



»The
Dos &
Don'ts«

Guidelines for People in Public

Mobile Social Work in Public is part of the **Suchthilfe Wien gemeinnützige GmbH** (non-profit organization for addiction treatment) and is carried out by teams of **sam** (social, secure, active, mobile) and **help U**.

The work in this area focuses on

- supporting all user groups in public
- counselling and active participation to improve the subjective feeling of security
- networking in the local community



As a Matter of Principle

Each and every person, irrespective of their social status, outward appearance, religion, nationality, sex, age, or state of health shall be equally entitled to make use of public space as long as they do not commit any criminal offence.

These guidelines serve to promote peaceful coexistence in public.

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Begging shall only be allowed in the case of immediate emergency, if existing public social service has not granted support.

The following are prohibited at all times:

- Obtrusive begging (asking for more, following),
- Aggressive begging (jostling, blocking the way, pulling other persons' clothes and the like)
- Organised begging (requiring a deliberate agreement among beggars), and
- prompting persons under 14 years of age to beg in public or taking them along while begging.

Violating these prohibitions may result in administrative penalties of up to 700 euros and the money thus panhandled may be collected by the police.

1
Bumming
and
Begging

4

The following are prohibited and may be punishable:

- blocking the way
- taking dogs along if they block the way or constitute a barrier

Special Rules for **Public Transport**:

In all facilities of the Wiener Linien (Vienna Public Transport) and the ÖBB (Austrian Federal Railways), the blocking of escape paths, staircases and passages is expressly prohibited.

§3 WLSG (Vienna Municipal Security Law)

The police may request persons to stop the following behaviours or ask them to leave the location:

- if other persons are being molested in an unacceptable way,
- if psychological pressure is being put on persons approaching social or medical institutions, or
- if other persons are being hindered when accessing or using a public institution.

The above may result in fines amounting to 700 euros.

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2
Sitting
on the
Sidewalk,
Blocking the
Way

Meetings of several people in public for social or leisure purposes are allowed unless these are intended to serve as demonstrations (manifestations), criminal offences are committed or passersby are impeded.

The police shall be notified of any demonstration in advance and participation in an unannounced demonstration may be punishable.

As § 78 StVO (Traffic Regulations) prohibits obstructions of pedestrian traffic, groups shall take care that pedestrians are able to move freely without any obstruction.

3
Forming Small
and
Large Groups
in Public

6

Bodily injuries, brawls in which several persons attack one person, threats, and the like are considered a criminal offense. **Any acts of molestation or endangerment of other persons are prohibited.**

Particular attention shall be paid when using **public means of transportation:**

Any acts of harassment or activities which endanger or disturb other people or service operations are prohibited, both on the grounds and in the vehicles. However if an official of the transport services gives instructions or demands an action, they shall be complied with.

4
Violence
(Assaults
within the group
and
against
passersby)

7

In case of verbal disputes, the intensity of the insults and the size of the audience play an important role:

The following are prohibited:

- Insults, derisions
- Scoldings
- Threatening others with physical abuse
- Disparaging or degrading others

Violations of these prohibitions may be punished according to their intensity under the Vienna Provincial Law or the Criminal Law.

It is also prohibited to accuse another person of a criminal offence in the following cases:

- The sentence has already been served.
- The sentence has been provisionally suspended within a probation period.
- The sentence has been lifted.
- Sentencing has been deferred.

The police will not take action in case of libelling as such matter may be taken to court.

§115 Criminal Code states:

“Whoever scolds, derides, physically abuses or threatens to physically abuse another person in front of others, shall be punished with imprisonment of up to three months or shall be fined with up to 180 daily rates.”

In addition, **§81** of the Police Security Law (Sicherheitspolizeigesetz) states:

“Whoever disturbs the public order unjustifiably by **particularly reckless conduct**, shall be punished with a fine of up to 218 euros.” Apart from verbal aggression, such conduct may include throwing bin bags on the sidewalk or intentionally leaving several beer cans in public areas and the like.

Depending on the wording and the intention, this action may constitute a serious threat (§ 107 StGB), e.g. in case of “I’ll kill you” or “I’ll break your bones”.

6
Uttering
Aggressive
Threats

10

Urinating in public

This act violates the rules of **decency** (§ 1 WSLG) and causes soiling of streets / sidewalks (§ 92 StVO). Such behaviour may lead to administrative fines in the amount of 700 euros.

Sexual acts in public

This term refers to sexual acts involving genitals, thus predominately meaning intercourse and similar acts.

It is important who is witnessing such an offence (e.g. children) and whether it constitutes an offence. In addition, **§1 WLSG**, (violation of decency) may be applied.

7
Sanctioning
Violations
of
Decency

11

Alcohol Consumption

Young people between the ages of 16 and 18 are allowed to consume alcohol in private but not in public places. Adults age 18 and over are allowed to consume alcohol in public and will not be persecuted.

Note:

- In case a person gets drunk with the purpose of committing a criminal offence (e.g. to be courageous enough to participate in a brawl), this person shall be fully liable.
- Punishment may also be applied to a drunken person who commits a criminal offence without having planned it before.

8
Consuming
Alcohol
and
Cigarettes
in
Public

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Attention:

Consumption of alcohol is prohibited in all facilities of the Wiener Linien after passing the ticket barrier, as well as in all means of transport. At the ÖBB and inside the means of transport, "excessive" consumption of alcohol is prohibited. In addition, there is a general smoking ban for the above places and premises (except for specially marked areas).

