**Decriminalization of homelessness and extreme poverty – Input made by the** **Bundesarbeitsgemeinschaft Wohnungslosenhilfe (National Federation for the Homeless in Germany)**

The Bundesarbeitsgemeinschaft Wohnungslosenhilfe (BAG W) is a nationwide acting working group of social services and facilities for people living under special social difficulties according to § 67-69 of the German Social Code XII (SGB XII) and of the political, professional and public institutions that work with and in this field of assistance.

The present submission was prepared with the significant support of Dr. Manfred Hammel (Caritasverband Stuttgart e.V.), who carried out the research and analysis of all the regulations (see appendix).

In Germany, staying on or using public streets and squares, but also staying in public parks, is largely regulated by administrative law. In addition to legal regulations at federal and state level, this is primarily regulated at municipal level. In terms of content, these regulations are concerned with maintaining law and order on public streets, squares and parks and with hazard prevention. This is why these regulations are often called "Ordnungsrechtliche Verordnung" or "Polizeiverordnung". Due to the almost 11,000 municipalities (communes), this creates an extremely confusing situation. Although some of these legal regulations are freely accessible on the internet, this only applies to a fraction of the municipalities. However, it can be assumed that corresponding regulations exist in many municipalities. For the report, a search was made for ordinances freely accessible on the internet. It was possible to research 74 municipal ordinances and analyse whether they contain regulations that lead or could lead to the criminalisation of homelessness and poverty.[[1]](#footnote-1) As a result, you can find regulations on

* "aggressive begging" or certain forms of begging (including "organised begging, begging with or by children/minors" or by "feigning distress" or physical infirmity, etc.)
* staying, encamping and sleeping overnight
* disruptive behaviour on public streets, squares and parks under the influence of narcotics/alcohol
* littering on public streets, squares and parks and searching rubbish bins
* defecation and/or personal hygiene in public spaces, and
* the use of public places for sitting.

In some cases, the "offences" listed above are not found individually in the paragraphs of the respective ordinances, but are "interwoven" with each other. Thus, disruptive behaviour often becomes a prohibited use of common space in combination with leaving bottles or broken glass or excessive alcohol consumption. There are clearly recognisable focal points, i.e. regulations that appear in many ordinances, but also special aspects that can only be found in a few ordinances.

The definitions of the individual "offences" and the scope of the prohibitions can be very different. The question of what constitutes "aggressive begging" already shows some differences. For example, there are definitions according to which direct interference, persistent approach, behaviour close to the body, repeated approach or even mere approach are considered "aggressive begging". Individual regulations also use terms such as "harassing" or "active begging", which in individual cases is already given by being approached (Verordnung Erfurt, appendix p. 19). The city of Munich even prohibits silent begging, i.e. begging without being approached, in the pedestrian area of the old town.

Another example would be that in some regulations pretending to have an affliction is forbidden, in others also displaying it. Similarly, there are great differences in begging with animals. Sometimes it is prohibited to go with animals, sometimes only the threatening by animals, sometimes only begging with circus animals is not allowed, or "only" "the required and completely and truthfully completed animal health certificates or other papers necessary for keeping the animals" (Verfügung Gemeinde Frasdorf, appendix p. 21). must be carried.

In other areas, the picture is similar, e.g. some regulations prohibit the consumption of alcohol as far as it causes disturbances, but other regulations also prohibit consumption within sight of schools, in playgrounds or in public places in general.

It should be mentioned that of all the regulations researched, the regulation of the city of Berlin is the smallest in scope. It only prohibits begging "by children and in the company of children [note: under 14 years]" (Verordnung Berlin, appendix p. 4).

The following tabular overviews provide information on how often a regulation was found for a certain "offence". All listed "offences" are included, even if they are subsumed under one paragraph in the regulations. Only in the case of begging with or by children or minors only one category is counted, so that it is clear whether the age limit for the prohibition is 14 or 18. The tables are primarily intended to provide an overview of how often a certain behaviour is considered a regulatory offence and is to be prevented by the regulations. The definitions of the "offences" can, as said, be quite different. It is also not possible to distinguish whether the respective form conforms to current jurisdiction. A more detailed analysis of the regulations can be found in the appendix, which contains both the names of the respective legal regulations, which are then each backed up with a link to the source, as well as citing the decisive passages.

**Overview of the individual regulations in the 74 ordinances analysed**

**Begging**

|  |  |
| --- | --- |
| aggressive begging | 71 |
| begging with or by children | 27 |
| begging with or by minors | 15 |
| begging with animals | 28 |
| organised begging | 26 |
| pretending/ displaying a physical affliction | 17 |
| pretending to be in distress | 11 |
| pretending to give an artistic performance | 8 |
| obstructing traffic | 16 |

**Encampment/Sleeping over night**

|  |  |
| --- | --- |
| Sleeping over night | 48 |
| camping / encampment | 55 |
| misuse of seating | 17 |
| Staying at stations, stops, etc. | 5 |

**Disruptive behaviour/ unwanted or regulated activities**

|  |  |
| --- | --- |
| disturbances etc. | 44 |
| Relieving oneself | 52 |
| washing in fountains etc. | 4 |
| alcohol/ drug use | 41 |
| searching litter bins | 9 |
| Street Music | 12 |

Violation of these rules is in all cases a regulatory offence, which can subsequently be responded to with a fine or with enforcement, e.g. an order to leave the place, but also with [direct enforcement](https://www.gesetze-im-internet.de/uzwg/__2.html)[[2]](#footnote-2). The majority of municipalities impose a fine of up to €1000 (in 26 ordinances) or up to €5,000 (32 ordinances). In some cases, minimum fines of €5 or occasionally €25 are mentioned. Some stipulations also specify concrete amounts or ranges for fines for certain acts. For example, in the city of Castrop-Rauxel, a fine of 25, - € is due for unlawful overnight stays or the consumption of alcohol or other intoxicating substances in the waiting area of public transport. A fine of 20 - € is imposed for unlawful begging. In the municipality of Elbtal, "organised begging" is punishable by a fine of 25, - € to 100, - €, " encamping or staying permanently in public streets and facilities [Note: parks and the like are meant]" as well as "temporary living in tents etc." (Gefahrenabwehrverordnung Elbtal, appendix p. 17) with a fine of 50, - € to 100, - €.

In general, the competent authority is given discretionary powers with regard to sanctions or exceptions can be allowed. However, a fine that may be imposed could theoretically lead to a coercive detention / imprisonment in default of payment (if an act is also relevant under the Criminal Code), i.e. the person concerned could end up in imprisonment if he or she is unable to pay the fine due to lack of money.[[3]](#footnote-3) In any case, fines worsen the already precarious situation of destitute people. In four ordinances, the confiscation of income from prohibited begging or of objects "which have been used or intended for the commission or preparation of the offence" (Gefahrabwehrverordnung Stadt Fulda, annex p. 23) is also possible. This means that theoretically camping equipment, such as a sleeping bag, could be confiscated, which could lead to a considerable aggravation of the situation of acutely homeless people.

**Legal situation/jurisdiction in Germany**

In Germany, a distinction is made between common use, which is not subject to permission, and special use, which is subject to permission, with regard to the use of or occupation of paths, streets and squares. In essence, this means that these places are available for use by the public (i.e. all people). In the jurisdiction, the question is whether a certain form of use restricts public use, as this is to be protected. The following is primarily an assessment of the legal situation in Germany based on various court rulings.

**Entering** and **moving around** in public space is possible without a permit. There is no clarity regarding the question of whether **sitting** on the street (in a pedestrian zone) or **lying and encampment** are still permitted within the framework of public use without permission. This is quite controversial, because according to the current legal situation, this can result in an impairment of the use of common space for the general public. In principle, sitting in public space is possible within the framework of common use without permission. This is especially true when seating such as benches are used, but basically this also applies to sitting on the ground, especially if it is for a short period of time. In the case of common spaces, however, sitting can be restricted or completely prohibited if the public use of others is restricted or if, in individual cases, an aspect of the law on the prevention of danger has to be considered.

This is basically similar for lying down. Lying down for a short time to satisfy a need for rest may still be covered by common use. However, according to common opinion, especially in the case of groups, public use can quickly be exceeded. The same applies to lounging, especially if objects are used.[[4]](#footnote-4) Nevertheless, many ordinances explicitly prohibit "the camping of groups of people who cause disturbances" (Verordnung Bergisch Gladbach, appendix, p. 3). Likewise, blocking business entrances, especially during business hours, or access to public transport facilities is not permitted.

The legal situation in Germany is also ambiguous with regard to **sleeping** in public spaces, even though the majority assumes that it constitutes a special use of public space. According to this view, it is assumed that in Germany there is basically a right to accommodation and therefore living on the street does not have to be permitted. In addition to the view that sleeping overnight is a special use that basically requires a permit, there is also the position that a special use only begins when permanent sleeping places, cooking places or the like are set up in common space.[[5]](#footnote-5) Certain forms, such as resting "for the purpose of restoring physical fitness to drive" (Polizeiverordnung Stadt Neunkirchen, appendix p. 50) are often explicitly permitted.

When spending the night in public transport areas, the domiciliary right usually applies. In the case of public green spaces, regulations often apply that specify the purpose of use (usually recreation).[[6]](#footnote-6)

General **bans on begging** are clearly inadmissible according to established jurisdiction. This was already pointed out by the Administrative Court of Baden-Württemberg in 1998 in the so-called "begging trial" and it was recently confirmed by the European Court of Human Rights in a ruling at European level.[[7]](#footnote-7) However, there are also numerous regulations that prohibit so-called **aggressive begging**. As explained above, this term is often defined very broadly in regulations and even the mere accosting of passers-by is prohibited. Such a practice would probably not stand up to judicial review, but this does not usually take place. Bans on **organised/commercial begging** always raise the question of whether this actually is present. This is often difficult to prove in practice.

General bans on **alcohol consumption** are usually considered unlawful, as the mere consumption does not yet constitute a danger, but may arise from subsequent actions. The situation is different with prohibitions that are limited in time and to certain areas where, for example, breaches of the peace occur on a regular basis.[[8]](#footnote-8)

It should be pointed out once again that due to the federal structure of the Federal Republic of Germany, each city or municipality can in principle enact its own ordinance. This also means that individual municipal ordinances may contain prohibitions that are rather contrary to current jurisdiction. However, as long as these are not reviewed by the courts or changed by the municipality/city, e.g. considering existing jurisdiction, they remain in force.

**Conclusion**

Almost all regulations examined contain provisions that are fundamentally suited to discriminate against/stigmatise and criminalise acutely homeless and poor people. Even if they are not always strictly implemented in practice, these regulations can be used at any time to expel unwanted persons or groups of persons from the respective area of application, and this happens regularly in practice[[9]](#footnote-9). Even if the authorities are often flexible with the existing regulations, it is just as possible that they are implemented according to their possibilities. The people concerned can theoretically even be imprisoned, especially if their actions are also relevant under criminal law and they cannot pay fines or would be assumed to be solvent but do not want to do so.[[10]](#footnote-10)

In addition, it can of course never be completely ruled out that an authority may be guided by irrelevant considerations or act arbitrarily when implementing regulations, which is why there is also the possibility of judicial review of administrative action. It is not a matter of questioning justified interests in protecting common use, but of considering the regulations under the aspects of legality and proportionality, as well as raising the question of whether they are in conformity with human rights and in keeping with the times.

Certain prohibitions must be viewed particularly critically, e.g. when begging with or by minors[[11]](#footnote-11) or with animals is generally prohibited. In the case of feigning an infirmity, it may still be understandable that this constitutes a disturbance of public order, but the fact that there are ordinances prohibiting the display of infirmities or physical disabilities is more than questionable. It is also questionable what is meant by feigning distress and how this is to be proven. With regard to all prohibitions in the area of "pretence", the question also arises as to whether the money givers were interested in the "pretence" or whether they did not care. In the former case it is fraud (§ 263 StGB), which does not require a regulation in a municipal ordinance, in the latter this is probably not the case. This leads, as with other regulations covered by other laws, to the question of the justification of such ordinances. Is it a matter of averting danger and maintaining public safety and order, or is it a matter of displacing unwanted persons or groups of persons or making certain places "unattractive" for them or making it more difficult for them to acquire money? To a certain extent, this also applies to bans on alcohol consumption. The bans on organised or gang-based begging must also be seen in this sense, the origin of which, moreover, is definitely linked to antiziganism, racism against Sinti and Roma or similar racist attitudes.

Prohibitions on searching through waste bins or on personal hygiene are also particularly problematic.

The most urgent need is to decriminalise the threat of imprisonment in default of payment, in particular the offence of "Erschleichen von Leistungen" (Obtaining benefits surreptitiously by fare evasion), which could not be dealt with in the context of this submission due to the chosen focus, but which plays a significant role in this context in Germany.[[12]](#footnote-12)

Regarding the prohibition of sleeping, it should be accepted that people decide not to stay in emergency shelters, for example because they are afraid of being robbed, because they are afraid of conflicts or violence by other guests, or because the accommodation conditions are not reasonable, especially since basic rules for police and regulatory accommodation and emergency care or minimum standards -as demanded [by the BAG](https://www.bagw.de/de/themen/notversorgung/index.html) W, among others[[13]](#footnote-13) - are still missing.

In some urban centres, in view of the growing problem of homelessness, especially in winter, there are not enough services available, even though they have been expanded in recent years. In rural areas, on the other hand, in some regions acutely homeless people are referred to the next larger city because there are no services available. Thus, the situation in this area, as with the ordinances, is inconsistent and unclear.

The group of EU citizens affected by acute homelessness in Germany has massive difficulties in accessing services due to the social legal framework of EU freedom of movement. In many cases, they are overrepresented and underserved among homeless people.[[14]](#footnote-14)

All in all, it can be said that poverty and homelessness exist to a large extent in Germany and have not been adequately combated for years, yet legal framework conditions exist that result in the exclusion and stigmatisation of poor and/or homeless people and, in today's view, are not or should not be compatible with the Basic Law or human rights[[15]](#footnote-15). These legal framework conditions are also an expression of a society that does not want to be confronted with the issues of poverty and homelessness.

It should be noted that only conditions for common space have been described here. The fact that a not insignificant part of public space in Germany has been privatised is not considered. There, sub-legal particular norms often apply, on the basis of which poor and homeless people are specifically excluded or actively displaced. These include shopping centres, railway stations and their forecourts, public transport, private (but publicly accessible) green spaces and, occasionally, privatised pedestrian zones, pavements and streets in business or residential areas.

It should also be noted that many regulations enable or provide the basis for the displacement, discrimination and criminalisation of poor and homeless people and should be viewed extremely critically in terms of human dignity and from a human rights perspective. In case of doubt, the many vague legal conceptions could only be clarified by judicial review. Due to the large number of regulations, it would therefore take a large number of judicial reviews to achieve clarification or to take legal action against regulations. Another way would be to lobby politically for a change in the regulations and corresponding legal requirements at the state or federal level.

**Appendix: Analysis of the existing prohibition norms in Germany at the municipal level regarding the presence of indigent persons in public street spaces**

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1. **City of Bergisch-Gladbach**

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.bergischgladbach.de/32-8.pdfx)“ as amended on 19.12.2017.

**Regulation:**

Commandment to refrain from

* "aggressive begging" (by "directly influencing passers-by by putting them in the way, using dogs or other animals as a means of pressure, chasing or touching");
* "disturbance, including in connection with the consumption of alcohol or other intoxicants";
* "recurrent gathering or encampment of groups of people causing disturbance, such as obstruction or harassment (mobbing) of passers-by and residents";
* "relieving oneself" and the
* use of public streets and facilities [means parks and the like] "as camps" (§ 2 I 1).
* "Street musicians" must "change the location of their performances after 30 minutes in such a way that their performances are no longer audible at the original location, but continue for at least 200 metres" (§ 11).

**Sanctioning:**

A violation of § 2 or § 11 leads there to a qualification as a regulatory offence according to § 13 I No. 1 or 12.

Sanctioning as a discretionary decision of the city administration ("may" in § 13 III) in the form of imposing a fine according to § 17 para. 1 OWiG ("at least five Euros (...), at most 1000, - Euros), as far as no facts constituting an offence have been fulfilled with this act either.

1. **Federal capital Berlin**

**Legal norm:**

"Regulation on the prohibition of begging by children and in the company of children" of 22.12.2015.

**Regulation:**

Prohibition of begging "by children and accompanied by children" (in any form) in the entire public street space and in public facilities [means parks and the like] (§§ 1 and 2 I). Definition of "child" as a person not yet 14 years of age (§ 2 II).

**Sanctioning:**

A violation of § 2 I - committed intentionally or negligently - leads to the qualification of a regulatory offence (§ 3 I).

Imposition of a fine as a discretionary decision of the public administration ("may" in § 3 II) in an amount of "up to 500 euros".

1. **City of Bochum**

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.bochum.de/C125830C0042AB74/vwContentByKey/N26R26QP189HGILDE/$file/bosvo.pdf) of 09.03.2012 as amended on 15.03.2019.

