

ORDINANCE NO. 1193

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING CHAPTER 12 (OFFENSES – MISCELLANEOUS) OF THE CODE OF THE CITY OF CAMBRIDGE, MARYLAND FOR THE PURPOSE OF REGULATING PANHANDLING IN THE CITY OF CAMBRIDGE; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO PANHANDLING IN THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Md. Code Ann., Local Gov't ("Local Gov't") § 5-202 and § 3-27(1) of the Charter of the City of Cambridge (the "Charter"), the Commissioners of Cambridge are generally authorized and empowered to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the City of Cambridge (the "City"); for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City and visitors thereto and sojourners therein; and

WHEREAS, pursuant to § 3-27(48) of the Charter, the Commissioners of Cambridge are specifically authorized and empowered to pass ordinances to prohibit, suppress, and punish within the City all disorder, disturbances, and annoyances; and

WHEREAS, pursuant to Local Gov't § 6-101 and § 3-83 of the Charter, the Commissioners of Cambridge are authorized and empowered to provide that a violation of any ordinance shall be punishable as a misdemeanor and subject to a fine of up to \$1,000.00 and/or up to six months' imprisonment; and

WHEREAS, the Commissioners of Cambridge are desirous of regulating panhandling within the City to promote the safety and well-being of the City's residents, visitors, and business patrons and foster a safe and harassment-free climate in the City's public places; and

WHEREAS, the Commissioners of Cambridge find that the amendments set forth herein are necessary to promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge, that:

SECTION 1. Chapter 12 (Offenses - Miscellaneous) of the Code of the City of Cambridge, Maryland is hereby amended as follows:

Sec. 12-23. Panhandling.

(1) *Panhandling.*

- (a) 1. Panhandling defined. As used in this section, "panhandling" means any solicitation made in person in any public place in the city in which a person requests an

immediate donation of money or other gratuity from another person, including, but not limited to, seeking donations by vocal appeal or offering an item of little or no monetary value in exchange for a donation under circumstances where a reasonable person would understand that the transaction is in substance a donation.

2. Passive panhandling. Panhandling shall not include the act of passively standing, sitting, or performing music, singing, or other performance with a sign or other indication that a donation is being sought without any vocal request other than in response to an inquiry by another person.
- (b) Panhandling during darkness prohibited. It shall be unlawful to engage in an act of panhandling on any day between sunset and sunrise.
- (c) Prohibited locations. It shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations:
1. at a bus stop;
 2. at a taxi stand;
 3. in a sidewalk café; or
 4. within twenty feet of an automatic teller machine or entrance to a bank.
- (d) Panhandling directed at persons in motor vehicles prohibited.
1. It shall be unlawful for any person to engage in an act of panhandling directed at the occupant of any motor vehicle from a parking lot, from a median divider or traffic island separating the drive lanes of a roadway, or from a sidewalk, bicycle or walking path, roadway shoulder, curb, or private property located adjacent to a path of vehicular travel on a roadway.
 2. This subsection does not regulate a person standing in the roadway from soliciting a ride, employment, or business from the occupant of a vehicle or a person standing on or near a highway to solicit any other person to watch or guard any vehicle while it is parked or about to be parked on a highway, which acts are already prohibited by Md. Code Ann., Transportation § 21-507(a) and (b).
- (2) *Aggressive panhandling*. It shall be unlawful for any person to engage in an act of aggressive panhandling at any time, including any of the following actions:
- (a) Touching the solicited person without the solicited person's consent;
 - (b) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;

- (c) Blocking the path of a person being solicited or the entrance to any building or vehicle;
- (d) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;
- (e) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication that would cause a reasonable person to fear for his or her safety or feel compelled to donate;
- (f) Panhandling in a group of two or more persons; or
- (g) Continuing vocally to solicit from a person after receiving a negative response.

(3) *Penalties.*

- (a) Penalty for panhandling. Any person who commits an act of panhandling prohibited by subsection (1) above shall be guilty of a misdemeanor and, upon conviction, subject to a fine of \$100.00 for an initial violation and a fine of \$200.00 for each subsequent violation.
- (b) Penalty for aggressive panhandling. Any person who commits an act of aggressive panhandling prohibited by subsection (2) above shall be guilty of a misdemeanor and, upon conviction, subject to a fine of \$250.00 for an initial violation and a fine of \$500.00 and/or imprisonment not exceeding 30 days for each subsequent violation.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the City Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Section 1, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners of Cambridge that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective immediately upon passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

David J. Deutsch, Acting City Manager

By: _____
Lajan Cephas, President of the Commissioners

Introduced the ___ day of _____, 2022
Passed the ___ day of _____, 2022
Effective the ___ day of _____, 2022