Attention:

Disposing of cigarette ends on the streets etc. is prohibited.

Playgrounds

According to §10, Green Space Regulations, smoking is prohibited on playgrounds.

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- Purchase
- Possession
- Leaving / forwarding to others
- Production
- Import / Export

of addictive drugs and psychotropic substances are prohibited (§§27–32, **Suchtmittelgesetz, Law on Addictive Drugs**). This does not only apply to public places!

9 Drugs

14

With regard to personal clothing or a person's body odour, there are no restrictions in the open.

Exception:

Public facilities (park benches) are ruined in such a way that they may no longer be used by others.

Exception:

Organisers, even of open-air events, are entitled to establish their own rules and regulations and may deny access to or even expel persons from the premises.

Special rules for public transport:

Persons whose outward appearance is suited to soil premises and facilities or might endanger other passengers, are not allowed to stay in public vehicles and facilities.

10 Outward Appearance / Clothing / Hygiene

15

Dogs are lying on the sidewalk/blocking the way / frightening passersby and entrepreneurs

In public, dogs have to be either on a lead or have to wear a muzzle. In larger crowds, dogs must wear a muzzle without any exception. In parks, dogs must be on a lead, even if wearing a muzzle. Constant control over the dog by the owner must be at all times. In public means of transport, the dog must be on a lead and must wear a muzzle (this also applies for all facilities of the Wiener Linien and the ÖBB).

Attention:

§ 78 StVO – Blocking the way and unfounded stopping is also forbidden when persons are accompanied by animals.

In case of non-compliance, administrative penalties may be imposed.

Occupation of the Dog Park

Preventing others from using the dog park through forms of violence or dangerous threats may constitute the criminal offence of compulsion. In minor cases, the regulations of the Wiener Tierhaltegesetz (Vienna Animal Husbandry Law) shall be applied.

Removing dog dirt

Soiling streets, sidewalks and green spaces with dog dirt is prohibited. The dog owner is responsible for removing dog dirt in these areas.

According to **§2 (1), Vienna Anti-Pollution Law**, the soiling of streets, sidewalks and publicly accessible green areas is prohibited. This includes leaving objects behind and spilling liquids, for which administrative penalties may be imposed by the police.

12
Soiling
of
Public Space

18

Destroying, damaging, blemishing or making third party property unusable (e.g. by graffiti) constitutes criminal property damage in accordance with **§ 125 of the Criminal Code**.

13
Property
Damage

19

According to the Camping Regulations, using sleeping bags or tents outside of camping grounds is prohibited. Sleeping in public without any equipment (blankets, sleeping bags) will not be punished.

Demolition Houses / Vacant Houses

It is not forbidden to enter an abandoned house at one's own risk. However, since there are almost no such houses, the legislator has subjected "squatting" to a number of regulations: trespassing, breaking and entering, misappropriation – to name but a few.

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In addition, the house owner plays an important role:

By declaring his will (for example mostly demanding to leave the house), he states his rights, generally focusing on "restoring the former status".

"Using force to enter a house" (e.g. using a crow bar) may be considered as trespassing.

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14
Sleeping
in
Public

During the day, when there is traffic noise on the street, making noise shall not be considered inappropriate, unless such conduct involves excessive or exaggerated bawling.

Noise will be considered inappropriately loud if common rules of coexistence are being violated, meaning that such conduct does not take into consideration other people's rights or environmental conditions.

Pursuant to **§1 (1), No. 2, WLSG**, inappropriate and disturbing noise may be prosecuted.

A normal person's sensitivity to noise shall serve as a rule, rather than that of a particular sensitive person.

Please note: Making noise and music and using noise-producing appliances in the facilities and vehicles of the Wiener Linien and the ÖBB is forbidden.

15
Making
Noise

22

Distribution of information material and conducting of interviews in the facilities of the Wiener Linien and the ÖBB shall only be allowed upon authorisation of the respective operator.

16
Conducting
Interviews,
Distributing
Information
Material

23

A person may be expelled from a location if he or she:

- Behaves in an aggressive way towards others
- Is noisy, shouts out loud, swears,
- Causes soiling,
- Addresses others in an aggressive way,
- Is bumming in an aggressive way,
- Urinates in public,
- Or if the person is blocking shops, access areas of public institutions or escalators.

However, the person will only be expelled if no other means (e.g. warning, request etc.) results in the termination of the behaviour.

Note:

In case a person resists the direct enforcement measures while being expelled, or returns to the location from which he or she has been expelled within a time period of 12 hours and without keeping a distance of 150m for no justifiable reason, this person will be punished with a money fine of up to 700 euros.

Persons shall not be expelled in case of:

- illness (e.g. faintness resulting in the obstruction of passersby)
- alcohol consumption without legal violations (e.g. people sitting or standing in small groups, drinking alcohol and talking to each other without obstructing others)
- Lively (conflict-free) discussions in public

Comments:

WLSG = Wiener Landessicherheitsgesetz
(Vienna Municipal Protection Law)

StVO = Straßenverkehrsordnung (Traffic Regulations)

ABGB = Allgemeines Bürgerliches Gesetzbuch
(General Civil Code)

SMG = Suchtmittelgesetz (Law on Addictive Drugs)

StGB = Strafgesetzbuch (Criminal Code)

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