**Regulation:**

In the public street space and in public facilities [Note: parks and the like are meant], it is "in particular" prohibited there (§ 3 I 2):

* Disturbing third parties (e.g. by bawling, mobbing passers-by, endangering others by leaving syringes, bottles, glasses or their fragments), especially in connection with the consumption of alcohol" (§ 3 I 2 No. 1).
* "Camping of groups of people if and to the extent that passers-by are thereby excluded from the use of the public road space" (§ 3 I 2 No. 2).
* "Using benches other than for sitting" (§ 3 I 2 No. 3).
* "To defecate outside the facilities provided for this purpose" (§ 3 I 2 No. 5) and
* "Aggressive begging as well as begging accompanied by children and adolescents as well as begging by children and adolescents" (§ 3 I 2 No. 6), if the person begging "touches, holds, harassingly pursues, persistently accosts, uses animals as a means of pressure, or stands, lays or sits in the way of the person being begged" (§ 3 I 3).
* In the city railway stations, it is forbidden to stay longer than 30 minutes if there is no intention to travel (§ 3 II 2). It is expressly forbidden "to use the city railway stations as a place to rest, play or camp" (§ 3 II 3). - According to § 3 III 1, this does not apply if "during cold periods" these operating facilities are "exceptionally opened for overnight accommodation for homeless persons (winter shelter)"

**Sanctioning:**

An - intentionally or negligently committed - violation of the duties of conduct according to § 3 I and II leads to the establishment of a regulatory offence (§ 24 I No. 1), which can be "punished by the municipality with a fine of up to 1,000 euros" (§ 24 III).

1. **Federal City of Bonn**

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.bonn.de/medien-global/amt-30/ortsrecht/recht/32-01_Strassenordnung.pdf)“ of 19.12.2008 as amended on 20.02.2019.

**Regulation:**

"Within the scope of this ordinance, any behaviour is prohibited that may hinder or disturb other persons in their use more than is unavoidable under the circumstances, e.g. noise, obtrusiveness, disruptive consumption of alcohol, drunkenness, aggressive begging, use as a storage area" (§ 3 I).

**Sanctioning:**

"A regulatory offence is committed by anyone who intentionally or negligently obstructs or disturbs others more than is unavoidable under the circumstances, in contravention of § 3 I" (§ 9 para. 1 no. 1).

"The regulatory offence can be punished with a fine of up to 1,000 euros according to § 17 I OWiG" (§ 9 II 1).

# City of Castrop-Rauxel

**Legal norm:**

„[Ordnungsbehördliche Verordnung zur öffentlichen Sicherheit und Ordnung](https://eservice2.gkd-re.de/bsointer040/DokumentServlet?dokumentenname=040l7081.pdf)“ as amended on 14.08.2020.

**Regulation:**

**On public roads and in facilities [Note: parks and the like are meant] it is not permitted to:**

* "Spending the night", except when this is done for occupational reasons, such as long-distance lorry drivers in their vehicles (§ 6 No. 1).
* "Begging by direct action from person to person, in particular by approaching, touching or obstructing the path (aggressive begging), as well as begging with the participation of children (silent begging)" (§ 6 No. 2).
* "The consumption of alcohol and other intoxicating substances outdoors within sight of and during the hours of operation of schools, kindergartens, youth homes or other youth facilities (§ 6 No. 3 Sentence 1), "except for the consumption of alcohol in connection with authorised events" (§ 6 No. 3 Sentence 2).
* "Regular gatherings of people in the same places" if they "endanger uninvolved third parties or obstruct or disturb them more than is avoidable under the circumstances", "in particular by soiling, mobbing or harassing passers-by or residents, making noise or bawling, being in a state of full drunkenness or after consuming other intoxicating substances, obscene gestures or aggressive behaviour" (section 6 no. 8).
* Staying in bus stop shelters when not waiting for public transport, as well as the consumption of alcohol and drugs in this place (§ 6 No. 10).

**Sanctioning:**

A violation of § 6 - committed intentionally or negligently - is considered a regulatory offence in accordance with § 25 I b).

The fine in this case is up to € 1,000 (section 25 II 1).

"In the case of minor regulatory offences, the city can keep in custody the person concerned and impose a fine of € 5 to € 55" (§ 25 II 2): according to § 25 II 4, in the case of an unlawful overnight stay and the consumption of alcohol and other intoxicating substances in the waiting area of the public transport system in the amount of € 25 each, as well as in the case of unlawful begging of € 20.

1. **City of Chemnitz**

**Legal norm:**

„[Polizeiverordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.chemnitz.de/chemnitz/media/rathaus/satzungen/32_100.pdf)“ of 20.06.2018

**Regulation:**

* "It is prohibited to beg aggressively on public streets and in public green and recreational areas. Aggressive begging is defined as directly influencing passers-by by putting them in the way, using dogs as a means of pressure, touching, intimidation by imprecations, erecting obstacles in the traffic area, harassing pursuit, the harassing interaction of several persons, insulting the passer-by" (§ 3 IV).
* "It is prohibited to relieve oneself in public" (§ 3 V).

**Sanctioning:**

"A regulatory offence is committed by anyone who intentionally or negligently (...) aggressively begs in contravention of § 3 IV" and "relieve oneself in public in contravention of § 3 V" (§ 15 I Nos. 5 and 6 respectively).

"Regulatory offences can be punished according to § 17 I and II OWiG with a fine of at least € 5 and a maximum of € 1,000, in the case of negligent offences with a maximum of € 500" (§ 15 III).

1. **City of Cuxhaven**

**Legal Norm:**

„[Verordnung über die öffentliche Sicherheit und Ordnung](https://www.cuxhaven.de/pics/download/1_1295334734/Verordnung_der_Stadt_Cuxhaven_ueber_die_oeffentliche_Sicherheit_und_Ordnung_vom_03.06.2021.pdf)“ of 03.06.2021

**Regulation:**

§ 3 II ("Protection of public streets and public facilities [Note: parks and the like are meant]"):

"In particular, it is not permitted,

1. to camp, lie on the ground, sleep or spend the night on public streets or in public facilities,
2. to urinate or defecate in public..."

§ 4 („Begging “):

* "On public streets or in public places, aggressive begging, in particular by touching, holding or otherwise touching, blocking the way, harassing or persistently approaching, as well as begging that impairs the safety and ease of traffic, is prohibited.
* Begging by children, in the company of children or with the assistance of children is prohibited, even if it is done in a quiet, passive manner. Children for the purposes of this section are persons who have not attained the age of eighteen years."

**Sanction:**

"A regulatory offence is committed by anyone who, intentionally or negligently, in contravention of section 3 II, settles down to camp, lies on the ground, sleeps or spends the night, urinates or defecates in public on public roads or in public facilities" (section 11 I no. 1 a and b) as well as "in contravention of section 4, begs aggressively on public roads or in public facilities with impairment of the safety and ease of traffic or as a child, accompanied by a child or with the assistance of a child" (section 11 I no. 2).

"The regulatory offences according to § 11 I can be punished with a fine of up to € 5,000" (§ 11 III).

# City of Dillingen (Saar)

**Legal norm:**

„[Polizeiverordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung auf Straßen sowie in den Anlagen](https://www.dillingen-saar.de/wp-content/uploads/2020/05/Polizeiverordnung.pdf)“ of 30.06.2013

**Regulations:**

§ 5 ("Aggressive begging"):

"Begging and soliciting passers-by through aggressive behaviour close to the body is prohibited. Organised commercial begging and begging with children or animals are also prohibited."

§ 6 ("Consumption of alcoholic beverages, intoxicants"):

1. "On public streets and in public places it is prohibited to sit down to consume alcohol or other intoxicating substances if, as a consequence, other persons or the general public are endangered by insults, bawling, mobbing, throwing, leaving lying or breaking bottles or other containers, defecation, vomiting, interference with pedestrian and/or vehicle traffic".

§ 7 ("Use of Public Facilities [Note: parks and the like are meant]"):

(VI) "Overnight camping in the open air and the erection of tents, campers, caravans and similar accommodation for living and sleeping outside approved mobile home, camping and tent sites is prohibited.".

**Sanction:**

A regulatory offence is committed there by anyone who intentionally or negligently behaves contrary to §§ 5, 6 I and 7 VI (§ 23 I Nos. 7, 8 and 15).

"The regulatory offence can be punished with a fine of up to 5,000 euros" (§ 23 II).

# Municipality of Dornburg (Hesse)

**Legal norm:**

„[Gefahrenabwehrverordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.gemeinde-dornburg.de/fileadmin/dornburg/Ortsteile-Gemeinde/Satzungen/11.pdf)“ of 15.12.2009

**Regulation:**

* § 7 ("Dangerous behaviour"):

1. "Aggressive begging by insistently or persistently approaching people, begging by sending children in front of people or displaying animals as well as organised begging are prohibited".
2. "The encampment or permanent residence of persons in a manner impairing to third parties is prohibited".
3. "Camping in the open air and in tents, motor vehicles, caravans or similar transportable accommodation is prohibited on public roads, in the area of public facilities [Note: parks and the like are meant] and public institutions. A single overnight stay as a necessary rest for the purpose of maintaining or restoring roadworthiness is not affected by this prohibition".

* § 9 ("Exceptions"):

"Exemptions from the prohibitions of this Ordinance may be granted by the competent administrative authority in justified cases. The exemptions may be subject to conditions and requirements".

**Sanctioning:**

A regulatory offence is committed by anyone who intentionally or negligently acts in contravention of section 7 (section 10(1) nos. 16, 17 and 18).

"The regulatory offence may be punished by a fine of up to 5,000 euros" (§ 10 II).

# City of Dortmund

**Legal Norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.dortmund.de/media/p/ordnungsamt/pdf_ordnungsamt/Ordnungsbehoerdliche_Verordnung.pdf)“ of 17.12.2013

**Regulation:**

* § 7 ("Protection of streets and facilities [Note: parks and the like are meant]"):

(I) "It is prohibited:

(…)

b) to camp or spend the night on streets and facilities in areas not specially approved for this purpose,

(…)

d) to beg aggressively on streets and facilities by direct person-to-person interference, in particular when carrying a dog, by standing in the way, approaching or touching, as well as begging by children or with the participation of children,

(…)

f) to relieve oneself on streets and grounds outside the toilet facilities provided for this purpose ".

(II) "It is also prohibited to have recurrent, fixed gatherings of people who cause regular disturbances, such as pollution, disturbance of the night's rest, harassment of passers-by by excessive consumption of alcohol or other intoxicants and aggressive begging".

* § 19 ("Exceptions"):

"Exceptions to the provisions of this Ordinance may be granted upon written application".

**Sanction:**

A person commits a regulatory offence who intentionally or negligently acts contrary to the provisions of § 7 (§ 20 I Nos. 13, 15, 17 and 19).

Regulatory offences "may be punished by a fine", i.e. on the basis of a discretionary decision by the municipality (§ 20 II 1). "Prosecution and punishment shall be in accordance with the OWiG", i.e. a minimum of five and a maximum of EUR 1,000 (section 20 II 2 in conjunction with section 17 I OWiG).

1. **State capital Dresden**

**Legal norm:**

„[Polizeiverordnung als Kreispolizeibehörde zur Abwehr von Gefahren für die öffentliche Sicherheit und Ordnung](https://www.dresden.de/media/pdf/satzungen/polizeiverordnung.pdf)“ of 25.01.2018

**Regulation:**

* § 12 ("Public nuisances and disturbances"):

(I) "In the public area it is prohibited:

1. to camp or spend the night;
2. to relieve oneself;
3. to beg aggressively, e.g. by physically pushing another person, holding on to clothing, standing in the way, repeatedly accosting or feigning physical infirmity;
4. unreasonably annoying or obstructing others by noise, intrusiveness, drunken or intoxicated behaviour".

* § 13 ("Child begging"):

"In the public area it is prohibited to beg as a child or in the company of a child.

Children within the meaning of this PolVO [Police regulation] are persons who are not yet 14 years old.

Begging within the meaning of this PolVO does not include, for example, the activities of carol singers, the asking of children for sweets at Halloween, the collection of monetary contributions by school children accompanied by a teacher for school purposes or comparable collections".

* § 16 ("Allowing exceptions"):

"The state capital Dresden may allow exceptions to the provisions of this PolVO,

1. if an unreasonable hardship arises for the person concerned and no public interests are opposed;
2. if it is in the public interest".

**Sanctioning:**

Violations of §§ 12 and 13 lead to a finding of a regulatory offence (§ 17 I Nos. 17 and 20), which can be punished with a fine of up to EUR 1,000 (§ 17 II).

# City of Düren

**Legal norm:**

„[Ordnungsbehördliche Verordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.dueren.de/assets/userfiles/pdfbereich_verwaltunundpolitik/S3-07_Sicherheit_und_Ordnung.pdf)“ of 09.12.2005 as amended on 27.07.2018.

**Regulation:**

* § 7 ("Street Music"):

"Street musicians must change the location of their performances on streets and squares after 20 minutes in such a way that their performances are no longer audible at the original location, but must continue for at least 200 m".

* § 10 ("Conduct on streets and in facilities [Note: parks and the like are meant]"):

1. "On streets and in facilities any behaviour is prohibited which is likely to endanger others or to obstruct or annoy them more than is avoidable in the circumstances" such as.
2. "aggressive begging (e.g. blocking the way, grabbing, holding, harassing pursuit or other intimidating behaviour, including by words).
3. Encampment in groups of people (where they regularly congregate in the same places, obstructing passers-by in their use of the public street space within the public use),
4. disturbances in connection with alcohol consumption (e.g. bawling, mobbing passers-by, endangering others by leaving bottles or glasses lying around),
5. to relieve oneself … “

(II) "Streets and facilities may not be used as storage or resting places. (...) Street benches may only be used for sitting (...)"

**Sanctioning:**

A regulatory offence is committed by anyone who intentionally or negligently behaves contrary to the stipulations arising from §§ 7 and 10 (§ 13 I Nos. 7 and 15).

"The regulatory offences may be punished by a fine of up to 500 euros in the case of negligence and up to 1,000 euros in the case of intent. Objects gained or obtained through the offence may be confiscated" (§ 13 II).

# State capital Düsseldorf

**Legal norm:**

„[Ordnungsbehördliche Verordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.duesseldorf.de/stadtrecht/3/32/32-101.html)“ of 04.10.2006

**Regulations:**

* § 6 ("Disruptive behaviour on streets and facilities [Note: parks and the like are meant]"):

1. "On streets and in facilities, any behaviour is prohibited which is likely to obstruct or disturb others more than is unavoidable under the circumstances, in particular

* aggressive begging (direct influence on passers-by by standing in their way, use of dogs as a means of pressure, chasing or touching),
* camping in groups of people (if they regularly congregate in the same places and thereby obstruct passers-by in the use of the public street space within the scope of public use),
* to relieve oneself,
* sleeping, especially on benches and chairs, and moving benches and chairs for this purpose,
* Making noise".

**Sanction:**

**A person commits a regulatory offence who intentionally or negligently acts in contravention of § 6 I (§ 15 I No. 16).**

**"Regulatory offences according to § 15 I can be punished with a fine". The prosecution and punishment are based on § 17 I OWiG (§ 15 II), i.e. the imposition of a fine of at least five and at most 1,000 euros is possible on the basis of a corresponding discretionary decision.**

# Municipality of Eggstätt (County of Rosenheim)

**Legal norm:**

„[Allgemeinverfügung zur Untersagung des Bettelns im Gemeindegebiet Eggstätt](https://www.eggstaett.de/allgemeinverfuegung-betteln)“ of 21.12.2018

**Regulation:**

1. In the area of the municipality of Eggstätt "it is prohibited to beg in the following forms:
2. aggressively (this form of begging is present if the request is emphasised by persistent addressing, insulting, following, touching, putting in the way / blocking the way or other forms of harassment of passers-by),
3. in the form of a gang or in an organised manner (this may be the case, for example, if beggars are recognisably "directed" by third parties and "assigned" begging places. Further indications can be the recognisable collection of begging proceeds by third parties, the "defence" of certain places against competitors as well as the guarding of begging minors by adults),
4. obstructing traffic, whereby an unjustifiable impairment of the safety or ease of traffic is to be expected (e.g. in the case of pavements only, a passage width of 1.6 m is no longer guaranteed),
5. by pretending to give artistic performances with musical instruments that are not in usable condition,
6. by feigning non-existent physical disabilities or illnesses as well as personal distress, in the company of children or by children; or
7. with animals without carrying the required and fully and truthfully completed animal health certificates or other papers necessary for keeping them".

(II) In the municipal area "it is forbidden to camp in any conceivable form". (…)

**Sanction:**

(IV) "Persons found begging (I) and spending the night (II) in the prohibited area shall leave this area immediately".

(VI) "In case of contravention, the means of direct enforcement shall be threatened".

# Municipality of Elbtal (Hesse)

**Legal norm:**

„[Gefahrenabwehrverordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.gemeinde-elbtal.de/fileadmin/elbtal/downloads/formulare/Gefahrenabwehrverordnung%20Elbtal.pdf)“ of 29.04.2019

**Regulation:**

* § 3 ("Dangerous behaviour"):

1. "Aggressive begging by insistently or persistently approaching beggars, begging by sending children in front or putting animals on display as well as organised begging are prohibited". (…)
2. "It is prohibited for persons to camp or remain permanently within the area of application of this Ordinance in a manner that is detrimental to third parties, for the purpose of consuming narcotics within the meaning of the BtmG [narcotics act]".
3. " Living, even temporarily, in tents, motor vehicles, caravans or similar transportable accommodation is prohibited in the municipal area outside designated sites. A single overnight stay as a necessary rest for the purpose of maintaining or restoring roadworthiness is not affected by this prohibition. Exemptions from the prohibition may be permitted and conditions and requirements may be attached to the exemptions."

**Sanction:**

A person commits an administrative offence who intentionally or negligently acts in contravention of section 3 (section 15 I nos. 1, 3 and 4).

