

Councilman Elrich: Montgomery firefighters broke the law

By Erin Cunningham, Published: October 26

Montgomery County firefighters broke a state law during their annual fundraising campaign for sick children this summer by walking into the street to collect donations, says one county lawmaker.

“There’s no way any responsible person stands on a white line in lanes of traffic after the light turns green,” council member Marc Elrich (D-At Large) of Takoma Park told Fire Chief Richard Bowers during a council committee meeting Oct. 13. “I was like, boy, this is really dumb.”

A state delegate says she will introduce legislation that would allow the county to ban panhandling and roadside solicitations for charity.

At issue is the manner in which firefighters conducted their annual “Fill the Boot” campaign to raise money for the Muscular Dystrophy Association. In past years, firefighters typically have walked into the street to collect money from drivers, raising as much as \$250,000.

Under state law, it is legal for people to stand in medians and along roads, but illegal for them to step off the curb and into the road to solicit drivers.

This year, that activity was scrutinized by council members Phil Andrews (D-Gaithersburg-Rockville) and Craig Rice (D-Germantown) after a report from a county advisory board recommended that officials take steps to curb roadside solicitation.

The pair led the effort for state legislation that would allow the council to enact a ban on roadside solicitation in the county — outlawing panhandling at intersections and Fill the Boot in its current form.

The council needs authority for such a ban from the state legislature.

Under pressure from the Montgomery firefighters union, the county’s General Assembly delegation did not sponsor any legislation this year.

However, Del. Aruna Miller (D-Darnestown) said she plans to introduce a bill in the next 90-day regular session of the General Assembly that would allow the council to ban roadside solicitation or issue permits for the practice. The next session begins in January.

“Roadways are really meant for travel, not for commerce,” said Miller, a transportation engineer. “It’s an unsafe situation no matter who’s there.”

Andrews, who earlier this year proposed legislation that would prevent county employees from seeking charitable donations along county roads during work hours, said he now thinks the matter should be addressed by state lawmakers.

In July, the council deferred taking action on Andrews's proposed solicitation ban after Bowers said the firefighters' campaign would be conducted according to state law.

Bowers said he issued an order that firefighters, including volunteers, not walk into the road to solicit donations. A spokesman for the department, Assistant Chief Scott Graham, told the Gazette last month that the order did not apply to off-duty personnel, who were free to walk into the street.

Andrews said there were fewer firefighters in the street during this year's campaign, which was conducted between Aug. 31 and Sept. 2, but that many did not comply with the law.

"It is inherently unsafe for people to be walking in the middle of the street, and it's unnecessary because it's not part of the job," he said.

Bowers attributed the increased compliance with the law to a drop in donations. Firefighters typically raise \$200,000 to \$250,000 for the charity; this year's campaign raised \$94,000. Firefighters are conducting additional fundraising to make up for the lost money.