ORDINANCE TO AMEND CHAPTER 16 WITH RESPECT TO MOTOR VEHICLES AND TRAFFIC AND CHAPTER 18 WITH RESPECT TO OFFENSES AND MISCELLANEOUS PROVISIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:

Section 1. Chapter 16, Article 1**,** Sec.16-9., Soliciting business, etc., in streets is hereby repealed and reserved for future use.

~~Sec. 16-9. - Soliciting business, etc., in streets.~~

~~In the interest of public safety and in order to protect both pedestrians and motorists, no person shall stand or sit on any traveled portion of a street or on a median and distribute any item or solicit employment, business or contributions from the driver or occupant of any motor vehicle which is located in a traveling lane.~~

Section 2. Chapter 18, Article III, Sec. 18-44 is hereby amended to read as follows:

~~Sec. 18-44. - Loitering~~.

~~(a) It shall be unlawful for any person to occupy the streets or sidewalks of the city in such a way as to obstruct or interfere with the free passage into or out of any public business, sidewalk, or private property.~~

~~(b) It shall be unlawful for any person to occupy the streets or sidewalks of the city within fifty (50) feet of the entrance or exit of any establishment that serves alcohol~~.

~~(c)Penalty. A violation of subsection (b) by any person subjects the offender to a fine of up to two hundred dollars ($200.00) and any other punishment authorized by law for a class 3 misdemeanor.~~

Sec. 18-44. - Blocking or Impeding Street and Sidewalk Access.

(a) *Purpose and Intent.* The City has the general authority and control over all public streets, sidewalks, and other ways of public passage within its corporate limits, except those ways of public passage that are owned or maintained by the State of North Carolina. The City has the duty to keep such streets, sidewalks, and other ways of public passage open for travel and free from unnecessary obstructions. G.S. 160A-296. This ordinance prohibits actions that block or impede the safe passage of pedestrians and vehicles on public sidewalks and streets.

(b) *Definitions*: The following words, terms, and phrases when used in this section shall have the meanings set forth in this subsection, unless the context of their usage clearly indicates another meaning:

(1) *Block* means to unreasonably obstruct passage on a sidewalk or entrance or exit to a building.

(2) *Impede* means to render the use of a street unreasonably difficult or dangerous, including the following actions:

i. Weaving or darting through, around, and in between multiple occupied vehicles, whether the vehicle is stopped or in travel, for a purpose other than passage to a sidewalk. This (i) subsection is meant to prohibit walking through a street parallel to the sidewalk but not meant to prohibit crossing lanes of a street to reach occupied vehicles when a stop light is red.

ii. Placing or throwing a tangible thing on or inside an occupied vehicle that is on the street, except if an occupant requests that the acting individual deliver the tangible thing to an occupant or consents to such exchange.

iii. Standing, sitting, or lying down on the portion of a traffic island that is less than 6 feet wide, except where using the traffic island to cross the street or during an emergency.

(3) *Sidewalk* means the part of a street improved for pedestrian traffic.

(4) *Street* means the entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular traffic. The terms “street” and “highway” are synonymous.

(5) *Traffic island.* A raised portion of the street in between lanes of traffic intended to separate lines of traffic or guide traffic, not to hold people or provide pedestrian refuge. A traffic island may be commonly called a median. For the purpose of this ordinance, a traffic island is any raised part of the street meant to separate lanes of traffic that is less than 6 feet in width. Width is measured as the length of the traffic in the direction of pedestrian travel if the pedestrian is traveling perpendicular to the street.

(6) *Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes, of this chapter bicycles shall be deemed vehicles.

(c) It shall be unlawful for an individual to impede the use of a street or highway.

(d) It shall be unlawful for an individual to block a sidewalk.

(e) It shall be unlawful for an individual to block the entrance or exit to a building served by a sidewalk or street unless otherwise granted permission by the owner or tenant. Permission granted by the owner may be evidenced by verbal or written confirmation of permission from the owner or tenant.

(f) Nothing in this subsection shall be interpreted to prohibit the exchanging of objects into and out of vehicles where the vehicle is stopped or parked according to traffic laws and no blocking or impeding of a street or sidewalk occurs. Where an individual is engaged in lawful activity on the sidewalk and such activity evokes a response by a third party that is in violation of this ordinance or any other ordinance or state law, the individual engaged in lawful activity shall not be in violation of this section.

(g) This section shall not apply to actions taken by first responders; or to actions taken in response to an emergency or to prevent an accident.

(h) This section shall not apply to persons or entities granted a permit by the City for purposes, including, but not limited to, under Chapter 26 and Chapter 18 Sec. 2 of this Code.

(i) No action punishable under G.S. 20-174.1 shall be punishable under this section. This section shall only apply to public streets, sidewalks, and other ways of public passage within the City's corporate limits for which authority and control is not vested in the North Carolina Board of Transportation.