"The administrative offence may be punished by a fine of € 25 up to a maximum of € 2,500 for each case of contravention" (§ 15 II).

Catalogue of fines according to § 15 III:

"Organised begging" - warning fine/fines: € 25, - to € 100, -.

"Camping or staying permanently in public streets and facilities [Note: parks and the like are meant]" as well as "temporary living in tents, etc." - warning fine/fining: € 50, - to 100, -

# Municipality of Engelskirchen (North Rhine-Westphalia)

**Legal norm:**

„[Ordnungsrechtliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.engelskirchen.de/downloads/datei/OTAwMDAwODAyOy07L3Vzci9sb2NhbC9odHRwZC92aHRkb2NzL2VuZ2Vsc2tpcmNoZW4vZW5nZWxza2lyY2hlbi9tZWRpZW4vZG9rdW1lbnRlL29yZG51bmdzYmVob2VyZGxpY2hlX3Zlcm9yZG51bmdfMTIuMDcuMjAxOF9pbnRlcm5ldC5wZGY%3D)“ of 12.07.2018

**Regulation:**

* § 5 ("Protection against disruptive behaviour"):

1. "Groups of people causing disturbances (with or without alcohol consumption or consumption of intoxicating substances), in particular by urinating in public, bawling, accosting passers-by, endangering others by leaving bottles, glasses etc. are prohibited. The presence of groups of people is prohibited in particular if they congregate in the same places and thereby exclude passers-by from using the traffic areas, facilities [Note: parks and the like are meant] and installations within the scope of public use or make such public use more difficult".

(II) "Aggressive begging is prohibited, in particular

1) by touching, holding, following, blocking the way,

2) by harassing or persistently approaching people,

3) by the harassing interaction of several persons,

4) using animals as a means of pressure,

5) by obstructing pedestrian or road traffic,

6) by feigning or displaying infirmities or physical disabilities,

7) feigning social distress,

8) with the participation of or by children and adolescents, and

9) organised or gang-based begging".

* § 7 („Street Music “):

On public streets and in facilities "the use of devices that serve to produce or reproduce sound, as well as street music by means of singing and other musical performances of any kind, is prohibited if others are inconvenienced thereby".

**Sanctioning:**

It is a regulatory offence to act in intentional or negligent breach of §§ 5 and 7 (§ 16 I Nos. 3, 4 and 6).

Violations can be punished with a fine according to § 17 I OWiG (§ 16 III).

# State capital Erfurt

**Legal norm:**

„[Ordnungsbehördliche Verordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung (Bettelverordnung)](https://www.erfurt.de/ef/de/rathaus/stadtrecht/satzungen/110788.html)“ of 13.09.2016

**Regulation:**

* § 1 ("Prohibited actions"):

(I) "It is prohibited to actively beg on streets and facilities [Note: parks and the like are meant]".

(II) "Active begging shall be deemed to exist in particular if this is done by.

(a) approaching, detaining, following or chasing persons,

(b) standing in the way

(c) narrowing entrances or erecting obstacles,

(d) using animals,

(e) minors or with minors,

(f) feigning physical infirmity,

(g) harassing several persons; or

(h) done in any other organised, aggressive, intrusive, impairing, obstructing as well as disruptive manner."

**Sanctioning:**

- § 4 ("Regulatory offences"):

(I) "A regulatory offence is committed by anyone who intentionally or negligently actively begs on streets or in facilities in contravention of § 1 I".

(II) "The regulatory offence may be punished by a fine of up to € 5,000".

# City of Euskirchen (North Rhine-Westphalia)

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die öffentliche Sicherheit und Ordnung](https://www.euskirchen.de/fileadmin/user_upload/PDF/ortsrecht/3-32_1.pdf)“ of 20.12.2019

**Regulation:**

* § 12 ("Disruptive behaviour in public"):

1. "Within the scope of this Ordinance, any (...) conduct is prohibited which is likely to endanger others, obstruct or disturb them more than is unavoidable under the circumstances, or damage property, in particular by:
2. certain forms of begging

* harassing or aggressive sales practices, e.g. harassing offering for sale of roses or magazine products, harassing or aggressive begging, in particular by touching, holding, blocking the way, importuning, erecting obstacles, harassing pursuit, disfiguring body parts; in the event of an offence, goods offered for sale may be seized,
* Begging by means of harassing cooperation between several persons,
* organised or gang-based begging,
* Begging that obstructs pedestrian or road traffic,
* Begging by pretending to be physically handicapped or in social distress,
* begging through the use of children or by children,
* begging through the use of animals,

1. recurrent gatherings of persons causing disturbances such as harassment of passers-by or littering,
2. disturbances associated with alcohol and drug consumption (e.g. littering, bawling, harassing people, endangering others by leaving bottles and syringes lying around),
3. to relieve oneself".

(II) "The setting up and taking down of caravans and vending caravans, camping and sleeping overnight is generally prohibited".

**Sanctioning:**

It is a regulatory offence to behave in contravention of § 12 either intentionally or negligently (§ 22 I). - The regulatory offence can be punished with a fine of up to € 1,000 in accordance with § 17 I OWiG".

# Municipality of Frasdorf (district of Rosenheim)

**Legal norm:**

„[Allgemeinverfügung zur Untersagung des Bettelns im Gemeindegebiet](https://frasdorf.de/wp-content/uploads/2020/09/Allgemeinverfuegung_Betteln.pdf)“ of 23.11.2018

**Regulation:**

1. "It is prohibited to beg in the following forms:
   1. aggressively,
   2. in a gang-like manner or organised,
   3. obstructing traffic,
   4. by feigning artistic performances with musical instruments that are not in usable condition,
   5. by feigning non-existent physical disabilities or illnesses as well as personal distress, in the company of or by children, or
   6. with animals, without carrying the required and fully and truthfully completed animal health certificates or other papers necessary for keeping them."

(II) "It is prohibited to camp, encamp, tent or spend the night in the prohibited area"

(III) "The prohibitions of numbers I and II apply in the entire public space (public roads, paths and squares) in the municipal area. The prohibitions of Clause II shall expressly not apply in camping sites created for that purpose."

**Sanctioning:**

(IV) "Persons found begging (Clause I) and spending the night (Clause II) in the prohibited area shall leave this area immediately.

(V) "Immediate enforcement of clauses I, II and IV is ordered".

(VI) "In the event of contravention of clauses, I, II and IV, the coercive mean of direct enforcement is threatened".

# City of Freiburg (Breisgau)

**Legal norm:**

„[Polizeiverordnung zur Sicherung der öffentlichen Ordnung und gegen umweltschädliches Verhalten](https://www.freiburg.de/pb/site/Freiburg/get/documents_E-142555473/freiburg/daten/ortsrecht/06%20Oeffentliche%20Ordnung/OrtsR_06_01.pdf)“ as amended on 27.07.2021.

**Regulation:**

* § 11 ("Begging"):

1. "In the city of Freiburg (Breisgau), nuisance begging, in particular by obtrusively approaching or stopping passers-by, is prohibited".
2. "Likewise, begging in the company of children is prohibited".

* § 12 ("Staying on public streets, in public places and public facilities [Note: parks and the like are meant]"):

1. "On public streets, in public places and public facilities it is prohibited to:
   1. To harass or obstruct persons in a grossly improper manner.
   2. Sleeping overnight.
   3. To relieve oneself.
   4. Littering, especially by storing waste (e.g. bottles, cans, etc.)."

**Sanctioning:**

It is a regulatory offence for anyone who intentionally or negligently fails to behave in accordance with sections 11 and 12 (§ 16 (1) nos. 17 to 22).

"Regulatory offences can be punished with a fine of up to € 5,000 according to section 26 II, 1st HS PolG BW" (§ 17 III).

# City of Fulda

**Legal norm:**

„[Gefahrenabwehrverordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung auf und an den öffentlichen Straßen und in den öffentlichen Anlagen und öffentlichen Einrichtungen](https://www.fulda.de/fd/10_Haupt-_und_Personalamt/fuldaer_ortsrecht/30.1_Gefahrenabwehrverordnung.pdf)“ of 26.10.2020

**Regulation:**

* § 2 ("Public nuisance"):

"On public streets and in public facilities [Note: parks and the like are meant] it is prohibited,

1. to beg in an aggressive manner by insistently or persistently approaching persons, in an organised manner or with or by means of children;
2. to relieve oneself outside toilet facilities;
3. obstruct or disturb others by drunkenness or other intoxicating behaviour more than is avoidable under the circumstances, such as spitting, making noise, bawling or provoking people;
4. to camp or spend the night outside designated areas;
5. to camp or permanently linger in a manner prejudicial to third parties for the purpose of consuming narcotics and alcohol".

* § 12 ("Exceptions"):

"The Lord Mayor as the danger prevention authority may allow exceptions from the provisions of this Ordinance if the implementation of this Ordinance would lead to an obviously unintended hardship in an individual case and public interest, in particular public safety and order, are not opposed to it."

**Sanctioning:**

A person commits a regulatory offence who intentionally or negligently acts contrary to section 2 (§ 13 I Nos. 1 to 5). "Regulatory offences may be punished by a fine of up to € 5,000 for each case of contravention" (§ 13 II).

"Objects that have been used or intended for the commission or preparation of the offence may be confiscated" (§ 13 III).

# City of Gelsenkirchen

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.gelsenkirchen.de/de/Rathaus/Informationen/Verordnungen_und_Satzungen/_doc/ObVO_2017_Veroeffentlichungstext_f%C3%BCr_10_und_OA.pdf)“ of 16.08.2017

**Regulation:**

* § 3 ("General duty of conduct"):

1. "Prohibited is in particular

a) aggressive begging (aggressive in the sense of this Ordinance is begging in particular if the person begging touches, holds, pursues in a harassing manner, persistently approaches, uses animals as a means of pressure or if the person begging stands, lays or sits in the way of the person begging);

b) gang-like, organised or professional begging (this may be the case in particular if beggars are recognisably "directed" and "assigned" begging places. Further indications can be the recognisable collection of begging proceeds by third parties, the "defence" of certain places against competitors as well as the guarding of begging minors by adults);

c) begging involving or by children or adolescents;

d) begging by feigning non-existent physical disabilities, illness or infirmity, or personal distress, or by feigning artistic performances with musical instruments that are not fit for use;

e) begging with animals without carrying the required and fully and truthfully completed animal epidemic and animal protection proofs (e.g. vaccination certificate);

f) begging that obstructs traffic (this is the case if an unjustifiable impairment of the safety or ease of traffic is to be expected, e.g. if a passage width of 1.6 m is not guaranteed for pure footpaths and 1.9 m for adjacent cycle paths);

g) begging in the immediate vicinity of parking ticket machines or collection points of shopping trolleys issued against a coin deposit.

2) The gathering of groups of people if they regularly meet at the same places, if and to the extent that passers-by are thereby excluded from the use of the public street space within the scope of public use.

3) Disturbing (e.g. bawling, mobbing passers-by, endangering others by leaving bottles, glasses or their fragments lying around) in connection with the consumption of alcohol or other intoxicating substances.

4) Sleeping, especially on benches and chairs.

5) to relieve oneself outside the toilet facilities provided for this purpose".

* § 4 ("Protection of traffic areas and facilities [Note: parks and the like are meant]"):

"It is prohibited, (…)

5) to consume alcoholic beverages or other intoxicating substances outside of outdoor gastronomic facilities, at and in local public transport stops as well as on the adjacent traffic areas that are indispensable for the use of the stops by road users (at least within a radius of 20 m around the respective stop) or to stay there in a state of intoxication that is clearly visible to the outside without a specific intention to travel".

* § 10 ("Litter bins"):

1. "The emptying and searching of waste containers located outside buildings is prohibited. The mere removal of deposit containers and food suitable for consumption is permitted".

* § 17 ("Street musicians and actors"):

"Musicians and actors must move the location of their performances on traffic areas after 20 minutes in such a way that their performances can no longer be heard at the original location.

However, they must move at least 200 m further".

**Sanction:**

A person commits a regulatory offence if he intentionally or negligently violates the obligations to act and to non-act as standardised in §§ 3, 4, 10, 10 and 17 (§ 19 I Nos. 1, 2, 8 and 15).

"The regulatory offence can be punished with a fine of at least € 5 and at most € 1,000 according to § 17 I OWiG.

The possibility of criminal and civil prosecution remains unaffected" (§ 19 II).

# City of Göppingen

**Legal norm:**

„[Polizeiverordnung zur Erhaltung der öffentlichen Sicherheit und Ordnung und gegen umweltschädliches Verhalten](https://www.goeppingen.de/site/Goeppingen-Internet/get/documents_E-2034187709/Goeppingen/Goeppingen_Anleitungen/Stadtrecht/03_Recht_Sicherheit_Ordnung/31-01_Polizeiverordnung.pdf)“ in the version of 19.07.2018.

**Regulation:**

* § 8 ("Public traffic areas and generally accessible school yards"):

1. "On public traffic areas and generally accessible schoolyards it is prohibited:
2. Sleeping,
3. Using seating (...) for other purposes,

(…)

5) to relieve oneself,

6) begging in a proximity-seeking or otherwise particularly intrusive manner, as well as inciting minors to engage in this type of begging,

7) the public consumption of narcotics".

* § 9 ("Public green and recreational areas")

(II) "In the public green and recreational areas it is prohibited,

(…)

2) begging seeking physical proximity or otherwise in a particularly obtrusive manner, as well as inciting minors to engage in this type of begging, (...)

7) to use seating (...) for other purposes (...), (...)

9) sleeping, (…)

12) to relieve oneself, (…)

14) the public consumption of narcotics".

(IIa) "The provisions of the StGB and the BtmG remain unaffected".

**Sanctioning:**

A person commits a regulatory offence who intentionally or negligently acts in contravention of sections 8 and 9 (§ 21 I nos. 9 and 11).

Administrative offences can be punished with a fine up to the maximum limit specified in § 17 I OWiG (§ 21 I).

# City of Hadamar

**Legal norm:**

„[Gefahrenabwehrverordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.hadamar.de/fileadmin/hadamar/downloads/satzungen/Gefahrenabwehrverordnung_Stand_26-03-2015.pdf)“ of 12.06.2015

**Regulation:**

* § 3 ("Dangerous behaviour"):

1. "Aggressive begging by insistently or persistently approaching people, begging by sending children in front of people or displaying animals as well as organised begging are prohibited".
2. "In children's playgrounds and ball playgrounds, it is not permitted to consume alcoholic beverages and provide them to others for consumption".
3. "The storage or permanent stay of persons in a manner detrimental to third parties and for the purpose of consuming narcotics within the meaning of the BtmG is prohibited".
4. "Living, even temporarily, in tents, motor vehicles, caravans or similar transportable accommodation is prohibited outside the designated areas. A single overnight stay as a necessary rest for the purpose of maintaining or restoring roadworthiness is not affected by this prohibition. Exemptions from this prohibition may be permitted and such exemptions may be subject to conditions and requirements."

**Sanction:**

A person commits an administrative offence who intentionally or negligently acts in contravention of § 3 (§ 17 I Nos. 1 to 4). "The administrative offence may be punished by a fine of € 25 up to a maximum of € 2,500 for each case of contravention" (§ 18 II).

According to the catalogue of fines pursuant to § 18 III, in the case of a violation of § 3 I or II, a warning must first be issued and, in the case of further irregular conduct, a fine of € 25 to € 100 must be imposed; in the case of a violation of § 3 III or IV, the same applies, except that the range of fines here is € 50 to € 100.

# City of Hagen

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.hagen.de/web/media/files/hagen/m04/m0402/statutes/323201_Gebietsordnung.pdf)“ of 30.07.2018

**Regulation:**

* § 7 ("Protection of facilities and streets"):

(II) "Behaviour that may disturb other persons more than is avoidable under the circumstances, such as noise, disruptive consumption of alcohol, drunkenness, aggressive begging and obtrusiveness, is not permitted in public. Also prohibited are constantly recurring, stationary gatherings of persons from whom regular disturbances emanate, such as littering, harassment of passers-by in the case of excessive consumption of alcohol and aggressive begging."

**Sanctioning:**

* § 22 ("Regulatory offences"):

1. A regulatory offence is committed by anyone who intentionally or negligently violates the requirements and prohibitions of this Ordinance “.
2. "The regulatory offence may be punished by a fine of up to € 1,000. In addition, as a secondary consequence of the regulatory offence, objects may be confiscated to which an administrative offence under this Ordinance relates".
3. "Expulsion. Any person who contravenes the provisions of this Ordinance or of an order issued on the basis of this Ordinance, or who commits acts in the grounds which are punishable by a fine or penalty, may be expelled from the grounds without prejudice to the other legal consequences. In addition, they may be prohibited from entering the facilities for a certain period of time".

# City of Halle (Saale)

**Legal norm:**

„[Gefahrenabwehrverordnung](https://m.halle.de/Publications/187/sr_301-1_gefahrenabwehrverordnung.pdf)“ vom 27.09.2017

**Regulation:**

* § 5 ("Aggressive begging"):

"Aggressive begging is prohibited. Aggressive begging occurs in the case of particularly intrusive begging, e.g. if the person begging blocks the way of third parties, pursues them over longer distances, seeks physical contact, intimidates them by imprecations or by using an animal."

