

Chapter 280, PROHIBITION AGAINST AGGRESSIVE SOLICITATION **[HISTORY: Adopted by the City Council of the City of Binghamton 2-20-07]**

§ 280-1. Purpose.

It is the intent of Council in enacting this Ordinance to protect persons from threatening, intimidating, or harassing behavior, to keep public places safe and attractive for use by all members of the community and to maintain and preserve public places where all of the community can interact in a peaceful manner. This legislation is also intended to provide for the free flow of pedestrian and vehicular traffic on the streets and sidewalks in the City, to promote tourism and business and preserve the quality of urban life while continuing to respect the constitutional rights of free speech for all citizens.

§ 280-2. Definitions. [Amended 3-17-10 by Local Law 1-2010]

As used in this chapter, the following terms shall have the meanings indicated:

AGGRESSIVE MANNER –

- (1) Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;
- (2) Continuing to solicit from a person after the person has given a negative response to such soliciting;
- (3) Intentionally touch or causing physical contact with another person without that person's consent in the course of soliciting;
- (4) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- (5) Using violent, profane, or threatening language or gestures toward a person solicited;
- (6) Following the person being solicited, with the intent of asking that person for money or other things of value;
- (7) Speaking in a volume unreasonably loud under the circumstances;
- (8) Soliciting money from anyone who is waiting in line for entry to a building or for another purpose.

SOLICITING – Asking for money or object of value, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

PUBLIC PLACE – A place where a governmental entity has title, to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

FINANCIAL INSTITUTION – Includes all banks, trust companies, savings banks, savings and loan associations and credit unions, whether incorporated, chartered, organized, or licensed under the laws of New York State, or any other state in the United States or the federal government.

CHECK CASHING BUSINESS – Any person duly licensed by the superintendent of banks to engage in the business of cashing checks, drafts or money orders for consideration.

AUTOMATED TELLER MACHINE – A device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

AUTOMATED TELLER MACHINE FACILITY – The area of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

§ 280-3. Prohibited acts.

- A. No person shall solicit in an aggressive manner in any public place.

B. No person shall solicit on private or residential property without permission from the owner or other person lawfully in possession of such property.

C. No person shall solicit within twenty feet of any entrance or exit of any financial institution or check cashing business or within twenty feet of any automated teller machine without the consent of the owner of the property or another person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.

D. No person shall solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street, for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services. Provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.

E. No person shall solicit from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space.

F. No person shall solicit while under the influence of alcohol or a controlled substance.

G. No person shall solicit in any public transportation vehicle; or at any bus, train, or subway station or stop or in any public parking lot, garage, or structure.

H. No person shall solicit in a group of two or more persons.

I. No person shall solicit within six feet of an entrance to a building.

J. No person shall solicit within twenty feet of any valid vendor location [as defined in Article III, Chapter 307-34.B of the City of Binghamton Code].

K. No person shall solicit within twenty feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.

§ 280-4. Penalties.

Any violation of the provisions of this law constitutes a misdemeanor punishable by community service for not more than 120 days, imprisonment for not more than thirty days, and/or by a fine not to exceed five hundred dollars.

280-5. Severance.

If any section, sentence, clause, or phrase of this Law is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.