

At its regularly scheduled meeting on Monday, September 10, 2018, the Bennington Select Board Amended Article 17 IMPROPER USE OF PUBLIC WAY AND ABATEMENT OF PUBLIC NUISANCES as follows:

Amended by repealing the following:

Article 17-3 Definitions

- F. Aggressive manner shall mean any of the following:
1. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;
 2. Continuing to solicit from a person or continuing to engage that person after the person has given a negative response to such soliciting;
 3. Intentionally or recklessly touching or causing physical contact with another person or that person's property without that person's consent in the course of soliciting;
 4. Intentionally or recklessly blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
 5. Using violent, obscene or threatening gestures toward a person solicited;
 6. Following the person being solicited, with the intent of asking that person for money or other things of value;

7. Speaking in a volume unreasonably loud under the circumstances;
8. Soliciting from anyone who is waiting in line.

G. *Soliciting* shall mean asking for money or objects of value in a public place, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written or printed word, bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value. However, this ordinance is not intended to proscribe any activity permitted by the Vendor's Ordinance or any demand for payment for services rendered or goods delivered. Nor is this ordinance or the definition of solicitation intended to include or proscribe fixed advertising attached to an existing premises. Nor is it intended to include or proscribe signs or written material allowed under any other applicable Town ordinance, regulation, license or permit.

Article 17-4 Prohibitions

- J. No person shall solicit in an aggressive manner in any public place.
- K. No person shall solicit on private or residential property without permission from the owner or other person lawfully in possession of such property.
- L. No person shall solicit within fifteen (15) feet of any entrance or exit of any financial institution or within fifteen (15) feet of any automated teller machine without the written consent of the owner of the property or another person legally in possession of such facilities.
- M. No person shall solicit while under the influence of alcohol or a controlled substance.

- N. No person shall misrepresent the use of proceeds from solicitation.
- O. No person shall solicit in any public transportation vehicle, or within fifteen (15) feet of any handicapped parking space, taxicab stand, bus, train or subway station or stop or in any public parking lot or dedicated walkway to such parking lot or structure.
- P. No person shall solicit within ten (10) feet of an entrance to a building.
- Q. No person shall solicit within fifteen (15) feet of any valid vendor location.
- R. No person shall solicit within fifteen (15) feet of any pay telephone or public information booth, board or other structure.
- S. No person shall solicit in an area unless the area is sufficiently illuminated to allow the solicitee to fully observe the solicitor at a distance of fifteen (15) feet.

This action is taken by the Select Board of the Town of Bennington on September 10, 2018, and shall be printed in full in the minutes of the Select Board, posted in five (5) conspicuous places within the Town of Bennington and a summary published in the Bennington Banner within fourteen (14) days of its adoption and shall become in full force and affect sixty (60) days after the date of adoption to the right of petition provided by law.

Thomas H. Jacobs, Chair

Donald Campbell, Vice Chair

Jim Carroll

Jeanne Conner

Chad Gordon

Jeannette Jenkins

Carson Thurber