* § 13 ("Unauthorised use of public places"):

"In the public grounds it is prohibited:

1. Sleeping overnight and camping, ..."

* § 15 ("Consumption of alcohol and other intoxicating substances"):

"On public streets, in public facilities [Note: parks and the like are meant] and in public institutions it is (...) prohibited to sit down for the consumption of alcohol or other intoxicating substances, if as a consequence thereof there is a risk that other persons or the general public are inconvenienced or impaired in any other way, in particular by mobbing, insulting, vomiting, relieving oneself, obstructing vehicle and pedestrian traffic, singing, hooting, shouting or making other noise, leaving bottles or similar containers lying around."

**Sanction:**

Any person who wilfully or negligently acts in contravention of sections 5, 13 and 15 shall be guilty of a regulatory offence (§ 17 I).

"Regulatory offences according to this regulation can be punished with a fine of up to € 5,000" (§ 17 II).

# City of Hamelin

**Legal norm:**

„[Gefahrenabwehrverordnung](https://m.halle.de/Publications/187/sr_301-1_gefahrenabwehrverordnung.pdf)“ of 16.06.2021

**Regulation:**

* § 4 ("Disruptive behaviour"):

„It is prohibited,

1. to relieve oneself in public,
2. to spend the night in public streets and facilities [Note: parks and the like are meant],
3. to use public seating for purposes other than those for which it is intended,
4. to wash, bathe or do laundry in public fountains, water basins and ponds or other watercourses or to drink from them,
5. disturbing others by nuisance behaviour (e.g. bawling, shouting, provocative spitting, playing loudly audible recordings), ...".

* § 5 ("Begging and street vending"):

1. "Gang-based or organised begging is prohibited on public streets and facilities".
2. "Aggressive begging is also prohibited, in particular by aggressively approaching, touching, holding or otherwise touching, blocking the way, harassing or persistently approaching, as well as begging which impairs the safety and ease of traffic. It is inadmissible to draw attention to oneself by making noise and to beg with a searching look into shops and bank branches in places that may give rise to this."
3. "Begging by children, in the company of children or with the assistance of children is prohibited, even if it is done in a silent, passive manner. Children within the meaning of this Regulation are persons who are not yet 14 years of age."
4. „"If begging persons bring animals with them, the provisions of animal protection law must be observed".
5. "The above rules shall apply with the same content to any kind of sales practices outside of permitted special uses".

**Sanctioning:**

It is a regulatory offence to intentionally or negligently contravene the prohibitions of §§ 4 and 5 (§ 16 I 4 to 6), which can be punished with a fine of up to € 5,000 (§ 16 III).

# City of Hanau

**Legal norm:**

„Gefahrenabwehrverordnung für die Aufrechterhaltung der Sicherheit und Ordnung auf und an öffentlichen Straßen, Plätzen, Anlagen und Einrichtungen“ of 15.08.2015

**Regulation:**

* § 2 ("Vehicles"):

(IV) "Motor vehicles, trailers, caravans and mobile homes standing on public roads, car parks and in facilities may not be used as accommodation".

* § 7 ("Dangerous and grossly disruptive behaviour"):

(III) "It is prohibited for persons to camp or permanently remain within the area of application of this regulation in a manner that is detrimental to third parties for the purpose of consuming narcotics within the meaning of the BtmG or for the purpose of consuming alcoholic beverages - outside of areas used for gastronomic purposes".

(IV) "Furthermore, aggressive begging, in particular by insistently or persistently approaching persons for the purpose of begging, as well as begging from, with or by means of children or begging under the pretence of a physical infirmity is prohibited".

* § 10 ("Public places of convenience, relieving oneself"):

(II) "The relieving of oneself of urine is (...) prohibited outside places of public convenience".

**Sanctioning:**

It is a regulatory offence for anyone who intentionally or negligently acts in contravention of sections 2, 7 and 10 (§ 16 I nos. 4, 15, 16 and 20).

"The regulatory offence can (...) be punished with a fine of at least € 5, - up to a maximum of € 5,000, - for each case of contravention" (§ 16 II).

# City of Herne

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.herne.de/PDF/Ortsrecht/3-Rechts-Sicherheits-und-Ordnungsrecht/3_01.pdf.pdf)“ of 02.03.2017

**Regulation:**

* § 4 ("Waste containers, bulky and collected waste"):

(II) "Waste containers as well as collection containers for the recovery of raw materials may not be searched, objects removed from them or scattered. The same applies to bulky waste or collected material (e.g. textiles and waste paper) which are made available for collection".

* § 5 ("Protection of streets and facilities [Note: parks and the like are meant]"):

1. "It is prohibited: (…)

c) "to camp, camp or spend the night on streets or in installations on areas not specially cleared for this purpose"...

(II) "Also prohibited are permanent, stationary gatherings of persons from which regular disturbances emanate, e.g. pollution, harassment of passers-by in the case of excessive alcohol consumption".

1. "In pedestrian areas, traffic-calmed areas and in all public places, it is forbidden to stay for the consumption of alcoholic beverages if this deprives public facilities such as benches, green areas, playgrounds and public transport facilities of public use and thus of their intended purpose".
2. "Aggressive begging by touching, holding, blocking the way, harassing or persistently approaching is prohibited".

(V) "Begging by children and in the company of children is prohibited. For the purposes of this Regulation, children are persons who are not yet 14 years of age."

**Sanction:**

"Anyone who intentionally or negligently violates the provisions of this VO acts in violation of the regulations and can be fined according to the OWiG" (§ 19).

# City of Hoyerswerda

**Legal norm:**

„[Polizeiverordnung gegen umweltschädliches Verhalten und Lärmbelästigung, zum Schutz vor öffentlichen Beeinträchtigungen und über das Anbringen von Hausnummern](https://www.hoyerswerda.de/wp-content/uploads/formulare%20internetseite/Gescha%CC%88ftskreis%20Bu%CC%88rgermeister/33_FB%20Bu%CC%88rgeramt/33_2_FG%20o%CC%88ffentl%20Sicherheit%20u%20Ordnung/33_21_%20FD%20o%CC%88ffentl%20Sicherheit%20u%20Ordnung%20_Friedho%CC%88/1_Mitwirkung%20bei%20Erlass%20Verordn%20u%20Ortssatzungen/Ortsrecht/33.21.01%20Polizeiverordnung.pdf)“ of 25.04.2017

**Regulation:**

* § 13 ("Nuisance behaviour"):

"In public areas it is prohibited to,

1. beg aggressively (aggressive begging is when begging is particularly intrusive, e.g. when the beggar tries to obstruct the passer-by's path and/or physically touches him or her by plucking or holding on to clothing; furthermore, when the passer-by is insulted because he or she does not want to give anything),
2. causing a nuisance to others by obtrusive or aggressive behaviour, e.g. touching or standing in the way".

**Sanction:**

"It is a regulatory offence to intentionally or negligently harass others by aggressive begging or intrusive behaviour in contravention of Section 13" (Section 18 I No. 25).

"These administrative offences can be punished according to § 17 OWiG with a fine of at least five euros and a maximum of 1,000 euros, in the case of negligent behaviour with a maximum of up to 500 euros" (§ 18 II).

# City of Ibbenbüren (North Rhine-Westphalia)

**Legal norm:**

„[Ordnungsbehördliche Verordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.ibbenbueren.de/media/custom/3030_150_1.PDF?1550482397)“ of 05.05.1999

**Regulation:**

* § 2 ("General duty of conduct"):

1. "On traffic areas and in facilities [Note: parks and the like are meant], everyone must behave in such a way that others are not endangered, harmed or obstructed more than is unavoidable under the circumstances, e.g. by noise, obtrusiveness, disruptive consumption of alcohol, drunkenness and begging. The use of traffic areas and facilities may not be thwarted or restricted".

* § 3 ("Protection of traffic areas and facilities"):

1. "It is prohibited in particular:

(…)

2) unauthorised other than as intended use of benches (...) in the facilities and on traffic areas,

3) to spend the night in the facilities, ..."

**Sanction:**

"A regulatory offence is committed by anyone who intentionally or negligently violates the general duties of conduct pursuant to § 2 or the duties of protection with regard to traffic areas and facilities pursuant to § 3 (§ 13 I Nos. 1 and 2).

"Violations of the provisions of this Ordinance may be punished by a fine in accordance with the provisions of the OWiG, insofar as they are not threatened with penalties or fines under federal or state law" (§ 13 II).

# City of Kaiserslautern

**Legal norm:**

„[Gefahrenabwehrverordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung auf öffentlichen Straßen und in öffentlichen Anlagen](https://www.kaiserslautern.de/mb/themen/stadtverwaltung/ortsrecht/pdf/3.1_gefahrenabwehrverordnung_sicherheit_und_ordnung_stra%C3%9Fen_und_anlagen_neufassung.pdf)“ of 04.02.2019

**Regulation:**

* § 2 ("Commandments and prohibitions"):

1. "On public roads and in public places it is prohibited to
2. to beg in an aggressive or disruptive manner or with the participation of minors,
3. to relieve oneself outside public conveniences,
4. to use fountains, water basins or water areas for purposes other than those for which they are intended...".

(II) "In public facilities [Note: parks and the like are meant] it is also prohibited to

1. to camp or to set up caravans or mobile homes in public areas outside the areas designated for this purpose, ..."

(VI) "It is also prohibited to harass or endanger other persons or the general public on account of the consumption of alcohol or other intoxicating substances by mobbing, insulting, jeering, shouting, making noise, leaving lying around, throwing or breaking bottles or similar containers, vomiting, obstructing vehicular or pedestrian traffic or disturbing public order".

* § 4 ("Exceptions"):

1. "Exemptions from the provisions of this Regulation may be granted in justified individual cases for specific purposes and at specific times."

**Sanctioning:**

A regulatory offence is committed by anyone who intentionally or negligently violates the stipulations laid down in § 2 on public roads or in public facilities (§ 5 I Nos. 1 to 3, II No. 1).

"The regulatory offence can be punished with a fine of up to € 5,000" (§ 5 IV 1).

"Objects to which the administrative offence relates or which have been used for its preparation or commission may be confiscated" (§ 5 V).

# City of Karlsruhe

**Legal norm:**

„[Polizeiverordnung der Stadt Karlsruhe zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung auf öffentlichen Straßen und Anlagen und zur Abwehr von umweltschädlichem Verhalten](https://web1.karlsruhe.de/Stadt/Stadtrecht/s-1-1.php)“ in the version of 29.09.2015.

**Regulation:**

* § 3 ("Security and order on streets and facilities [Note: parks and the like are meant]"):

1. "On public roads and in public facilities it is prohibited:
2. Sleeping overnight and camping,
3. begging by means of harassing approaches to persons, in any other aggressive or intrusive manner, as well as by means of or with minors, (...)

5) relieving oneself outside of designated facilities. The prohibition also applies in/on areas/buildings visible from the public space, (...)

12) to sit in groups outside licensed open-air bar areas exclusively or predominantly for the purpose of drinking alcohol, if through alcohol-related uncontrolled, in particular aggressive behaviour, others are prevented from using the public street, path, square or facility area or are prevented from using it".

**Sanction:**

A person commits a regulatory offence who intentionally or negligently behaves in contravention of § 3 I (§ 12 I nos. 1 and 2, 5 and 12).

"The administrative offence can be punished with a fine of at least five euros and a maximum of 5,000 euros, in the case of negligent contraventions with a maximum of 2,500 euros" (§ 12 II).

# City of Koblenz

**Legal norm:**

„[Gefahrenabwehrverordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung auf öffentlichen Straßen und in öffentlichen Anlagen](https://www.koblenz.de/downloads/aemter-und-eigenbetriebe/buero-ob/ortsrecht/04-strassen-und-verkehrswesen/04-04-gefahrenabwehrverordnung.pdf?cid=28d)“ of 17.09.2007

**Regulation:**

* § 2 ("Commandments and prohibitions"):

1. "On public roads and in public places it is prohibited to:
2. Begging in an aggressive, intrusive, harassing or obstructive manner; this also applies to begging with or by minors as well as organised begging,
3. to sit down to consume alcohol or other intoxicating substances in such a way that other persons or the general public are inconvenienced or endangered by being mobbed, singing loudly, jeering, shouting, making noise, leaving bottles and other containers lying around, defecating, vomiting or verbal abuse, as well as to remain in a clear state of intoxication,
4. to relieve oneself outside toilet facilities, (...)

6) to use facilities, especially benches, (...) for other purposes,

8) to spend the night between 22.00 and 06.00 hours...".

* § 6 "Exceptions":

1. "Exceptions to the provisions of this Ordinance may be granted in justified individual cases for specific purposes and specific times."

**Sanction:**

Regulatory offence for a violation of § 2 (§ 7 I Nos. 1 to 3, 6 and 8), punishable by a fine of up to € 5,000 (§ 8 VI 1).

"Objects to which the regulatory offence relates or which have been used for its preparation or commission may be confiscated" (§ 8 VII).

# City of Cologne

**Legal norm:**

„[Satzung und ordnungsbehördliche Verordnung über die öffentliche Sicherheit und Ordnung](https://www.stadt-koeln.de/mediaasset/content/satzungen/koelner_stadtordnung_20180110.pdf)“ in the version of 10.01.2018

**Regulation:**

* § 9 ("Performance of street music and drama and other street art"):

1. "Street music and street theatre may only be performed in the city area in any place during the first 30 minutes of a full hour at a volume that does not significantly disturb uninvolved persons. The use of loudspeakers and electronic amplifiers is prohibited. The second half of each hour shall be kept free of music. No street music shall be played between the hours of 10 p.m. and 10 a.m. After each performance, the location must be changed so that the performance is no longer audible at the original location; the new location must be at least 300 metres away. Each location may only be occupied once per day and per musician/music group".

* § 11 ("Disruptive behaviour in public"):

1. "In the area of application of this regulation, any behaviour beyond the scope of common use that is likely to endanger others, obstruct or disturb them more than is avoidable under the circumstances, or damage property, is prohibited, in particular by: (…)
2. certain forms of begging such as

* aggressive begging or aggressive sales practices, e.g. by touching, grabbing, blocking the way, importunate accosting, erecting obstacles, harassing pursuit,
* begging through the harassing cooperation of several persons,
* organised or gang begging,
* Begging that obstructs pedestrian or road traffic,
* Begging under the feigning of physical disabilities or social hardship,
* begging through the use of children or by children,
* begging by putting animals into the street without carrying the required animal health certificates which have been truthfully filled in,

b) recurrent gatherings of persons causing disturbances such as littering or disturbing passers-by,

c) disturbances in connection with alcohol or drug consumption (e.g. soiling, bawling, disturbing people, endangering others by leaving bottles lying around); and

d) relieve oneself."

(II) "Camping or sleeping overnight is prohibited in public green spaces and on playgrounds and playgrounds. In the remaining area of application of this VO it is prohibited to camp or to set up or use a sleeping place".

* § 11a ("Alcohol and drug consumption in the immediate vicinity of kindergartens and schools"):
* "In the immediate entrance area of kindergartens and schools, the consumption of alcohol and/or drugs in public space is prohibited".
* § 32 ("Exceptions and wider uses"):

1. "Exceptions may be permitted from the provisions of this Ordinance in justified cases, insofar as this is compatible with the public interest".

**Sanctioning:**

A regulatory offence is committed by anyone who intentionally or negligently violates the determinations made in §§ 9, 11 and 11a within the scope of this VO (§ 33 I Nos. 12 to 13a and 15 to 21).

"The regulatory offence according to § 13 I can be punished with a fine of up to 1,000 euros according to § 17 I OWiG" (§ 33 II).

# City of Königstein (Saxony)

**Legal norm:**

„[Polizeiverordnung](https://www.koenigstein-sachsen.de/downloads/806_Polizeiverordnung_VG.pdf)“ of 13.12.2016

**Regulation:**

* § 6 ("Aggressive begging and other nuisances"):

1. "In or on public streets, facilities [Note: parks and the like are meant] and installations it is prohibited:

* aggressive begging; aggressive begging occurs when begging is particularly intrusive, e.g. when the beggar tries to obstruct the passer-by's path and/or physically touches him/her by plucking or grabbing his/her clothes; furthermore, when the passer-by is insulted because he/she does not want to give anything.
* breaking bottles or other objects,
* leaving, throwing away or depositing rubbish outside the containers provided for this purpose,
* sleeping overnight,
* relieve oneself… “

(II) "The provisions of the German Criminal Code (StGB) in its current in force at the time, in particular those relating to damage to property (§ 303 StGB), remain unaffected".

* § 9 ("Parking of caravans and erection of tents"):

"Tents, caravans and mobile homes for human habitation may not be erected and used outside camping sites approved under building law unless the necessary sanitary facilities are available. Landowners may not make their land available for tents, caravans and mobile homes for human habitation unless they also provide the required sanitary facilities."

**Sanction:**

Regulatory offence in the case of a violation of §§ 6 and 9 (§ 23 I Nos. 4 and 8), punishable by a fine of at least € 5 and at most € 1,000, in the case of negligent violations by a maximum of € 500 (§ 23 III), unless an exception has been granted by the city in accordance with § 21 due to a case of hardship (§ 23 II).

# City of Ludwigshafen (Rhine)

**Legal norm:**

„[Gefahrenabwehrverordnung zur Aufrechterhaltung der Sicherheit und Ordnung auf öffentlichen Straßen und in öffentlichen Anlagen](https://www.ludwigshafen.de/fileadmin/Websites/Stadt_Ludwigshafen/Buergernah/Rathaus/Ortsrecht/1-15.pdf)“ of 28.09.2015

**Regulation:**

* § 2 ("Commandments and prohibitions"):

1. On public roads and in public places it is prohibited
2. to camp or erect caravans for the purpose of loitering outside areas expressly designated for that purpose,
3. to beg in an aggressive or disruptive manner,
4. to sit for the consumption of alcohol or other intoxicating substances in such a way that other persons or the general public may be inconvenienced or endangered by being mobbed, singing loudly, jeering, shouting, making noise, leaving bottles and similar containers lying around, vomiting, obstructing vehicle and pedestrian traffic or swearing,
5. to relieve oneself
6. to use facilities, in particular benches (...) for purposes other than those for which they are intended..."

