

## **Chapter 401, PROHIBITION AGAINST CRUISING**

**[HISTORY: Adopted by the City Council of the City of Binghamton 3-19-2007. Amendments noted where applicable.]**

### **§ 401-1. Short title.**

This ordinance shall be referred to as “Anti-Cruising Ordinance.”

### **§ 401-2. Definitions. [Amended 11-19-2-07 by Ord. No. 52-2007; Amended 3-17-10 by Local Law 1-2010]**

For the purposes of this Ordinance the following terms shall mean:

**CITY** – City of Binghamton, New York, with administrative offices at 38 Hawley Street, Binghamton, NY 13901.

**CRUISING** – Driving a motor vehicle on a street past a traffic control point, as designated by the Binghamton City Police department, more than three (3) times in any two (2) hours period, between the hours of 10:00 P.M. and 6:00 A.M. The passing of a designated traffic control point a fourth time under the conditions stated above shall constitute unnecessary repetitive driving and a violation of this Ordinance.

**DESIGNATED AREA** – From the corner of Main Street and Front Street west to Glenwood Avenue; north to the railroad tracks back to Front Street; east to the corner of Front Street and Clinton Street and back to the corner of Front Street and Main Street and all of the streets inside this boundary.

**TRAFFIC CONTROL POINT** – Clearly identified reference point to a designated area, as determined periodically by the City of Binghamton Police Department.

### **§ 401-3. Cruising Prohibited.**

No person shall engage in unnecessary repetitive driving, also known as “cruising” in any designated area. For purposes of this Ordinance, the person having control and/or ownership of a motor vehicle shall be considered the person cruising, without regard as to whether that person was actually driving the motor vehicle each time it passed the traffic control point. Having control or ownership of a motor vehicle shall mean either the owner of the motor vehicle as stated on the vehicle registration if the owner is present in the vehicle at the time of the violation, or if the owner is not present in the vehicle, the person operating the vehicle at the time of the violation of this Ordinance.

### **§ 401-4. Exceptions.**

The following use of vehicles shall constitute valid exceptions to the Ordinance:

- A. Any emergency vehicle
- B. Any vehicle owned or operated by the City of Binghamton, provided that the vehicle is being operated for official purposes
- C. Any taxi cab, bus, or other vehicle for hire
- D. Any vehicle being used to conduct lawful business activities.

### **§ 401-5. Penalty.**

Any person violating the provisions of this Ordinance shall, upon conviction, be fined \$150.00 for each offense.

### **§ 401-6. Construction and Severability.**

A. Severability is intended throughout and within the provisions of this Ordinance. If any provision, including any exception, part, phrase, or term, or the application therefore to any person or circumstances is held to be invalid by a court of competent jurisdiction, the application to other persons and circumstances

shall not be affected thereby and the validity of the Ordinance in any and all other respects shall not be affected thereby.

B. The Chief Executive, after consultation with the City Attorney, is hereby authorized to give advisory opinions in writing, which shall be binding and shall be adhered to by the police, until the Ordinance is amended in such respect, interpreting terms, phrases, parts, or any provision of the Ordinance. Normally such advisory opinions shall be in response to good faith, signed letters addressed to the Chief Executive or to a member of the City Council, questioning the Ordinance as (1) ambiguous; (2) having a potentially chilling effect on constitutional rights specifically invoked; or (3) otherwise invalid, in all three categories with respect to conduct definitely described. This administrative remedy must be exhausted prior to presenting to any court a question in any of the three categories.

C. The City Council does not intend a result through the enforcement of the Ordinance that is absurd, impossible of execution, or unreasonable. The City Council intends that the Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional under the Constitution of the United States of America.