

AN ORDINANCE TO CREATE A NEW CHAPTER 55
OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NY ENTITLED
“AGGRESSIVE SOLICITATION”

BE IT ORDAINED by the City Council of the City of Saratoga Springs, NY, following a public hearing, as follows:

SECTION 1. A new Chapter 55 of the Code of the City of Saratoga Springs, entitled “Aggressive Solicitation” is hereby created to read:

CHAPTER 55
AGGRESSIVE SOLICITATION

55-1 Legislative intent.

This legislation is adopted in order to protect persons from threatening, intimidating or harassing behavior in connection with solicitation in public places, to keep those 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 streets and sidewalks in the City, to promote tourism and business and preserve the quality of urban life. The City Council finds that aggressive acts associated with solicitation tend to interfere with the free flow of pedestrian and vehicular traffic and intimidate persons in public places, and can lead to disruption and disorder in public places. Aggressive acts can also cause persons to avoid public places and lead to declining patronage of commercial establishments and tourism. The City Council further finds that solicitation in certain public places is inconsistent with the use of those places, is inherently intimidating, targets persons who are captive audiences or constitutes an invasion of privacy as persons are not able to simply move on if they do not wish to speak to the person soliciting. Solicitation in proximity to bank entrances or automated teller machines is inherently intimidating and should be restricted. By this legislation, the City Council intends to promote the health, safety and welfare of the residents of and visitors to our City.

55-2 Definitions.

Whenever the following words and phrases are used in this section, they shall have the following meanings:

IN AN AGGRESSIVE MANNER

- (1) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation.
- (2) Following the person being solicited, if that conduct is:

(a) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(b) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(3) Continuing to solicit within five feet of the person being solicited after the person has made a verbal or non-verbal negative response, if continuing the solicitation is:

(a) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(b) Is intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(4) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;

(5) Intentionally or recklessly using words:

(a) Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(b) Intended or likely to intimidate the person into responding affirmatively to the solicitation; or

(6) Approaching the person being solicited in a manner that is:

(a) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(b) Intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation.

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 comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

BANKING ORGANIZATION

All banks, trust companies, private bankers, savings banks, industrial banks, safe deposit companies, savings and loan associations, credit unions and investment companies as defined in § 2 of the New York State Banking Law.

LICENSED CASHIER OF CHECKS

Any individual, partnership, unincorporated association or corporation duly licensed by the New York State Superintendent of Banks to engage in business pursuant to the provisions of Article IX-A of the New York State Banking Law.

PUBLIC PLACE

Any area or building owned, leased, operated or controlled by or on behalf of any government, municipality, public authority or public corporation in the City which is generally accessible by the public, including but not limited to any street, including the sidewalk portion thereof, skyway, bridge, tunnel, park, playground, recreation area, cemetery, school or school grounds, building, facility, driveway, parking lot or parking garage, and the doorways and entrances to buildings and dwellings.

SOLICIT or SOLICITATION

Shall include, without limitation, any spoken, written, or printed words or acts which are communicated or conducted in furtherance of the purpose of immediately obtaining money or any other thing of value.

55-3 Aggressive solicitation prohibited

No person shall solicit in an aggressive manner:

- (1) In a public place.
- (2) Within 20 feet of an automated teller machine or an entrance or exit to a business containing an automated teller machine or an entrance or exit of an automated teller machine facility during the time the automated teller machine is available for customers' use; or within 20 feet of an entrance or exit to a banking organization or a licensed casher of checks during its business hours.
- (3) When either the person soliciting or the person being solicited is in a bus shelter or at a bus stop.
- (4) In a parking garage, parking lot or parking station or on a sidewalk adjoining a parking garage, parking lot or parking station.
- (5) In any portion of a public skyway, alley or tunnel.
- (6) When on a sidewalk or alongside a roadway or on a roadway, from any occupant of a motor vehicle that is on a street or other public place.

55-4 Penalties.

Any person who violates any of the provisions of this Chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III of the City Code. Both the Police Department and the Department of Code Administration shall have authority to enforce the provisions of this chapter and to issue appearance tickets for violations thereof.

55-5 Severability.

If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

SECTION 2. This ordinance shall take effect the day after publication as provided by the City Charter of the City of Saratoga Springs, NY.

ADOPTED

Ayes Nays

CITY COUNCIL OF THE CITY OF
SARATOGA SPRINGS, NEW YORK

By: Dillon Moran, City Clerk