* § 4 ("Exceptions"):

1. "Exceptions to the provisions of this VO may only be granted in justified individual cases, for specific purposes and specific times."

**Sanctioning:**

A regulatory offence is committed by anyone who intentionally or negligently acts in contravention of § 2 (§ 5 I). "The administrative offence may be punished with a fine of up to EUR 5,000. The OWiG shall apply" (§ 5 II).

"In the case of offences against the prohibition of unlawful consumption of alcohol or other intoxicating substances (§ 2 I No. 3), objects to which the administrative offence relates or which have been used for its preparation or commission may be confiscated" (§ 5 III).

# City of Mannheim

**Legal norm:**

„[Polizeiverordnung zur Aufrechterhaltung von Sicherheit und Ordnung auf öffentlichen Straßen und Anlagen und zur Abwehr von verhaltensbedingten Gefahren](https://www.mannheim.de/sites/default/files/2018-08/s03-01.pdf)“ in the amendment of 03.08.2018

**Regulation:**

* § 3 ("Safety and order on streets, green and recreational areas and underground facilities"):

1. "On streets, in green and recreational areas and in underground facilities it is prohibited:
2. Sleeping in the open as well as sleeping for accommodation and residential purposes in motor vehicles and trailers; the latter does not apply insofar as the sleeping is done to comply with legal rest periods (e.g. lorry drivers) as well as for users of residential properties with their own water supply and sewage disposal for a maximum of one overnight stay;
3. intrusive or harassing begging or begging with or by means of minors;
4. relieving oneself outside designated facilities; (...)

6) using facilities, benches and chairs for purposes other than those for which they are intended, ... (...)

10) camping, …"

(III) "In house or property entrances and entrances that are visible from the public street space and directly freely accessible, it is prohibited:

1. unauthorised sleeping;
2. to relieve oneself."

* § 4 ("Meadows and fields"):

"In meadows and fields, unauthorised camping and camping outside areas designated and marked for this purpose is prohibited".

* § 10 ("Behavioural hazards in public"):

1. "It is prohibited to be in a state of drunkenness or under the influence of other intoxicating substances on streets, in underground facilities and green and recreational areas and in house or property entrances and accesses directly accessible from the public street space, if others are thereby grossly inconvenienced or obstructed - in particular through noise and obtrusiveness".
2. "The consumption of alcoholic beverages and the dispensing of such beverages are prohibited in children's playgrounds and other playground facilities and in their immediate vicinity".
3. "It is prohibited to store or permanently remain (settle) in the passenger shelters of public transport stops in order to consume alcoholic beverages or other intoxicating substances or to store or permanently remain (settle) there in a state of intoxication that is clearly visible to the outside".
4. "Smoking is prohibited in the passenger shelters of public transport stops and in children's playgrounds".

* § 13 ("Exceptions"):

"Exemptions from the provisions of this VO may only be granted in justified individual cases and for specific purposes. Exemptions may be subject to conditions and requirements."

**Sanctioning:**

A person commits a regulatory offence who intentionally or negligently acts in contravention of §§ 3, 4 and 10 (§ 14 I Nos. 1 to 3, 6 and 12, 23 and 24, 26 and 45 to 49). "The regulatory offence may be punished with a fine of € 5 to 5,000" (§ 14 II).

# City of Marburg

**Legal norm:**

„[Gefahrenabwehrverordnung über die Sicherheit und Ordnung auf und an den Straßen und in den Anlagen](https://www.marburg.de/medien/satzungen/900000188_32_5_marburger_strassenordnung.pdf)“ vom 28.06.2013

**Regulation:**

* § 5 ("Grossly disruptive behaviour on streets and in facilities [Note: parks and the like are meant]"):

1. "It is prohibited to camp or spend the night on public streets and in public facilities".
2. "On public roads and in public places it is prohibited to obstruct or disturb others by drunkenness or other intoxicating behaviour more than is avoidable under the circumstances".
3. "Aggressive, organised and child begging is prohibited on public streets or in public places".
4. "It is prohibited to relieve oneself on public streets or in public places".

* § 6 ("Use of children's playgrounds and ball fields"):

1. "The consumption of alcoholic beverages or intoxicants and cigarette smoking are prohibited in all children's playgrounds".

**Sanction:**

It is a regulatory offence for anyone who intentionally or negligently behaves in contravention of §§ 5 and 6 (§ 10 I Nos. 14 to 17 and 23).

"The regulatory offence can be punished with a fine of up to 5,000 euros" (§ 10 II).

# City of Meckenheim

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.meckenheim.de/imperia/md/content/cms117/pdf/ortsrecht/3_8_mesto_stadtordnung.pdf)“ of 02.05.2007

**Regulation:**

* § 2 ("General duty of conduct"):

1. "Conduct on traffic areas and in facilities [Note: parks and the like are meant] is governed by the principle of mutual consideration. In particular, no other person may be endangered, harmed or obstructed more than is unavoidable under the circumstances".
2. "Prohibited here is in particular:
3. Spitting in front of passers-by; spitting at seating and similar facilities;
4. Blocking the way;
5. Aggressive begging by:

* Touching,
* grabbing,
* blocking the way,
* repeatedly approaching, although the passer-by has signalled his or her unwillingness to donate,
* creating obstacles in the traffic area,
* harassing pursuit,
* harassing interaction of several persons,
* use of dogs;

d) making noise, e.g. shouting, screaming, bawling;

e) excessive consumption of alcohol;

f) consumption of intoxicants;

g) relieving oneself outside toilet facilities;

h) sitting on the backs of benches and placing feet on the seats;

1. camping in groups of people, unless authorised by the Administration. This also and especially applies to publicly accessible car parks if this unreasonably impairs the original intended use for others and the exercise of common use is no longer possible without hindrance."

* § 3 ("Protection of traffic areas and facilities"):

(II) "It is prohibited in particular: (...)

2) To use benches (...) in the facilities and on traffic areas without authorisation other than as intended";

3) to spend the night in the facilities or on traffic areas...".

* § 4 ("Playgrounds, public recreational areas"):

(II) "All consumption of alcohol, nicotine and drugs is prohibited on all children's playgrounds and football playgrounds".

* § 9 ("Collection of waste material):

(III) "It is not permitted to search the waste containers, waste bags and waste provided for collection or to remove the waste in whole or in part".

**Sanction:**

It is a regulatory offence to violate §§ 2 to 4 (§ 18 I 1 Nos. 1 to 3).

"Violations of these provisions of the Ordinance may be punished by a fine according to the OWiG, insofar as these violations are not threatened with penalties or fines according to federal or Land law.

The fine shall amount to at least € 5, in the case of negligent offences to a maximum of € 500 and in the case of intentional offences to a maximum of € 1,000." (§ 18 I 2 and 3).

**Catalogue of fines for offences:**

Searching of and removing from waste containers: € 20, -.

Sitting on the back of a bench or feet on the seat, spitting on traffic areas or in facilities: € 10 each

Urinating on traffic areas or in facilities: € 35, -.

# City of Mönchengladbach

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung auf den Straßen und in den Anlagen](https://www.moenchengladbach.de/uploads/media/32-1_03-10.pdf)“ in the version of 04.03.2010.

**Regulation:**

* § 2 ("Conduct on streets and in facilities [Note: parks and the like are meant]"):

(II) "On streets and in facilities it is prohibited in particular,

1. to spend the night,
2. remove benches from their location without authorisation,
3. disturbing others by noise, intrusiveness, aggressive begging (e.g. directly affecting passers-by by standing in their way, using dogs as a means of pressure, chasing or touching), drinking alcohol (e.g. in connection with bawling, mobbing passers-by, endangering others by leaving bottles or glasses lying around) or other disruptive behaviour".

* § 10 ("Caravans, mobile homes, tents and vending carts"):

1. "On roads, overnight stays may only be made in caravans and mobile homes registered for road traffic and not for more than one night; this does not apply to showmen at fairs or funfairs".
2. It is not permitted to park or erect caravans, mobile homes, tents or mobile sales units in facilities".

* § 11 ("Musical and fair performances"):

1. "Musicians, singers and showmen may perform their acts on working days during normal business hours. They must change the location of their performance after 20 minutes in such a way that their performances are no longer audible at the original location, but must continue for at least 200 m".

* § 15 ("Exceptions"):

"The Lord Mayor may allow exceptions to the provisions of this Regulation".

**Sanctioning:**

It is a regulatory offence to intentionally or negligently violate §§ 2, 10 and 11 (§ 16 I Nos. 2, 25 and 26), which can be punished with a fine of up to € 1,000 (§ 16 II).

# City of Munich

**Legal norm:**

„[Sicherheitsrechtliche Allgemeinverfügung über die Untersagung bestimmter Formen des Bettelns in Teilen des Stadtgebiets München](https://www.muenchen.de/rathaus/dam/jcr:fb705d81-5c34-41fa-92ca-495d56d79f9d/Allgemeinverf%C3%BCgung_Betteln_Endversion_08.08.14.pdf)“ of 01.08.2014

**Regulation:**

1. "In the prohibited area of No. 2, it is prohibited to beg in the following forms:
2. aggressively (this form of begging is present if the petition is emphasised by persistent addressing, insulting, following, touching, putting in the way/blocking the way or other forms of harassment of passers-by);
3. ang-like or organised begging (gang-like or organised begging can exist in particular if beggars are recognisably "directed" by third parties and "assigned" begging places. Further indications can be the recognisable collection of begging proceeds by third parties, the "defence" of certain places against competitors as well as the guarding of begging minors by adults);
4. obstructing traffic, whereby an unjustifiable impairment of the safety or ease of traffic is to be expected (e.g. if a passage width of 1.6 m is not guaranteed for footpaths only and 1.9 m for adjacent cycle paths);
5. by feigning non-existent physical disabilities or illnesses as well as personal distress or by feigning artistic performances with musical instruments that are not in usable condition;
6. in the company of or by children; or
7. with animals, without the required and fully and truthfully completed animal health certificates.

2) The prohibitions of No. 1 apply to the following areas of public space (public roads, paths and squares): (...)

3) In addition to the prohibitions of No. 1, silent begging is also prohibited in the Old Town pedestrian area.

4) Persons found begging (No. 1 and 3) must leave the area defined in No. 2 immediately.

5) The immediate enforcement of items 1, 3 and 4 is ordered.

6) In the event of a violation of items 1, 3 and 4, the means of direct enforcement shall be ordered".

# City of Münster (North Rhine-Westphalia)

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der Sicherheit und Ordnung auf den Straßen und in den öffentlichen Anlagen, zum Schutze des Stadtgebiets vor Verunreinigungen sowie über die Einschränkung der Nutzung des Aasees](https://www.stadt-muenster.de/recht/ortsrecht/satzungen/detailansicht/satzungsnummer/32.01)“ o 20.11.2016

**Regulation:**

* § 12 ("Further protection of public streets and facilities [Note: parks and the like are meant]"):

1. "It is prohibited in the public streets and facilities to

(…)

3) to behave in such a way that other persons are more than slightly hindered or inconvenienced in the use of the streets and facilities, e.g. by disruptive camping, aggressive begging or disturbances caused by the consumption of alcohol".

**Sanction:**

* § 15 ("threat of fine"):

1. It is a regulatory offence to intentionally or negligently violate the provisions of this Ordinance"
2. "The administrative offence may be punished by a fine of not less than € 5, - and not more than € 1,000, - for each case of contravention".

- § 16 ("Exceptions for special cases"):

"The department of public order as the competent public authority may grant exemptions from the provisions of this Ordinance for special cases upon application if this is in the justified interest of individuals or in the public interest.

Furthermore, it may grant exemptions if the implementation of the Ordinance would lead to an obviously unintended hardship in an individual case and public interests are not opposed".

# City of Neu-Isenburg

**Legal norm:**

„[Gefahrenabwehrverordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung auf und an öffentlichen Straßen, Gebäuden, Grün-, Sport- und Spielanlagen](https://neu-isenburg.de/fileadmin/user_upload/Buergerservice/Verwaltung%20im%20Rathaus/Stadtrecht/3-9_gefahrenabwehrverordnung.pdf)“ of 04.09.2013

**Regulation:**

* § 8 ("Waste and recyclable materials"):

1. "Waste paper baskets, waste bins, rubbish bins, large waste containers and recyclable material containers may not be searched, objects removed from them and scattered. The same applies to bulky waste and collected items (clothes, old clothes, old paper, glasses, batteries, scrap metal, metals, plastics and the like), insofar as they are made available for collection".

* § 9 ("Hazardous behaviour"):

1. "It is prohibited,
2. on children's playgrounds

in schoolyards, insofar as they are generally accessible, to consume alcoholic beverages or to consume tobacco or to allow others to consume or consume them".

(II) "Within the scope of this regulation, any disruptive behaviour that impairs, endangers or harasses third parties, e.g. by camping and sleeping, intoxicating behaviour in public, defecation and spitting, is prohibited".

(III) "Aggressive begging, in particular by insistently or persistently approaching persons for the purpose of begging, as well as organised begging is prohibited".

* § 10 ("Camping"):

"Living in caravans, mobile homes and tents is prohibited".

* § 13 ("Exemptions"):

1. "Exemptions may be granted on application if the implementation of the VO would lead to an obviously unintended hardship in an individual case and public interests are not opposed".

**Sanctioning:**

A person commits a regulatory offence if he acts intentionally or negligently in contravention of sections 8, 9 and 10 (section 14 I nos. 20, 22 to 25).

"The regulatory offence can be punished with a fine of up to € 5,000" (§ 14 II).

"The OWiG as amended from time to time shall apply" (§ 14 III).

# City of Neunkirchen

**Legal norm:**

„[Polizeiverordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.neunkirchen.de/fileadmin/user_upload/neunkirchen/10_Dateien-Hochladen/100_Dateien-Hochladen/Pvo_01_02_2012.pdf)“ of 01.02.2012

**Regulation:**

* § 7 ("Camping and spending the night"):

"On public roads and facilities [Note: parks and the like are meant], spending the night outdoors as well as setting up and using tents, camper vans, caravans and the like outside approved camping and tent sites are prohibited. This prohibition does not include resting or spending the night while travelling in vehicles for the purpose of restoring physical fitness to drive."

* § 8 ("Alcoholic beverages and intoxicating substances"):

"On public roads and in public places it is prohibited to sit down to consume alcohol or other intoxicating substances if, as a consequence, other persons or the general public are endangered by insults, bawling, mobbing, throwing, leaving lying around or breaking bottles or other containers, performing emergency urination, vomiting, interfering with pedestrian and/or vehicle traffic".

* § 9 ("Begging, fortune telling and similar activities"):

"On public streets and in public areas, aggressive begging, i.e. begging with a deliberate physical harassment, fortune-telling, palmistry, card-reading and similar activities are prohibited. Organised, commercial begging, begging by and with children and with circus animals is also prohibited.

* § 24 ("Musical performances"):

1. "Commercial musical performances and excessive, disturbing playing of electronic sound carriers are prohibited in public places".
2. "Performances by street musicians or performers without appropriate permission are prohibited".

**Sanctioning:**

It is a regulatory offence to behave in contravention of sections 7 to 9 (§ 28 I Nos. 12 to 14).

"The regulatory offence can be punished with a fine of up to € 5,000" (§ 28 II).

# City of Neuss

**Legal norm:**

„[Ordnungsbehördliche Verordnung zur Aufrechterhaltung der Sicherheit und Ordnung in den öffentlichen Anlagen](https://www.neuss.de/leben/umwelt-und-gruen/downloads/gruenanlagenordnung_aug-4-2019-2-originalfassung.pdf)“ of 29.03.2019

**Regulation:**

* § 4 („Pollution Commandment “):

(V) "It is not permitted to search the rubbish or bulky items made available for collection".

* § 6 ("Prohibited behaviour"):

1. " It is not permitted to store, camp or spend the night in the public areas, except in the places provided for this purpose".
2. "It is not permitted to use the facilities available in the grounds - such as (...) benches - for other purposes..." (...)
3. Aggressive begging in the form of direct action on passers-by by putting them in the way or using dogs as a means of pressure as well as chasing or touching them is prohibited".
4. "Disturbances in connection with alcohol consumption, e.g. bawling, mobbing passers-by, endangering others by leaving bottles and glasses lying around are prohibited".

(VIII) "The relieving of oneself outside the toilet facilities provided for this purpose is prohibited".

**Sanctioning:**

It is a regulatory offence for anyone who intentionally or negligently behaves in contravention of § 6 (§ 13 I).

"Violations within the meaning of § 13 I may be punished by the regulatory authority with a fine in accordance with the provisions of the OWiG, insofar as they are not threatened with penalties or fines under federal or state law. The amount of the fines shall be determined in accordance with § 17 OWiG" (§ 13 II).

# City of Oberhausen

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.oberhausen.de/de/index/rathaus/verwaltung/soziales-bauen-wohnen-und-recht/recht/ortsrecht_der_stadt_oberhausen/ortsrecht-material/171214_ovo_oeff_sich_u_ord_mit_anlagen_01012018.pdf)“ of 14.12.2017

**Regulation:**

* § 1 ("Protection of streets and facilities [Note: parks and the like are meant]"):

1. "On streets and facilities it is prohibited:
2. camping and sleeping overnight, (...)

