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'Hamp debates solicitation law

Tuesday, November 25, 2008

By **FRED CONTRADA**
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NORTHAMPTON - The debate over a proposed solicitation ordinance went on and on at the Public Safety Committee meeting Monday and the end is not yet in sight.

Dozens of people packed Council Chambers to speak out about the measure, which would ban "aggressive" panhandling and restrict all solicitation to certain areas of the downtown sidewalks.

Prior to the meeting, members of the group Poverty is Not a Crime taped off the areas where soliciting would be prohibited and handed out literature maintaining that the proposal is an effort to "gentrify" Northampton by marginalizing the poor. The group then marched through the streets, chanting and holding signs decrying the ordinance.

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Jillian Michaels

The Public Safety Committee took up the matter at its meeting but, after hearing several concerns about the language of the ordinance, did not take action on it. Instead, the proposal will come up next at the Committee on Economic Development, Housing and Land Use meeting on Dec. 8 and will perhaps return to the Public Safety Committee in January or February.

If the language of the ordinance has changed appreciably in the meantime, the committee will likely reopen the matter for public comment. The proposal will also go before the Ordinance Committee at some point before it comes before the City Council.

Economic Development Coordinator Teri A. Anderson told the Public Safety Committee that the city has been considering some sort of restriction on panhandling for years at the behest of the business community, although she called solicitation a community concern. Several downtown merchants spoke in favor of the ordinance. Judith Fine, who owns Gazebo, called the proposal "humane and fair" and said she is offended by the suggestion that she is "anti-poverty."

"Downtown business owners are the most generous individuals in the

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community," she said. "We give and give."

Suzanne L. Beck, the executive director of the Greater Northampton Chamber of Commerce, told the committee that panhandling is the number one concern of the business community regarding the downtown atmosphere.

"I think this ordinance helps to balance the rights of all constituencies," she said.

But opponents of the measure argued that it is not only unfair but unnecessary. Marjorie Hess, who lives downtown, said she has never experienced "aggressive" panhandling.

"The problem is not panhandling," she said. "The problem is poverty, and panhandlers are its victims."

Rachel Rybaczuk, another downtown resident, said that adults should be able to handle requests for spare change without a new law.

"We don't need more intervention by the police on how we deal with each other on a day-to-day basis," she said.

American Civil Liberties Union lawyer William C. Newman said the ordinance, as written is overbroad to the point of being unconstitutional.

"When you're telling someone they can't sit on a bench and solicit a contribution, that's just wrong," he said. "Solicitation is not second-hand speech. It's important speech."



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