

# DELRAY BEACH POLICE DEPARTMENT

## Panhandling Ordinance

Delray Beach Police Department  
300 W Atlantic Ave, Delray Beach, FL 33444  
(561) 243-7800



# PANHANDLING ORDINANCE NO. 07-21

## THE INTENT OF THE CITY ORDINANCE

- Recognize the constitutional rights of panhandlers who solicit and beg in a peaceful, non-threatening manner.
- Prevent aggressive panhandling and panhandling in certain locations that is disruptive, disturbing, causes a loss of access to and enjoyment of public places, and presents a sense of fear and danger to the health, safety and welfare of citizens and tourists alike.

## AGGRESSIVE PANHANDLING IS PROHIBITED

### What constitutes aggressive panhandling?

- To approach or speak to a person and ask for money or another valuable item in a manner that causes a reasonable person to feel threatened with imminent harm.
- To approach or speak to a person and ask for money or another valuable item in a manner that causes a reasonable person to feel threatened with imminent harm.
- To continue demanding, requesting, or begging for money after a person says no.
- To obstruct, block or impede someone from passing, including passing by foot, on a bicycle, or preventing someone from entering a car.
- Touch or cause physical contact or to threaten to touch or cause physical to another without consent while soliciting money.
- Engage in conduct that would reasonably be construed as intended to intimidate, compel, or force someone to yield under pressure to demands.

## WHEN IS PANHANDLING PROHIBITED?

- It shall be unlawful for any person to engage in Panhandling in, on or at the following locations:

- Within 20 feet of a City parking lot, parking garage, parking meter or parking pay station.
- Within 20 feet of the entryway or exit of a commercially zoned property, including restaurant drive-ins.
- Within 20 feet of a bus or trolley stop or any public transportation facility.
- Within 20 feet of an ATM.
- Within 20 feet of a public restroom owned and operated by a governmental agency.
- Within 100 feet of a daycare or school.
- Sidewalk approach within 150 feet of any signalized intersection of: arterial roads (high traffic, major intersections) collector roads (low traffic, residential); and arterial and collector roads as defined by FDOT.
- Pavilions and 20 feet around them.
- It is unlawful per the city ordinance to engage in the following conduct when a person panhandles, solicits, or begs:
  - Aggressively approach an operator or other occupant of a motor vehicle for the purpose of panhandling, soliciting, or begging, or offering to perform a service in connection with such vehicle.
  - At any lawfully permitted outdoor dining area, amphitheater, amphitheater seating area, playground or lawfully permitted outdoor merchandise area, provided such areas are in active use at the time.
  - While standing in line waiting to be admitted to a commercial establishment.

- While touching someone without consent.
- While using profanity at any transit stops, or taxi stand or in a public transit vehicle.
- While using a gesture or act intended to cause a reasonable person to be fearful of the solicitor or feel compelled to accede to the solicitation.
- While under the influence of alcohol or after having illegally used any controlled substance, as defined in the Chapter 893 of the Florida Statutes.

### After dark

- After Dark means from one half hour after sunset until one-half hour before sunrise. The times of sunset and sunrise will be established by the times listed in any local publication of general distribution.

## PENALTY

- Penalty prescribed in Section 10.99 of the City Code
- Punishable by a fine of up to \$500.00 and/or imprisonment for a term not exceeding sixty (60) days

**The Delay Beach Police Department will continue to assist those in need of services through the efforts of the Police Department's Community Outreach Team. This ordinance will serve as an additional resource for the City. The ordinance does not preclude officers from using their discretion when it comes to addressing aggressive panhandling or other quality of life issues.**