2) using seating furniture contrary to its intended purpose, (...)

4) aggressive begging (directly influencing passers-by by putting them in the way, following them, touching them or specifically approaching them), begging under the pretence of physical disabilities, illnesses or personal distress, begging using animals as a means of pressure as well as silent begging involving children,

5) camping in groups of people if they congregate in the same places and thereby obstruct passers-by in their ability to use the public street space within the scope of public use,

6) any behaviour which is likely to obstruct or disturb others more than is unavoidable under the circumstances, especially when under the influence of alcohol (e.g. bawling, obscene gestures, accosting people),

7) relieving oneself".

* § 2 ("Protection of public transport facilities"):

1. "Public transport facilities may only be used for public transport purposes within the scope of their intended use".
2. "Any behaviour contrary to this purpose is prohibited, in particular (...)

2) the use of the public transport facilities as a resting, playing or storage area, unless expressly permitted, as well as the consumption of alcohol or other intoxicating substances.

* § 3 ("Avoidance of pollution"):

1. "Waste containers as well as collection containers for the recovery of raw materials may not be searched, objects removed from them or scattered".

**Sanctioning:**

It is a regulatory offence for anyone who intentionally or negligently acts in contravention of sections 1 to 3 (section 12 I nos. 1, 3 and 7). "The regulatory offences according to § 12 I can be punished with a fine according to the OWiG. The fine shall amount to at least € 5. In the case of intentional offences, the fine shall not exceed € 1,000, and in the case of negligent offences, the fine shall not exceed € 500 (§ 12 II).

# City of Oberursel

**Legal norm:**

„[Gefahrenabwehrverordnung über aggressives und organisiertes Betteln, wildes Zelten und Nächtigen, Lärmbelästigung durch Straßenmusik sowie wildes Plakatieren, Beschriften, Bemalen und Besprühen](https://www.oberursel.de/pdf-pool/stadtrecht/gefahrenabwehrverordnung.pdf?cid=zt)“ of 14.09.2006

**Regulation:**

"It is prohibited to beg by insistently or persistently approaching persons (aggressive begging) or to cooperate with other persons in begging in such a way that a large number of pedestrians have to avoid several beggars (organised begging)".

* § 3 ("Prohibition of wild camping and sleeping overnight"):

1. "It is prohibited to spend the night on or in public roads or in public facilities [Note: parks and the like are meant] in motor vehicles, caravans or similar transportable accommodation or to camp on such roads and facilities".
2. "This does not apply if it is a single overnight stay for the purpose of maintaining or restoring the roadworthiness of the persons driving the vehicle, or if the magistrate (...) has expressly permitted the camping or overnight stay".

* § 4 ("Prohibition of noise pollution by street music"):

1. "It is prohibited to play music on public streets or in public places in the area between the streets (N. N.) for more than 30 minutes at one location or within earshot of that location, unless the Magistrate (...) has expressly permitted it".
2. "It shall also be prohibited to make music at any location in the said area if on the same day another person has already made music there for at least 30 minutes".

**Sanction:**

A person commits a regulatory offence who intentionally or negligently acts in contravention of §§ 2 to 4 (§ 6 I Nos. 1 to 3).

"The regulatory offence can be punished with a fine of up to € 5,000" (§ 6 II).

# City of Osnabrück

**Legal norm:**

„[Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.osnabrueck.de/fileadmin/eigene_Dateien/III-1-Verordnung-u-ber-die-Aufrechterhaltung-der-o-ffentlichen-Sicherheit-und-Ordnung-P005116427.pdf)“ of 01.03.2016

**Regulation:**

* § 2 ("Street musicians"):

1. "Music groups with more than 4 persons are not allowed to perform, regardless of how many musicians of the group play at the same time. Musicians include singers as well as instrumental musicians. Purely vocal ensembles are excluded".
2. "After 30 minutes of playing time, the location must be changed. The new location must be at least 100 m away from the previous location. Musicians may perform in a street only once a day. Three performances per day are allowed in the Great Street".
3. "Street music is not permitted in the area of other special uses (including outdoor catering), markets (incl. Christmas markets) or at rallies. This also applies within the radius (20 m) of these approved events or special uses if they are affected by the street music".
4. "The carrying/holding on board as well as the use of electro-acoustic amplification systems and aggregates/batteries as well as similar devices is not permitted. The use of devices suitable for playing music is generally not permitted".

* § 10 ("Nuisance to the general public"):

"On traffic areas and in installations as well as in publicly accessible house entrances and driveways it is prohibited:

1. Camping or sleeping if in doing so passers-by are obstructed in their use of the public street space within the scope of public use,
2. a) begging by means of direct person-to-person intervention, in particular by putting people in the way, bringing animals with them, harassing or persistently approaching or touching them,

b) inciting minors to beg in this way; and

c) the silent begging of children or with the participation of children,

3) relieving oneself".

**Sanctioning:**

A person commits a regulatory offence who intentionally or negligently violates a provision under section 2 or 10 (section 12 I nos. 1 and 12).

"The regulatory offence can be punished with a fine of up to € 5,000" (§ 12 II).

# Municipality of Pastetten (district of Erding)

**Legal norm:**

„[Satzung über die Sondernutzungen an öffentlichem Verkehrsraum](https://www.pastetten.de/images/Bettelverordnung.pdf)“ of 01.09.2014

**Regulation:**

* § 2 ("Special use"):

1. "A special use exists if the roads are used beyond the common use".

(…)

(IV) "Special use within the meaning of this provision also includes

1. commercial or organised begging,
2. aggressive begging, e.g. by direct contact from person to person, by feigning physical infirmity, by carrying an animal or child, by standing in the way, repeatedly approaching or touching and peddling".

* § 9 ("Reasons for permit and refusal"):

1. "Permission for a special use shall be granted for a limited period or for revocation and may be subject to conditions and obligations and to the reservation of subsequent conditions".
2. "The permit shall be refused,

(…)

d) commercial or organised begging,

e) in the case of aggressive begging, e.g. by direct action from person to person, by feigning physical infirmity, by carrying an animal or child, by standing in the way, repeatedly approaching or touching, as well as peddling."

**Sanction:**

- § 16 ("Regulatory offences"):

"Anyone who intentionally or negligently uses a street without authorisation for special uses can be fined up to € 1,000".

# City of Radevormwald

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.radevormwald.de/imperia/md/content/cms222/rat_verwaltung/ortsrecht_satzungen/strassenordnung20180424.pdf)“ of 24.04.2018

**Regulation:**

* § 2 ("General duty of conduct"):

1. "On traffic areas and in facilities [Note: parks and the like are meant], everyone must behave in such a way that others are not endangered, harmed or obstructed more than is unavoidable under the circumstances. The use of traffic areas and facilities may not be thwarted or restricted, in particular by:
2. aggressive begging, in particular
3. by touching, holding, blocking the way,
4. harassing or persistent approaches,
5. by deliberately approaching people close to the body,
6. begging that impairs the safety and ease of traffic,
7. begging under the pretence of physical disabilities, illness or personal distress,
8. silent, passive begging with the help of children or animals,
9. feigning artistic performances;
10. disturbances, especially under the influence of alcohol or other intoxicating substances (e.g. obscene gestures, loud statements to individuals or groups of people, endangering others by leaving bottles, glasses or their fragments lying around), after a request to cease and desist has not been heeded;
11. failing to comply with a request to remove a defilement attributable to an individual or group of persons..."

* § 3 ("Protection of facilities and traffic areas"):

1. "The facilities and traffic areas are to be treated with care. They may only be used in accordance with their intended purpose..."
2. "In particular, it is prohibited (...)

3) to spend the night in the facilities;

(…)

6) to relieve oneself in the facilities or on traffic areas".

* § 8 ("Caravans, tents and mobile shops"):

1. „"The setting up and removal of caravans, tents and mobile shops in facilities is prohibited".
2. "Exceptions may be permitted in individual cases if this serves the public interest, e.g. to meet the recreational needs of the population.

**Sanctioning:**

It is a regulatory offence for anyone who intentionally or negligently acts in contravention of §§ 2, 3 and 8 (§ 12 I Nos. 1, 2 and 7).

"The intentional violation of these provisions may be punished by a fine of up to € 1,000, the negligent violation by a fine of up to € 500, insofar as the act is not punishable by a penalty or fine under federal or state law. For the assessment of the fine, § 17 OWiG shall be observed" (§ 12 II).

# City of Radolfzell (District of Constance)

**Legal norm:**

„[Allgemeinverfügung über das Verbot gewerbsmäßigen Bettelns auf öffentlicher Verkehrsfläche mit Anordnung der sofortigen Vollziehung](https://www.radolfzell.de/addmindms/document/1004/1ffe7635-bb7b-5151-a00a-6fe4cfdae710/AllgemeinverfgungberdasVerbotgewerbsmigenBettelnsaufffentlichenVerkehrsflheninRadolfzell24.2.26.pdf?fdl=1)“ of 13.02.2006

**Regulation:**

1. "It is prohibited to beg commercially and in an organised manner on public traffic areas (streets, paths, squares, pedestrian areas) in the city area".

**Sanctioning:**

1. „"Immediate enforcement of No. I of this order is ordered".
2. "In the event that begging is carried out in a commercial and organised manner on public traffic areas in Radolfzell in contravention of No. I of this order, the means of immediate coercion is threatened".
3. "Confiscation and forfeiture are ordered for illegally obtained earnings".

# City of Reutlingen

**Legal norm:**

„[Polizeiverordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung und gegen umweltschädliches Verhalten](https://www.reutlingen.de/ceasy/resource/?id=44107&download=1)“ of 16.05.2013

**Regulation:**

* § 10 ("Nuisances to the general public"):

"On public roads and pavements and in green and recreational areas it is prohibited

1. Sleeping during the period from 22:00 to 06:00,
2. begging that seeks physical proximity or is otherwise particularly intrusive or annoying, as well as inciting minors to engage in this type of begging,
3. to relieve oneself,
4. public consumption as well as staying for the purpose of handling or assisting the handling of narcotics,
5. throwing away or depositing objects, except in designated litter bins".

* § 17 ("Permission of exceptions"):

"If an unreasonable hardship arises for the person concerned, then the local police authority may allow exceptions to the provisions of this Ordinance, provided that no public interests are opposed."

**Sanctioning:**

It is a regulatory offence for anyone who intentionally or negligently acts in contravention of section 10 (section 18 I nos. 10 to 12).

This does not apply "insofar as an exception has been granted under section 17" (section 18 II).

"Regulatory offences can be punished with a fine according to § 18 II PolG BW and § 17 I and II OWiG" (§ 18 III).

# State capital Saarbrücken

**Legal norm:**

„[Polizeiverordnung über die Aufrechterhaltung der Sicherheit und Ordnung auf Straßen und in Anlagen](https://www.saarbruecken.de/media/download-535a4143ac534)“ in the version of 25.05.2015

**Regulation:**

* § 9 ("Security in public facilities [Note: parks and the like are meant]"):

1. "In public facilities and on streets, the following behaviours are prohibited: Spending the night, camping, barbecuing with the exception of areas specifically cleared for this purpose by signage, consumption and handling of narcotics within the meaning of the BtmG, storing and staying permanently in a state of drunkenness in a manner impairing third parties."
2. "In public areas and on streets, gang-based or organised begging, begging by deliberately approaching people close to the body, begging which impairs the safety and ease of traffic, begging by feigning physical disabilities, illnesses or personal distress, begging with the help of children, feigning artistic performances and begging with circus animals are prohibited".

(…)

(VII) "Street musicians or performers must change the location of their performances on streets and in installations after 30 minutes so that they are no longer audible at the original location, but must move at least 200 m further".

* § 13 ("Collectables and recyclables"):

(VII) Containers shall not be searched, partially or completely emptied by unauthorised persons".

* § 16 ("Permits and exceptions"):

1. "The Lord Mayor as local police authority (department of public order) shall decide on the application for a permit required under this VOP".

**Sanction:**

A person commits a regulatory offence who intentionally or negligently acts in contravention of § 9 and 13 (§ 17 I h), i), k) and t).

"Regulatory offences can be punished with a fine of up to € 5,000" (§ 17 II).

# Municipality of Seifen (Saxony)

**Legal norm:**

„[Polizeiverordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://seiffen.de/polizeiverordnung/)“ of 25.11.2014

**Regulation:**

* § 12 ("Aggressive begging and other impairments"):

"On public streets or in installations and facilities as well as public areas it is prohibited to:

1. intrusive or aggressive begging, for example, by persistent accosting, by persistent approaching, by physical harassment or in a clearly intoxicated state,
2. Substantial harassment of other persons by intrusive or aggressive behaviour, e.g. after consumption of alcohol or other intoxicating substances,
3. Smashing bottles and other objects,
4. Relieve oneself.

* § 15 ("Admission of exceptions"):

"If an unreasonable hardship arises for the person concerned, the local police authority may permit exceptions to the provisions of this Ordinance, provided that no overriding public interests are opposed."

**Sanctioning:**

"A regulatory offence is committed by anyone who intentionally or negligently contravenes the prohibitions of § 12 Nos. 1 to 4" (§ 16 I No. 14).

"§ 16 I shall not apply insofar as exceptions are permitted under section 15" (§ 16 II).

"Regulatory offences can be punished according to § 17 I OWiG with a fine of at least € 5 and a maximum of € 1,000, in the case of negligent contraventions with a maximum of € 500" (§ 16 III).

# City of Speyer

**Legal norm:**

„[Allgemeinverfügung über das Verbot verschiedener Bettelformen mit Anordnung der sofortigen Vollziehung](https://www.speyer.de/de/rathaus/verwaltung/ortsrechtssammlung/8.1.4-allgemeinverfuegung-bettelverbot-2017.pdf?cid=8iy)“ of 15.03.2017

**Regulation:**

* 1. "In the city of Speyer, the following forms of begging are prohibited in the areas listed under No. 2 of this order:

1. Intrusive and aggressive begging (if the petitioner lends emphasis to his or her request, e.g. by persistently approaching, following, touching or by standing in the way or other behaviour that can objectively be understood as harassment).
2. Gang-like and organised begging (which is characterised by a certain logistics, when beggars are driven to certain places with vehicles at certain times and are picked up again after their "work is done", i.e. they are recognisably "directed" by third parties and always take the same begging places, when gang members also change these places among themselves, but use identical begging slips with reference to a certain need).
3. Begging under pretence of illnesses, disabilities or infirmities (e.g. if beggars use signs to draw attention to an invented illness or a non-existent emergency, also use aids such as wheelchairs and crutches or place prostheses next to themselves to reinforce the situation, or feign symptoms of illness by trembling and twitching strongly, but leave the begging place again without any signs of illnesses or physical impairments after their "work" is done).
4. Begging by pretending to perform artistically or by using musical instruments that are not fit for use (if objects are used that are not suitable for making music or that are obviously defective or lack important components to be able to play them, if the musician does not have the ability to operate the instrument used in a way that goes beyond the standard of practising).
5. Begging in the company of children or by children (in this case, there are weighty reasons regarding a danger to the well-being of a child or adolescent, because in the case of children who are encouraged to beg, there is a concern of developmental disorders, and by accompanying children in begging, the aim is to arouse compassion in the population in order to achieve higher proceeds from begging).

2) "The prohibited area shall extend to the following streets and areas..."

**Sanctioning:**

3) Sanction:

3) "Persons found begging in contravention of the prohibitions under items 1 and 2 shall leave the prohibited area immediately. In the event of non-compliance, the coercive measure of direct enforcement in the form of the issuing of an expulsion order shall be threatened."

4) The immediate enforcement of this order is ordered".

# City of Sulzbach (Saarland)

**Legal norm:**

„[Polizeiverordnung über die Aufrechterhaltung der Sicherheit und Ordnung auf den Straßen und in den Anlagen](https://www.stadt-sulzbach.de/index.php/unsere-stadt/rathaus/die-verwaltung/verwaltung-aktuell/amtliche-bekanntmachungen/1771-polizeiverordnung)“ of 27.05.2021

**Regulation:**

* § 3 ("Security in public facilities [Note: parks and the like are meant]"):

"Every visitor to a public facility must behave in such a way that its purpose is not impaired.

In particular, the following is prohibited in the facilities: (...)

"The consumption of alcohol or other intoxicating substances is prohibited on public streets and in public places if, as a result, other persons or the general public are endangered by insults, bawling, mobbing, throwing, leaving or breaking bottles or other containers, relieving oneself, sexual acts, vomiting or interfering with pedestrian or vehicular traffic".

* § 8 ("Begging, fortune telling and similar activities"):

"In public places and on streets, aggressive, gang and organised begging, begging by deliberately approaching people close to the body, begging which impairs the safety and ease of traffic, begging under the pretence of physical disabilities, illness or personal distress, begging with the assistance of children, pretence of artistic performances, begging of circus animals are prohibited".

* § 23 ("Exceptions"):

1. "Exceptions to the provisions of this Ordinance may be permitted in justified individual cases - insofar as it is compatible with the public interest - upon application by the local police authority."

**Sanctioning:**

"A regulatory offence is committed by anyone who intentionally or negligently acts in contravention of §§ 3 and 8" (§ 24 I).

"The regulatory offences can be punished with a fine of up to € 5,000" (§ 24 II).

