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TOWN OF GRAND ISLAND, NEW YORK
Local Law Intro No. 4 of 2020
Local Law No. ___ of 2020

**A LOCAL LAW REGULATING CERTAIN TYPES
OF PANHANDLING ON PUBLIC PROPERTY**

Be it hereby enacted by the Town Board of the Town of Grand Island, a local law as follows:

**SECTION I. ENACTMENT OF CHAPTER 297, "SOLICITATION", OF THE TOWN
CODE**

Be it hereby enacted by the Town Board of the Town of Grand Island that a new section of the Town Code, numbered Chapter 297, titled "Solicitation" shall be added as follows:

§ 297-1: LEGISLATIVE INTENT

The Town Board finds that legislation is necessary in order 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 streets and sidewalks in the Town of Grand Island, to promote tourism and business and preserve the quality of life. The Town Board 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 Town Board 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 check-cashing businesses or automated teller machines is inherently intimidating and should be restricted. This legislation is intended to promote the health, safety and welfare of the citizens and visitors to the Town of Grand Island.

§ 297-2: DEFINITIONS

For the purposes of this chapter, the following terms shall have the following meanings:

A. AGGRESSIVE MANNER

1. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation, or approaching within arm's length of the person, except with the person's consent; or
2. Following the person being solicited, if that conduct is 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 is intended to or is

reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation; or

3. Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is 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 is intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation; or
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; or
5. Intentionally or recklessly using words 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 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 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 intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation.

B. **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.

C. **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.

D. **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.

E. **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.

F. **PARKING AREA:** An off-street area used for the temporary storage of self-propelled vehicles and available for public use, whether free, for compensation or as an accommodation for clients or customers. Parking areas shall also include parking garages, parking ramps, and municipal parking lots.

G. 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 Town of Grand Island that is generally accessible by the public, including but not limited to any street, including the sidewalk portion thereof, bridge, tunnel, park, playground, recreation area, path, trail, cemetery, school, or school grounds, building, facility, driveway, parking area, and the doorways and entrances to buildings and dwellings.

H. SOLICIT: Shall include, without limitation, the spoken, written, or printed word or such other acts or bodily gestures as are conducted in furtherance of the purposes of immediately obtaining money or any other thing of value.

§ 297-3: PROHIBITED CONDUCT

- A. No person shall solicit in an aggressive manner in a public place.
- B. No person shall solicit in an aggressive manner in a parking area as defined in this chapter.
- C. No person shall solicit within 20 feet of 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.
- D. No person shall solicit when either the person soliciting or the person being solicited is in a bus shelter or at a bus stop.
- E. No person on a sidewalk or alongside a roadway shall solicit from any occupant of a motor vehicle that is on a street or other public place.

§ 297-4: PENALTIES FOR OFFENSES

A violation of this chapter shall be classified as a "violation" as that term is defined in the Penal Law. A person convicted of violating this chapter shall be fined not less than \$25 nor more than \$250 and, in addition for a second conviction within 12 months of a preceding conviction, may be imprisoned for a term not longer than 15 days. In lieu of a fine, the court may impose an appropriate alternative sentence; provided, however, that an alternative sentence shall not be an unconditional discharge.

SECTION II. SEVERABILITY

If any clause, sentence, paragraph, or part of this chapter or application thereof to any person or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof or the application thereof to other persons and circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

SECTION III. AUTHORITY

This Local Law is adopted pursuant to the authority vested in the Town pursuant to the Constitution of the State of New York, the New York State Municipal Home Rule Law, and the New York State Town Law, Article 9, Section 130.

SECTION IV. EFFECTIVE DATE

This law shall take effect immediately upon filing with the Secretary of State.