(j) A violation of this section shall be a Class 3 misdemeanor punishable by a fine of up to $50.

State Law reference— Standing, sitting or lying upon streets or highways, G.S. 20-174.1. Pursuant to state statute, standing, sitting, or laying down upon streets or highways is unlawful.

Section 3. Chapter 18, Article III, Sec. 18-46 is hereby repealed in its entirety and reenacted as sections 18-46.1 and 18-46.2 to read as follows:

~~Sec. 18-46. - Loitering for the purpose of engaging in drug-related activity.~~

~~(a) For the purposes of this section, "public place" means any area generally accessible to the public for common usage and access, including any street, sidewalk, bridge, alley or alleyway, plaza, park, playground, driveway, parking lot or transportation facility, the doorways and entranceways, stairway, hall, courtyard, passageway or common area to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the City of Greensboro.~~

~~(b) It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstances manifesting the intent to engage in a violation of any subdivision of the North Carolina Controlled Substances Act, N.C. Gen. Stat. Chapter 90, Article 5. When done with the intent of violation of the aforementioned statutes, such circumstances shall include:~~

~~(1) Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or~~

~~(2) Repeatedly stopping or attempting to stop motor vehicles; or~~

~~(3) Repeatedly interfering with the free passage of other persons; or~~

~~(4) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity; or~~

~~(5) Such person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, or by courier, money or objects; or~~

~~(6) Such person takes flight upon the approach or appearance of a law-enforcement officer; or~~

~~(7) Such person is at a location frequented by persons who use, possess, or sell drugs.~~

Sec. 18-46.1 – Solicitation and Distribution of Items in Public Parking Garages and Public Parking Lots Prohibited.

(a) *Solicitation Permitted*. Solicitation, where not otherwise prohibited herein or by State law, is allowed in the public spaces of Greensboro.

(b) *Purpose and Intent*. It is the purpose of this section to provide for the health, safety and welfare of the residents of the city through the proper management of the city's municipally owned parking garages and parking lots. The city is authorized to operate a parking enterprise to furnish parking services to the city and its citizens.

(1) The city council finds that municipal owned or operated parking garages and parking lots are not traditional public forums for First Amendment purposes and that the city may regulate conduct and use of the parking garages and parking lots through adequate and reasonable rules. The statutory authority is found in G.S. 160A-174 and 160A-312.

(2) The City finds it necessary to restrict certain activities, including solicitation and distribution within public parking garages and parking lots because of the increased potential for accidents in parking garages and parking lots, limited space for individuals walking to vehicles and engaging in transactions associated with solicitation and distribution, and due to the potential for individuals accessing their cars to feel a heightened level of intimidation when approached by a solicitor or distributor.

(c) *Definitions*. The following words, terms, and phrases when used in this section shall have the meanings set forth in this subsection, unless the context of their usage clearly indicates another meaning:

(1) *Public Parking Garage and Parking Lot* means lots, garages, or portions of lots or garages, owned or operated by the City of Greensboro which have the sole purpose of providing vehicular parking. On-street parking, including diagonal on-street parking, is not considered a garages or lot. The word "deck" has the same meaning as the word "garage."

(2) *Enter or entryr*. For the purpose of this section, entry into a Parking Garage or Parking Lot shall mean entry onto the paved parking portion where its the sole intended purpose is the parking of vehicles.

(d) *Offense*. It shall be unlawful to:

(1) enter a Public Parking Garage or Parking Lot for the purpose of soliciting for or distributing within the Parking Garage or Parking Lot any of the following: money, contributions, signatures, leaflets, or pamphlets for any purpose or use; and

(2) engage in the intended solicitation or distribution.

(e) *Exemption for Sidewalks and Landscaped Areas Through and Adjacent to Parking Garages and Parking Lots*. The prohibition under this subsection does not restrict solicitation or distributions on public sidewalks or landscaped areas that run through or immediately adjacent to a public parking garage or lot where such sidewalk or landscaped area is a path for movement other than for the purpose of getting to and from a vehicle in the parking garage. However, any solicitation along such sidewalk or landscaped area shall be

confined to the sidewalk or landscaped area, and no solicitor or distributor shall follow physically an individual off the sidewalk or landscaped area and through the publicly owned parking garage or parking lot where the individual has declined the solicitation or distribution.