# City of Trier

**Legal norm:**

„[Gefahrenabwehrverordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung auf öffentlichen Straßen und in öffentlichen Anlagen](https://www.trier.de/File/4047-full.pdf)“ of 06.09.2007

**Regulation:**

* § 4 ("Behavioural dangers"):

"On roads and in facilities [Note: parks and the like are meant] it is prohibited to

1. beg aggressively by directly affecting persons, such as standing in their way or touching them;
2. to sit down for the consumption or after the consumption of alcohol in such a way that as a consequence other person or the general public may be endangered by mobbing, loud singing, jeering, shouting, making noise, defecating, vomiting, insulting;
3. use fountains, ponds and water basins contrary to their intended purpose;
4. camp, tent or spend the night outside designated camping sites, with the exception of one-time overnight stays for the purpose of restoring fitness to drive in caravans, mobile homes and other vehicles".

* § 7 ("Exceptions"):

1. "From the provisions of this Ordinance, the regulatory authority may allow exceptions in justified cases - as far as it is compatible with the public interests - upon application". (...)

**Sanctioning:**

A regulatory offence is committed by anyone who intentionally or negligently acts contrary to § 4 (§ 8 I Nos. 11 to 14).

"The regulatory offence can be punished with a fine of up to € 5,000. The OWiG shall apply" (§ 8 II).

"In the case of offences (...) against the prohibition of unlawful consumption of alcohol (§ 4 No. 2) and against the prohibition of camping, camping or spending the night outside designated camping sites as well as spending the night in caravans, mobile homes and other vehicles with the exception of one-time overnight stays for the purpose of restoring fitness to drive (§ 4 No. 4), objects to which the administrative offence relates or which have been used for its preparation or commission may be confiscated" (§ 8 III).

# City of Tübingen

**Legal norm:**

„[Polizeiverordnung gegen umweltschädliches Verhalten, Belästigung der Allgemeinheit, zum Schutz der Grün- und Erholungsanlagen und über das Anbringen von Hausnummern](https://www.tuebingen.de/verwaltung/uploads/polizeiliche_umweltschutzverordnung.pdf)“ in the version of 24.09.2007

**Regulation:**

* § 13 ("Parking of caravans and erection of tents"):

"Tents, caravans and mobile homes for human habitation may not be erected outside camping sites approved under building law unless the necessary sanitary facilities are provided. Property owners are prohibited from making their properties available for this purpose or tolerating violations of this prohibition".

* § 15 ("Public nuisance"):

1. "On public roads, pavements and in green and recreational areas it is prohibited:
2. Sleeping overnight,
3. begging that seeks physical proximity or is particularly intrusive, as well as inciting minors to engage in this type of begging,
4. relieving oneself,
5. the public consumption of narcotics,
6. throwing away or depositing objects of any kind (such as bottles, cans, wrappers, cigarettes, paper, food scraps, chewing gum and bags) except in designated waste containers."

(II) "The provisions of the StGB, the BtmG and the Recycling Management Act, the Waste Management Act and the State Waste Management Act remain unaffected".

* § 18 ("Exceptions"):

"If an unreasonable hardship arises for the person concerned, the local police authority (...) may grant exemption from the provisions of this Ordinance, provided that no public interests are opposed".

**Sanctioning:**

A regulatory offence is committed by anyone who intentionally or negligently acts in contravention of sections 13 and 15, unless an exemption has been granted under § 18 (§ 19 I nos. 13 and 17 to 19 in conjunction with section 19 II).

"regulatory offences can be punished according to § 17 OWiG with a fine of at least € 5 and at most € 5,000, in the case of negligent contraventions with at most € 2,500" (§ 19 III).

# City of Ulm

**Legal norm:**

„[Polizeiverordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung und gegen umweltschädliches Verhalten](https://www.ulm.de/-/media/ulm/zdv/downloads/satzungen/oeffentliche-sicherheit-und-ordnung/101-polizeiverordnung.pdf)“ of 20.11.2013

**Regulation:**

* § 16 ("Nuisance to the general public"):

1. "On public roads and pavements as well as in green and recreational areas it is prohibited:
2. Sleeping,
3. begging which seeks physical proximity or is otherwise particularly intrusive, as well as inciting minors to engage in this type of begging,
4. relieving oneself,
5. the public consumption of narcotics".

(II) "The provisions of the StGB and the BtmG remain unaffected".

* § 17 ("Erection of caravans and tents"):

"Tents and caravans may not be erected outside camping sites approved under building law for the purpose of human habitation unless the necessary sanitary facilities are available. Property owners are prohibited from making their properties available for this purpose or tolerating violations".

* § 20 ("Permission of exemptions"):

"If an unreasonable hardship arises for the person concerned, the local police authority may permit exemptions from the provisions of this Ordinance, provided that no public interests are opposed."

**Sanctioning:**

"A regulatory offence is committed by anyone who intentionally or negligently acts in contravention of sections 16 and 17" (§ 21 I nos. 17 to 21), unless an exception has been permitted under § 20 (§ 21 II).

"The regulatory offences can be punished with a fine according to § 17 OWiG" (§ 17 III).

# City of Usingen (Hesse)

**Legal norm:**

„[Gefahrenabwehrverordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.usingen.de/pdfs/satzungen/gefahrenabwehrverordnung-ueber-die-aufrechterhaltung-der-oeffentlichen-sicherheit-und-ordnung-in-der-stadt-usingen.pdf?cid=2q)“ of 29.04.2013

**Regulation:**

* § 2 ("Prohibition of pollution"):

1. It is prohibited: (...)

3) to search paper baskets, waste containers, rubbish bins, large waste containers and waste collection stations and to remove or scatter objects from them. The same applies to bulky waste or collected items (clothes, old clothes, old paper, glasses, batteries, scrap metal, metals, plastics and the like), insofar as they are made available for collection..."

(III) "The prohibition according to § 2 I No. 3 does not apply to the respective owner of the waste".

* § 5 ("Conduct on streets and in facilities [Note: parks and the like are meant]"):

1. "Aggressive begging by insistently or persistently approaching persons, begging by sending children in front of them or displaying animals as well as organised begging are prohibited".
2. "In children's playgrounds, skate parks and ball playgrounds, it is not permitted to consume alcoholic beverages or to provide them to others for consumption. This prohibition further applies to the following areas: (N.N.). The Magistrate may allow exceptions to the prohibition on the consumption of alcohol in the above locations. Notwithstanding the above, the prohibition of alcohol shall not apply to events approved by the Magistrate."
3. The encampment or permanent stay within the area of application of this Ordinance in a manner that is detrimental to third parties for the purpose of consuming narcotics within the meaning of the BtmG is prohibited".
4. "Living, even temporarily, in tents, motor vehicles, caravans or similar transportable accommodation is prohibited outside camping sites or other sites designated for this purpose. A single overnight stay as a necessary rest for the purpose of maintaining or restoring roadworthiness is not affected by this prohibition. Exemptions from this prohibition may be permitted. The exemptions may be subject to conditions and requirements".

* § 6 ("Use and protection of public facilities")

"Any behaviour that impairs the intended use of the green spaces and their facilities is prohibited. In particular, it is prohibited to spend the night in the facilities or to use covered spaces or spaces bounded by external walls as sleeping or storage areas."

**Sanction:**

A regulatory offence is committed by anyone who intentionally or negligently acts in contravention of §§ 2, 5 and 6 (§ 9 I Nos. 1c, 8 to 10 and 12).

"The regulatory offence can be punished according to § 17 OWiG with a fine of up to € 5,000 for each case of contravention" (§ 9 III).

# City of Velbert (North Rhine-Westphalia)

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.velbert.de/fileadmin/user_upload/buergerinfo/rathaus/ortsrecht/3_1_StrassenVO-2019.pdf)“ of 27.11.2018

**Regulation:**

* § 2 ("General duties of conduct"):

"On the traffic areas and facilities [Note: parks and the like are meant], green spaces and areas serving public use, any behaviour is prohibited that is likely to obstruct or disturb others more than is unavoidable under the circumstances. In particular, the following are prohibited

1. Aggressive begging by directly influencing passers-by (e.g. "standing in the way" or "touching", offering goods for a "donation fee").
2. Interfering with or obstructing passers-by in their use within the scope of common use.
3. Continuous noise such as shouting and bawling as well as noise production by special means.

* § 3 ("Protection of traffic areas, areas and facilities serving public use"):

(II) "In particular, it is prohibited in areas used for public benefit (...) to

2) unauthorised use of benches (...) other than as intended,

3) to spend the night (...)

8) relieving oneself… “

* § 9 ("Caravans, tents and vending carts"):

1. "The erection of caravans, tents and vending carts on areas used for public benefit is prohibited".
2. "Caravans and mobile homes standing on traffic areas may not be used as accommodation".
3. "Exceptions shall be approved by the local regulatory authority".

**Sanction:**

It is a regulatory offence for anyone who intentionally or negligently acts in contravention of §§ 2, 3 and 9 (§ 16 I Nos. 2, 3 and 8).

"Violations of the provisions of this Ordinance may be punished with warnings and fines in accordance with the OWiG of up to € 1,000, insofar as they are not threatened by fines or penalties under federal or state law" (§ 16 II).

# City of Völklingen

**Legal norm:**

„[Polizeiverordnung über die Aufrechterhaltung der Sicherheit und Ordnung auf Straßen und in Anlagen](https://www.voelklingen.de/fileadmin/user_upload/Buergerservice/Ortsrecht/3/3-32-1_Polizeiverordnung.pdf)“ of 14.07.2003

**Regulation:**

* § 11 ("Camping and spending the night"):

"On public streets and facilities [Note: parks and the like are meant] it is prohibited to spend the night in the open as well as to set up and use tents, campers, caravans and the like outside approved camping and tent sites".

* § 15 ("Begging, fortune telling and similar activities"):

"Aggressive begging (targeted, close to the body), begging while accompanied by dogs or begging that obstructs pedestrian traffic is prohibited. The same applies to fortune-telling, palm reading, card reading and other activities if they are also carried out in an aggressive manner".

* § 16 ("Consumption of alcohol, consumption"):

"On the streets and in the public areas (including their accesses) it is prohibited to sit down to consume alcohol or other intoxicating substances as well as to consume food in such a way that as a consequence other person or the general public may be endangered or obstructed or unreasonably frightened by mobbing, insulting, leaving lying, throwing or breaking bottles or other containers, defecating, vomiting, interfering with pedestrian and/or vehicle traffic".

* § 25 ("Exceptions"):

1. "Exceptions to the provisions of this Ordinance may be permitted by the Lord Mayor on application in justified individual cases - insofar as this is compatible with the public interest".

**Sanctioning:**

A person commits a regulatory offence who intentionally or negligently acts in contravention of 11, 15 and 16 (§ 26 I Nos. 23, 28 and 29).

"The regulatory offences can be punished with a fine of up to € 5,000".

# Municipality of Wehrheim (Hesse)

**Legal norm:**

„[Gefahrenabwehrverordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.wehrheim.de/pdf-dokumente/gemeinderecht-satzungen/gefahrenabwehrverordnung.pdf?cid=2tp)“ of 25.07.2014

**Regulation:**

* § 2 ("Dangerous behaviour"):

1. "It is forbidden to consume alcohol or other intoxicating substances on public streets, in public facilities [Note: parks and the like are meant] and institutions if, as a consequence, other persons or the general public may be endangered by mobbing, loud singing, jeering, shouting or other noise, leaving broken glass or other containers, defecating or vomiting".
2. "Aggressive begging by insistently or persistently approaching persons, begging by sending children in front of them or by putting animals on display, as well as organised begging, is prohibited".
3. "In children's playgrounds, skate parks and on football pitches, it is forbidden to consume alcoholic beverages or to give them to others for consumption. There is a general ban on smoking in the children's playgrounds".
4. "It is prohibited for persons to encamp or remain permanently within the area of application of this Ordinance in a manner that is detrimental to third parties for the purpose of consuming narcotics within the meaning of the BtmG".

* § 3 ("Use and protection of public facilities"):

(III) "Any behaviour that impairs the intended use of the green spaces and their facilities is prohibited. In particular, it is prohibited: (...)

b) The unauthorised driving, parking and parking of motor vehicles as well as caravans and other trailers ...;

d) To spend the night in the facilities..."

(IV) "Persons who violate public safety and order may be expelled from public places and facilities."

**Sanctioning:**

It is a regulatory offence for anyone who intentionally or negligently acts in contravention of §§ 2 and 3 (§ 5 I Nos. 1 to 4, 10 and 12).

"The regulatory offence can be punished with a fine of up to € 5,000 according to § 17 OWiG" (§ 6 II).

# City of Weilburg (Hesse)

**Legal norm:**

„[Gefahrenabwehrverordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung auf und an öffentlichen Straßen, Anlagen und Einrichtungen](https://www.weilburg.de/de/rathaus-politik/satzungen/%C3%B6ffentliche-sicherheit-und-ordnung/download/58/254/35.html)“ of 16.06.2011

**Regulation:**

* § 3 ("Grossly disruptive behaviour"):

(II) "Begging by sending children in front of you as well as organised begging are forbidden".

(III) "It is not permitted to consume alcoholic beverages or offer them to others for consumption in public facilities [Note: parks and the like are meant] and areas".

1. "Living, even temporarily, in tents, motor vehicles, caravans or similar transportable accommodation is prohibited in the city area outside camping sites or other sites designated for this purpose. A single overnight stay as a necessary rest for the purpose of maintaining or restoring the roadworthiness of transients shall not be affected by this prohibition."
2. "The non-purposeful stay in car parks is not permitted".

* § 6 ("Public places of convenience, relieving oneself"):

1. "Staying in public toilet facilities is only permitted for the purpose of performing reliefs".
2. "It is forbidden to relieve oneself outside public toilets".

* § 7 ("Motor vehicles, caravans, mobile homes"):

1. "Motor vehicles, trailers, caravans and mobile homes standing on public roads, car parks and in public facilities may only be used as accommodation for the duration of one day during transit".

**Sanction:**

A person commits a regulatory offence who intentionally or negligently acts in contravention of §§ 3, 6 and 7 (§ 15 I Nos. 1 to 5, 15 to 17).

"The regulatory offence can be punished according to § 17 OWiG with a fine of a maximum of € 5,000 for each case of contravention" (§ 15 II), according to the catalogue of fines under § 15 III:

In the case of organised begging or sending children to beg, as well as the consumption of alcoholic beverages, initially a warning, in the case of a repeat offence € 20,- to 100,-, in the case of an inappropriate stay in car parks between € 5,- to 100,-, in the case of a temporary stay in tents erected on a public area € 50, - to 100,-, for relieving oneself outside of public toilets € 10,- to 100,-, for a stay in public toilets for another purpose than defecation € 15,- as well as for a longer use of vehicles placed on public streets as accommodation € 25,- to 100,-.

# Municipality of Weilerswist (North Rhine-Westphalia)

**Legal norm:**

„[Ordnungsbehördliche Verordnung über die Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.weilerswist.de/ortsrecht/or30_14_ordnungsbehoerdl_Verordnung_oeffentl_sicherheit.pdf)“ of 25.06.2009

**Regulation:**

* § 2 ("General duty of conduct"):

1. "On traffic areas and in/on facilities [Note: parks and the like are meant], any behaviour is prohibited which is likely to endanger others, cause considerable annoyance or obstruct others more than is unavoidable under the circumstances, in particular through
2. intrusive and aggressive begging by means of touching, holding, blocking the way or harassing behaviour;
3. mobbing, insulting, spitting on, defiling and threatening passers-by;
4. making noise that is likely to annoy the general public, the neighbourhood or individuals more than is avoidable under the circumstances, e.g. by shouting, screaming and otherwise producing excessive noise - in particular also through music systems and other sound carriers;
5. relieving oneself outside the toilet facilities provided for this purpose;
6. sleeping, especially on benches and chairs;
7. encampment in groups of people if they regularly/recurrently congregate in the same places and insofar as passers-by are hindered in their use of the public street space within the scope of public use".

(…)

(III) "On traffic areas and in/on facilities, it is not permitted to sit down to consume alcohol or other intoxicating substances in such a way that, as a result, other persons or the general public may be inconvenienced or endangered, e.g. by mobbing, loud singing, jeering, shouting, making noise, leaving bottles and similar containers lying around, relieving oneself, vomiting, obstructing vehicle and pedestrian traffic or insulting".

1. "The consumption of alcoholic beverages and other intoxicants as well as smoking is not permitted on playgrounds and ball fields".

* § 3 ("Protection of traffic areas and facilities"):

(II) It is prohibited in particular:

(…)

3) to spend the night in the facilities".

**Sanctioning:**

It is a regulatory offence to intentionally or negligently violate the general duty of conduct pursuant to § 2 and the duties of protection with regard to the traffic areas and facilities pursuant to § 3 (§ 16 I Nos. 1 and 2).

"Violations of the provisions of this regulation can be punished with a fine according to the OWiG", whereby "for certain regulatory offences the catalogue of warnings and fines" according to § 16 III is generally valid, namely in the case of a violation of § 2 a warning fine in the amount of € 5,- to € 35,- resp. a fine of € 5,- to 1.000,- and in the case of an offence against section 3 subsection 2 no. 3 a warning fine of € 10,- or a fine of € 20,-.

# City of Weimar

**Legal norm:**

„Ordnungsbehördliche Verordnung zur Abwehr von Gefahren und zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung in der Stadt Weimar“ of 13.10.2021

**Regulation:**

§ 6 Wild camping and spending the night

Camping or spending the night is prohibited on streets and in public areas, unless there is an exemption.

