



**TOWN OF ROCKY HILL
MEETING MINUTES/MOTIONS**

In order to comply with Connecticut General Statutes regarding minutes of meetings, the following will be used to record information during all public meetings that take place. An original must be submitted to the Town Clerk of Rocky Hill within 48 hours of the meeting being adjourned. Motions should be complete, showing the maker and second of the motion as well as how each member voted. Unanimous votes may be listed as unanimous.

NAME OF PUBLIC BOARD OR COMMISSION	Town Council – Public Hearing
DATE MEETING AGENDA POSTED	April 24, 2009
LOCATION	Council Chambers – Town Hall
DATE OF MEETING	April 29, 2009
TIME MEETING STARTED	6:45 p.m.
PERSON PREPARING MEETING MINUTES	Jessica M. Dumas
VERBATIM NOTES TAKEN	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
AUDIO, VIDEO OR LIVE TRANSMISSION OF MEETING	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

MEMBERS PRESENT AT MEETING

1. Anthony P. LaRosa	2. Phil Sylvestro, Deputy Mayor
3. Tony Colandrea	4. Larrye deBear
5. Mary Ellen Flynn	6. Frank Szeps
7.	8.
9.	10.

NUMBER REQUIRED FOR QUORUM 6 QUORUM PRESENT Yes No

TEXT MOTIONS AND RESULTS VOTES

1st MOTION Passed Failed Tabled

Deputy Mayor Sylvestro made a motion to close the public hearing. The motion was seconded by Councilor deBear and adopted unanimously. Councilors Moriarty, Sanzo and Surwilo were absent.

Town of Rocky Hill
Proposed Ordinance
Loitering and Panhandling

LOITERING

As used in this chapter, the following terms shall have the meanings indicated:

LOITER – To sit, stand, lie, pace or otherwise remaining essentially the same place, and shall include the colloquial expression “hanging around.”

PUBLIC PLACE – Any area that is used or held out for use by the public, whether owned or operated by public or private interests.

Prohibited Conduct

No person shall loiter in any public place and:

- A. Create or cause to be created, a breach of the peace, as that term is defined in the Connecticut General Statutes:
- B. Create, or cause to be created, a public disturbance, as that term is defined in the Connecticut General Statutes:
- C. Commit disorderly conduct, as that term is defined in the Connecticut General Statutes
- D. Obstruct free passage, as that offense is defined in the Connecticut General Statutes.
- E. Engage in activities which would warrant a reasonable officer to believe that the purpose of the behavior is to engage in a violation of the Connecticut General Statutes regulating dependency-producing drugs.
- F. Engage in activities which would warrant a reasonable officer to believe that such person is engaging in prostitution, patronizing a prostitute, promoting prostitution, or enticing a minor, as those terms are defined in the Connecticut General Statutes.

Law Enforcement action; penalties for offenses.

Whenever any police officer in the exercise of reasonable judgment decides that the presence of any person in any place is causing, or is likely to cause, any of the prohibited acts enumerated in Connecticut General Statute Section 192-2, he or she may, if deemed necessary for the preservation of the public peace and safety, order that person(s) to leave that place. Officers shall inform such persons that they will be issued an infraction if they fail to obey the order promptly or engage in further loitering. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of this chapter and shall be subject to a fine not exceeding \$99.

PANHANDLING

- A. Generally, the purpose of this section is to preserve the public order, to protect the

citizens of Rocky Hill and to ensure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression or conduct.

- B. Definitions: For purpose of this section, the following terms shall have the meanings indicated:

Aggressive Manner

- (1) Approaching, speaking to or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession; or
- (2) Touching another person without that person's consent in the course of asking for alms; or
- (3) Continuing to ask, beg, or solicit alms from a person after the person has made a negative response; or
- (4) Following the person solicited before, after or while asking, begging or soliciting alms; or
- (5) Intentionally blocking or interfering with the safe or free passage of a person or vehicle by any means, including unreasonably causing a person or driver of a vehicle to take evasive action to avoid physical contact; or
- (6) Directing abusive or profane language toward the person solicited, either while asking, begging or soliciting alms, or following a refusal by the person solicited.

ASK, BEG, or SOLICIT ALMS – Includes the spoken, written, or printed word or such other act conducted for the purpose of obtaining an immediate donation or money or thing of value.

FALSE OR MISLEADING MANNER – Includes, but is not limited to, the asking, begging, or soliciting of alms, including money and other things of value, through utilization of any of the following representations:

- (1) Stating or expressing that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose the fact; or
- (2) Stating the fact that the solicitor is from out of town and stranded, when that is not true; or
- (3) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated; or
- (4) Use of any makeup or device to simulate deformity.

SOLICITOR – Anyone who asks, begs, or solicits alms, including money and other things of value.

C. Unlawful Acts.

- (1) No person may ask, beg or solicit alms, including money and other things of value, in an aggressive manner in any place open to the general public, including, but not limited to, sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and gasoline service stations and the grounds

enclosing buildings.

- (2) No person may ask, beg, or solicit alms, including money and other things of value, in a false or misleading manner
- (3) No person may ask, beg, or solicit alms in any public transportation vehicle, or within 25 feet of any bus stop.
- (4) No person may ask, beg, or solicit alms from any operator or occupant of a motor vehicle that is in traffic on a public street.

D. Interpretation. No provisions of this section shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws or Constitution of the United States or the laws or Constitution of the State of Connecticut.

E. Penalties. Any person convicted of violating any provision of Subsection C shall be fined \$99 per offense.

LINK TO WORKING NOTES (will be attached if available)

ACTION

CORRECTION(S) (will be attached if available)

TIME MEETING ADJOURNED: 6:54 p.m.

TIME DELIVERED TO TOWN CLERK: _____.