or after panhandling;**
- 7. Using violent or threatening gestures toward a person before, during or after panhandling;**
- 8. Using profane, offensive or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during or after panhandling;**
- 9. Following a person while panhandling with the intent of asking that person for money, goods or other things of value**

- B. "Intersection" shall mean the intersection of the lateral curb lines, or if none, the lateral boundary lines of the roadway, of two roads that join one another at approximately right angles.**
- C. "Panhandling" shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Panhandling shall include using the spoken, written, or printed words, bodily gestures, signs, or other means with the purpose obtaining an immediate donation of money or other thing of value.**
- D. "Public Place" shall mean a place where a governmental entity has title or to which the public or a substantial group of persons has access, including, but not limited to, any street, highway, parking lot, transportation facility, shopping center, school, place of amusement, park or playground.**

Section II. Unlawful Panhandling

It is unlawful and a public nuisance for any person to:

- A. Panhandle in an aggressive manner in any public place; any supermarket, mall, retail store, restaurant or bar; any public transportation vehicle or at any bus stop; any parking lot or parking structure accessible to the general public and within any intersection in the Township.**

Section III. Exceptions

This ordinance shall not affect the individuals, groups, sporting organizations, military organizations, religious groups and any other organization that completes an application to solicit with the Lawrence Township Municipal Clerk in an effort to raise money for their said groups.

Section IV. Enforcement

- A. The Chief of Police or his designee is authorized to enforce this ordinance.**
- B. Citizens may bring complaints against violators of this ordinance**

Section V. Penalties

The penalty for the first violation of this section shall be a fine not to exceed two thousand dollars (\$2,000) and/or a period of community service not to exceed thirty (30) days; for a subsequent offense within a one year period from the initial violation, the penalty shall be a fine not to exceed two thousand dollars (\$2,000) and/or a period of community service not to exceed sixty (60) days.

Section VI. Repealer

All ordinances or part of same inconsistent with any of the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section VII. Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect.

Section VIII. Effective Date

This ordinance shall take effect 20 days after adoption thereof.

Adopted: April 16, 2014

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						X
Mr. Kownacki	X						
Dr. Maffei	X						
Mr. Powers	X					X	
Mayor Lewis	X						