§ 5 Waste containers and provision of bulky waste

(2) Waste containers may not be searched, objects removed from them or scattered.

scattered. This does not apply to the removal of pledged items.

§ 14 Begging

1. Active begging is prohibited on streets and in facilities [Note: parks and the like are meant].

(2) Active begging shall be deemed to have taken place in particular if this:

1. by approaching, holding, following or chasing persons,

2. standing in the way

3. narrowing entrances or erecting obstacles,

4. by using animals,

5. by minors or with minors,

6. by feigning physical infirmity,

7. by the oppressive interaction of several persons

or in any other organised, aggressive, intrusive, impairing, obstructive or disruptive manner as well as disruptive manner.

**Sanctioning:**

§ 22 Regulatory offence

(3) Regulatory offences may be punished with a fine of up to five thousand euros pursuant to Section 51 (1) OBG.

# City of Weiterstadt (Hesse)

**Legal norm:**

„[Gefahrenabwehrverordnung über die Aufrechterhaltung der Sicherheit und Ordnung auf und an öffentlichen Straßen, Plätzen, Anlagen und Einrichtungen](https://www.weiterstadt.de/_media/downloads/satzungen/Gefahrenabwehrverordnung.pdf)“ of 01.02.2018

**Regulation:**

* § 3 ("Use and protection of public facilities [Note: parks and the like are meant]"):

(VI) "It is further prohibited to (...)

b) to spend the night or set up camp within the public facilities for the purpose of staying there..."

* § 8 ("Dangerous behaviour"):

1. "Aggressive behaviour by insistently or persistently approaching persons, begging by sending children forward, with children or by means of children, as well as organised begging is prohibited."
2. "Persons who impair third parties through the excessive consumption of alcohol or the use of illegal drugs are prohibited from remaining permanently within the area of application of this Ordinance".

(…)

(IV) "It is prohibited to relieve oneself outside toilet facilities.

(V) "Excessive noise affecting third parties shall be avoided".

* § 14 ("Motor vehicles, caravans and mobile homes"):

(II) "Motor vehicles, trailers and mobile homes standing on public roads, car parks and in public facilities may not be used as accommodation. A single overnight stay as a necessary rest for the purpose of maintaining or restoring roadworthiness is not affected by this prohibition. Exceptions may be permitted to the prohibition in sentence 1."

**Sanctioning:**

A person commits a regulatory offence who intentionally or negligently acts in contravention of sections 3, 8 and 14 (§ 16 I nos. 7b, 16 and 17, 19 and 35).

"The regulatory offence can be punished with a fine of up to € 5,000 according to § 17 OWiG. Furthermore, objects to which the regulatory offence relates and objects that have been used or intended for their encounter or preparation can be confiscated" (§ 16 II).

# City of Wernigerode

**Legal norm:**

„[Gefahrenabwehrverordnung](https://www.wernigerode.de/media/custom/3098_766_1.PDF?1612260990)“ of 10.12.2020

**Regulation:**

* § 3 ("Protection of streets, green spaces, facilities [Note: parks and the like are meant] and waters"):

1. "It is prohibited:
2. to camp on public streets, squares and green spaces,
3. to relieve oneself on streets, in green spaces or on and in buildings accessible to the public,
4. to beg in an aggressive, intrusive, harassing or obstructive manner (in particular by following, aggressively approaching, standing in the way, etc.) on streets or in green spaces,
5. using public waters, fountains or similar water basins for bathing or washing people or animals, ..."

(II) "Staying in public toilet facilities is only permitted for the purpose of relieving oneself".

* § 11 ("Exceptions"):

"The City may permit exceptions to the prohibitions and restrictions of this Ordinance in justified individual cases, insofar as the public interest is not opposed. The exemption may be combined with incidental provisions."

**Sanctioning:**

A regulatory offence is committed by anyone who intentionally or negligently violates § 3 (§ 12 I Nos. 1 to 4).

"The regulatory offence may be punished with a fine of up to 5,000 euros" (§ 12 II).

# City of Witten (North Rhine-Westphalia)

**Legal norm:**

„[Ordnungsbehördliche Verordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung](https://www.witten.de/fileadmin/user_upload/Dokumente/sta10/orecht/or3/31.pdf)“ of 25.03.2019

**Regulation:**

* § 2 ("Conduct on traffic areas and in installations"):

(III) "On public traffic areas and in public facilities [Note: parks and the like are meant], any behaviour is prohibited which is likely to disturb, endanger, obstruct or considerably annoy others more than is unavoidable under the circumstances, in particular through

- intrusive begging by means of grabbing, holding, blocking the way, harassing chasing or by bringing along dogs;

- harassing passers-by;

- bawling, camping and sleeping under the influence of alcohol;

- relieve oneself".

(IV) " It is also forbidden to use unauthorised

* - benches (...) and other facilities (...) other than as intended..."
* § 2a ("Street music"):

1. "The performance of street music in pedestrian zones is permitted after prior notification to the public order office under the rules specified in para. III".
2. "The notification may be made in writing or electronically and may contain details of the performer (first and last name, address of the performer), the location of the performance, the days (dates) and the time periods. The advertisement shall be valid for a maximum of seven days".
3. "The following rules apply to street music:

* Street music is permitted only in pedestrian areas during the hours of 10:00 am to 8:00 pm.
* Music may only be played during the first half hour of an hour. The second half of the hour is to be kept free of music as a rest period.
* The location must be changed by at least 150 m after each half-hour performance.
* No electronic amplifiers or playback devices may be used.
* Different performers shall keep a distance of at least 150 m from each other.
* Performance areas may not be played on.
* Instructions from the municipal public order department or the police are to be observed".
* § 8 ("Setting up and use of caravans, tents and similar facilities"):

1. "The temporary erection and use of caravans, tents or similar facilities outside approved camping sites and the transfer of land for this purpose is only permitted with the permission of the public order authorities. This permission must be applied for at the public order office two weeks before the event."
2. "A permit granted by the regulatory authority does not exempt from obtaining an otherwise necessary permit".

* § 13 ("Legal Reservation / exceptions"):

1. "Insofar as sub-areas of this Regulation are also regulated in special legal provisions, these shall remain unaffected".
2. "Exceptions to the provisions of this VO may be permitted on application in justified cases".

**Sanctioning:**

* § 14 ("Regulatory offences"):

"Any person who wilfully or negligently contravenes §§ 2 to 12 of this Ordinance shall be guilty of an administrative offence. Fines may be imposed in accordance with the OWiG".

# City of Wolfsburg

**Legal norm:**

„[Verordnung über die öffentliche Sicherheit](https://www.wolfsburg.de/~/media/wolfsburg/statistik_daten_fakten/satzungen_verordnungen/30_verordnung-oeffentliche-sicherheit.pdf?la=de-DE)“ of 19.12.2018

**Regulation:**

* § 3 ("Restrictions on use on public roads and in public facilities [Note: parks and the like are meant]"):

1. "In particular, it is not permitted to:

(…)

5) To spend the night or camp on public roads or in public facilities.

6) To relieve oneself in public..."

(V) "Begging by directly affecting other persons is not permitted".

* § 12 (Exceptions):

"The City of Wolfsburg may allow exceptions to the provisions of this VO in justified individual cases by written permission and generally by statute".

**Sanctioning:**

A regulatory offence is committed by anyone who intentionally or negligently acts in contravention of § 3 (§ 13 I Nos. 1 and 4).

"The regulatory offences according to § 13 I can be punished with a fine of up to € 5,000" (§ 13 V).

# City of Wuppertal

**Legal norm:**

„[Ordnungsbehördliche Verordnung zur Aufrechterhaltung der öffentlichen Sicherheit und Ordnung auf den Straßen und in den Anlagen](https://www.wuppertal.de/rathaus-buergerservice/verwaltung/politik/stadtrecht-dokumente/3-10.pdf)“ of 23.02.2017

**Regulation:**

* § 3 ("Public order"):

(III) "On public streets and in public facilities [Note: parks and the like are meant] it is prohibited in particular:

1. disturbance through grossly offensive behaviour (e.g. making noise, bawling, mobbing passers-by, leaving bottles and glasses lying around, verbal, physical as well as any sexual harassment),
2. relieving oneself outside places of convenience..."

(IV) "In public places it is also forbidden,

1. camping or setting up caravans..."

* § 3a ("Street musicians"):

1. "Street musicians are allowed to perform in the pedestrian zones of the city centre on Mondays to Saturdays between 10:00 and 20:00. They may play for half an hour, beginning on the hour; the following 30 minutes are then rest periods. The use of loud rhythm and wind instruments as well as electronic reproduction devices and amplifiers is prohibited".
2. "After the performance, the location shall be changed and the next permitted distance from the original location shall not exceed 200 m".

* § 9 ("Permission of exceptions"):

"Exceptions to the provisions of this Regulation may be permitted in justified cases. The Lord Mayor shall grant the permission for exceptions in writing".

**Sanctioning:**

A regulatory offence is committed by anyone who intentionally or negligently violates the regulations in §§ 3 and 3a (§ 10 I a) and b).

"The regulatory offences can be punished with a fine of up to € 1,000, insofar as they are not threatened with punishment or a fine under federal or state law" (§ 10 II).

# City of Zittau (Saxony)

**Legal norm:**

„[Polizeiverordnung gegen umweltschädliches Verhalten und Lärmbelästigung, zum Schutz vor öffentlichen Beeinträchtigungen sowie über das Anbringen von Hausnummern](https://zittau.de/sites/default/files/atoms/files/polizeiverordnung_der_stadt_zittau_29_04_2021.pdf)“ of 29.04.2021

**Regulation:**

* § 12 ("Aggressive begging and other public nuisances"):

1. "On public streets and in public green and recreational areas it is prohibited:
2. To beg aggressively; aggressive begging is, for example, when the beggar obstructs the passer-by's way, holds on to the clothing, when repeatedly approached together with walking alongside, presses the passer-by.
3. To disturb other persons considerably by intrusive or aggressive behaviour, e.g. after consumption of alcohol or other intoxicating substances, or to prevent or discourage them from using the premises in accordance with public use.
4. To relieve oneself.
5. To spend the night or to camp.
6. To throw away or deposit objects of any kind except in the litter bins designated for the purpose."

(II) "The provisions of the StGB and the BtmG remain unaffected".

* § 15 ("Approval of exceptions and permits"):

1. "If a prohibition or restriction causes unreasonable hardship for those affected, the local police authority may allow further exceptions to the provisions of this Ordinance, provided that no overriding public interests stand in the way of an exemption".
2. "The local police authority may allow exceptions from the prohibitions of § 12 I No. 4, provided this appears to be necessary in the public interest or overriding interests do not oppose an exemption".
3. "Exemptions and permits based on this Ordinance may be subject to ancillary provisions (requirement, time limit, condition)".

**Sanctioning:**

It is a regulatory offence to act in contravention of section 12 intentionally or negligently (§ 16 I no. 15).

This does not apply if an exception has been granted under section 15 (§ 12 II).

"Regulatory offences can be punished with a fine of at least € 5 to € 5,000" (§ 16 III).

# City of Zwickau (Saxony)

**Legal norm:**

„[Polizeiverordnung gegen umweltschädliches Verhalten und Lärmbelästigung, zum Schutz vor öffentlichen Beeinträchtigungen und über das Anbringen von Hausnummern](https://www.zwickau.de/media/downloads/image/01_buerger/ortsrecht/3_1_PolVO_idF_v_05_10_15.pdf)“ of 02.10.2013 in the version of 05.10.2015

**Regulation:**

* § 13 ("Aggressive begging and other public nuisances"):

1. "On public streets and in green and recreational areas it is prohibited:
2. Aggressive begging; aggressive begging occurs when begging is particularly intrusive, especially when the beggar tries to obstruct the passer-by's path or physically touches him or her by plucking or grabbing his or her clothing, furthermore when the passer-by is insulted for not wanting to give anything.
3. To cause considerable annoyance to other persons through intrusive or aggressive behaviour, e.g. after drinking alcohol or other intoxicating substances.
4. Being there in a recognisable state of intoxication caused by alcohol or other intoxicating substances.
5. To relieve oneself

(II) „"The consumption of alcoholic beverages or the use of other intoxicating substances on playgrounds is prohibited".

* § 15 ("Prohibition of contamination and alien use"):

(II) "It is prohibited (...)

b) to camp or spend the night on public roads or in green spaces and recreational areas in areas not specially cleared for this purpose...".

* § 17 ("Permission of exceptions"):

"If an unreasonable hardship arises for the person concerned, the local police authority may permit exceptions to the provisions of this Ordinance, provided that no overriding public interests are opposed. Other exceptions in this VO remain unaffected".

**Sanctioning:**

It is a regulatory offence to act intentionally or negligently in contravention of sections 13 and 15 (§ 18 I nos. 26 to 30 and 36). This does not apply if an exception has been granted under section 17 (section 18 II).

" A regulatory offence can be punished according to § 17 OWiG with a fine of at least € 5 and a maximum of € 1,000, and in the case of negligent contraventions with a maximum of € 500" (§ 18 III).

1. 11 of the 16 federal states are represented, with North Rhine-Westphalia (24), Hesse (12), Baden-Württemberg (8) and Saxony (7) being the most represented. 10 ordinances are from municipalities, 36 from cities (under 100,000 inhabitants) and 28 from large cities. [↑](#footnote-ref-1)
2. "Direct enforcement is the action on persons or property by physical force, its aids and by weapons". (§ 2 Abs. 1 Gesetz über den unmittelbaren Zwang bei Ausübung öffentlicher Gewalt durch Vollzugsbeamte des Bundes - UZwG) [↑](#footnote-ref-2)
3. Cf. also Hammel, Manfred (2021): Keine Verhängung von Geldbußen und Anordnung einer Ingewahrsamnahme wegen stillen Bettelns auf öffentlichen Straßen und Plätzen, wohnungslos 3/21, S. 118 - 121 [↑](#footnote-ref-3)
4. Hecker, Wolfgang (2016): Die rechtliche Regelung des Aufenthalts im öffentlichen Raum - Bedeutung für sozial ausgegrenzte Menschen, wohnungslos 02/16, S. 38 [↑](#footnote-ref-4)
5. This leads to very different regional approaches to the issue in practice. For example, sleeping in public spaces is tolerated in many places, although many municipal ordinances prohibit it. [↑](#footnote-ref-5)
6. Hecker, Wolfgang (2019): Streifragen zum Thema Öffentlicher Raum – Sitzen, Liegen, Nächtigen, Betteln und Alkoholkonsum in Werena Rosenke (Hrsg.), Für eine Nationale Strategie zur Überwindung von Wohnungsnot und Wohnungslosigkeit, Materialien zur Wohnungslosenhilfe, Heft 68, S. 215 - 226 [↑](#footnote-ref-6)
7. Cf. also VGH Baden-Württemberg in seinem Normenkontrollbeschluss vom 06.07.1998, mit Anmerkungen von Manfred Hammel in wohnungslos 03/1998 und Hammel, Manfred (2021): Keine Verhängung von Geldbußen und Anordnung einer Ingewahrsamnahme wegen stillen Bettelns auf öffentlichen Straßen und Plätzen, wohnungslos 3/21, S. 118 - 121 [↑](#footnote-ref-7)
8. Cf. also Hecker, Wolfgang (2019): Streifragen zum Thema Öffentlicher Raum – Sitzen, Liegen, Nächtigen, Betteln und Alkoholkonsum in Werena Rosenke (Hrsg.), Für eine Nationale Strategie zur Überwindung von Wohnungsnot und Wohnungslosigkeit, Materialien zur Wohnungslosenhilfe, Heft 68, S. 215 - 226 [↑](#footnote-ref-8)
9. There are numerous reports on this from institutions and providers of assistance to the homeless and case studies from the press. [↑](#footnote-ref-9)
10. Coercive detention can only be ordered in the OWiG if the person obliged to pay a fine would be able to do so but does not pay. Unlike in criminal law, this is not a imprisonment in default of payment but, according to [§ 96 of the Administrative Offences Act (OWiG)](https://www.gesetze-im-internet.de/owig_1968/__96.html) (called up on on 17.12.2021), a so-called means of coercion. It should therefore be regularly assumed - at least in the case of homeless people and people living on the street - that they are unable to pay. Moreover, we are not aware of any such cases so far. [↑](#footnote-ref-10)
11. What is explicitly not meant here are the prohibitions on begging with or by children. [↑](#footnote-ref-11)
12. Thousands of people are imprisoned every year for this offence, Source: <https://taz.de/Haftstrafen-fuer-Schwarzfahren/!5529577/> (called up on 14.12.2021) [↑](#footnote-ref-12)
13. Recommendation of the BAG W of 9 April 2013: Integriertes Notversorgungskonzept: Ordnungsrechtliche Unterbringung und Notversorgung – Definitionen und Mindeststandards [↑](#footnote-ref-13)
14. See also FEANTSA (2021): „Mobile EU Citizens in precarious living conditions”, online: <https://www.feantsa.org/public/user/Resources/reports/2021/FEA_006-21_report_Germany_v5_final.pdf> (called up on 13.12.2021) [↑](#footnote-ref-14)
15. With reference to the general freedom of action under Art. 2 I Grundgesetz (GG) in conjunction with human dignity under Art. 1 I GG and with reference to the jurisdiction of the European Court of Human Rights (AZ: 14065/15), which found that a general ban on begging violates Articles 8 ("Right to respect for private and family life"), 10 ("freedom of expression") and 14 ("prohibition of discrimination") of the "European Convention on Human Rights (ECHR)". [↑](#footnote-ref-15)