(1) This subsection is further clarified below, through example, as it applies to the Public Parking Lots located at Elm St. and McGee St. and Elm St. and Greene St. (referred to as the "Elm Street Lots"). This clarification applies in the same manner to all Parking Lots and Parking Garages with the same or similar features:

i. The Elm Street Lots are comprised of paved parking areas immediately adjacent to two commercial buildings, surrounded by sidewalks providing access to the street (the "Surrounding Sidewalks"), and with one large sidewalk running directly through the middle of the paved parking areas such that parking is allowed on either side of that middle sidewalk (the "Middle Sidewalk"). Many pedestrians, including those parking a vehicle, use the Middle Sidewalk. The prohibition in this subsection shall not apply to any individual using the Middle Sidewalk or the Surrounding Sidewalks, even where the individual is soliciting or distributing to a person who is standing on the paved portion of the Elm Street Lots. The prohibition in this subsection does apply if the individual soliciting or distributing leaves the Surrounding Sidewalk or Middle Sidewalk, enters into the paved parking area with the intent to continue soliciting or distributing, and either engages in the soliciting or distributing or continues to engage in the soliciting or distributing when the individual being engaged has declined the solicitation or distribution. This prohibition is intended to prevent persons who have declined the solicitation or distribution from being followed from the sidewalk to their vehicles or from being approached and engaged in the paved parking areas while accessing their vehicles.

(f) *Designation of Public Parking Garage and Parking Lots*. Public Parking Garage and Parking Lots shall be designated by clearly posted signs. The City shall maintain and provide upon request a list of Public Parking Garages and Parking Lots, currently titled "Traffic Schedule 9, Public Off-Street Parking Lots."

(g) *Other Solicitation Prohibited by State Law*. This section shall not apply to any type of solicitation or distribution regulated, prohibited, or punishable under other applicable state law.

(h) *Exceptions*. This section shall not apply to any Parking Garage or Parking Lot adjacent to or used as the designed parking for a polling place during the time when City owned property is used by the Guilford County Board of Election as a polling place. This section also shall not apply when an event is taking place within the Public Parking Garage or Parking Lot due to a permit granted by the City.

(i) *Penalty*. A violation of this section shall be a Class 3 misdemeanor punishable by a fine of up to $50.

Section 4. Chapter 18, Article III Section 18-46.2 is hereby enacted to read as follows:

Sec. 18-46.2. - Harassment in Public Spaces Prohibited.

(a) *Purpose and Intent*.

(1) The city is enabled, pursuant to G.S. 160A-174, to protect the health, safety and welfare of its citizens and to ensure the peace and dignity of the city. It is the intent of council in enacting this ordinance to recognize the rights of all citizens while at the same time protecting the coexistent rights for all citizens to enjoy safe and convenient travel in public spaces free from harassment. In the course of public hearings and debates regarding solicitation and safety in public spaces in Greensboro, the city recognizes that the dangerous effects of harassment may occur in the commission of or completely separate from an act of solicitation, where such conduct occurs in

public spaces and includes following a person or cornering a person for the purpose of intimidating that person.

(2) The current state laws on stalking and harassment do not protect individuals who are harassed in public spaces where such harassment is confined to a single occasion but is also dangerous or intimidating. Such harassment causes intimidation and fear and may result in an interaction with dangerous or violent consequences. Free and safe passage on city sidewalks and streets is necessary. Therefore, the following ordinance intends to address harassment on sidewalks and streets by penalizing the following conduct:

(b) *Definitions*. The following definitions apply in this section:

(1) *Public Space* means streets, sidewalks, alleys, and other public property, as well as city-owned and city-controlled property.

(2) *Reasonable person* means a reasonable person in the same or similar circumstances.

(c) *Offense*. A person is guilty of harassment in a public space if the person:

(1) knowingly and intentionally performs either of the following with no legitimate purpose;

i. Following an individual in or about a public space with the intent of threatening, intimidating, or causing fear for personal safety; or

ii. Surrounding an individual or intentionally and physically directing the individual's movement through or in a public space with the intent of threatening, intimidating, or causing fear for personal safety. This subsection includes crowding or cornering an individual with the intent of threatening, intimidating, or causing fear for personal safety and without that individual's consent as the individual is actively engaging or attempting to use an automated teller machine or parking meter and the individual must stand within the public space to access the automated teller machine or parking meter;

(2) the conduct described in subsection (c)(1)(i) or (ii) is directed at an individual in the individual's presence; and

(3) the person continues the conduct described in subsection (c)(1)(i) or (ii) after the individual to whom the conduct is directed has made a negative verbal response or taken action that a reasonable person would understand as a negative response.

(d) *Penalty*. A violation of this section shall be a Class 3 misdemeanor punishable by a fine of up to $50.

Section 5. Severability. If any provision of this article is declared invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.

Section 6. This ordinance shall become effective as of 08/15/2018. Section 3., Sec. 18-46.1, shall become effective and enforceable at the later of: 8/15/2018, or the time at which the City has marked clearly the areas in which the prohibited activity may not occur as required under Section 18-46.1(e)(1)(iii).