

1 **Ordinance to Amend and Reenact Chapter 24 of the City Code of the City of**
2 **Hampton, Virginia Entitled “Offenses Miscellaneous” by Repealing Section 24-50,**
3 **to conform with federal case law.**

4
5 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia that Section 24-
6 50 of Chapter 24 of the City Code of the City of Hampton, Virginia be repealed.

7
8 **Chapter 24 – OFFENSES MISCELLANEOUS**

9
10 **Article 1. – IN GENERAL**

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12

13
14 Sec. 24-50. – *Reserved.* ~~Aggressive soliciting.~~

15
16 ~~(a) — It shall be unlawful for any person to solicit money or other things of value,~~
17 ~~or to solicit the sale or purchase of goods or services in an aggressive manner in~~
18 ~~any public area.~~

19
20 ~~(b) — For the purposes of this section the following words and phrases shall~~
21 ~~have the meanings ascribed to them below, unless a different meaning is plainly~~
22 ~~required by the context:~~

23 ~~Aggressive manner means and includes:~~

24
25 ~~(1) — Intentionally or recklessly making any physical contact with or touching~~
26 ~~another person in the course of the solicitation, without the person's consent;~~

27
28 ~~(2) — Approaching or following the person being solicited, if that conduct is: (i)~~
29 ~~intended to or is likely to cause a reasonable person to fear imminent bodily harm~~
30 ~~or the commission of a criminal act upon property in the person's possession; or~~
31 ~~(ii) is intended to or is reasonably likely to intimidate the person being solicited~~
32 ~~into responding affirmatively to the solicitation;~~

33
34 ~~(3) — Continuing to solicit the person being solicited after the person has made~~
35 ~~a negative response, if continuing the solicitation is: (i) intended to or is likely to~~
36 ~~cause a reasonable person to fear imminent bodily harm or the commission of a~~
37 ~~criminal act upon property in the person's possession; or (ii) is intended to or is~~
38 ~~reasonably likely to intimidate the person being solicited into responding~~
39 ~~affirmatively to the solicitation;~~

40 ~~(4) — Intentionally or recklessly blocking the safe or free passage of the person~~
41 ~~being solicited or requiring the person to take evasive action to avoid physical~~
42 ~~contact with the person making the solicitation; and~~
43

44 ~~(5) — Intentionally or recklessly using obscene or abusive language or gestures:~~
45 ~~(i) intended to or likely to cause a reasonable person to fear imminent bodily~~
46 ~~harm or the commission of a criminal act upon property in the person's~~
47 ~~possession; or (ii) words intended to or reasonably likely to intimidate the person~~
48 ~~into responding affirmatively to the solicitation.~~

49 ~~Public area means an area to which the public or a substantial group of persons~~
50 ~~has access, including, but not limited to: alleys, bridges, buildings, docks, wharfs,~~
51 ~~marinas, driveways, parking lots, parks, playgrounds, sidewalks, streets open to~~
52 ~~the general public, and the doorways and entrances to buildings, together with~~
53 ~~the grounds enclosing them.~~
54

55 ~~Solicit means to request an immediate donation of money or other thing of value~~
56 ~~from another person, regardless of the solicitor's purpose or intended use of the~~
57 ~~money or other thing of value. A solicitation may take the form of, without~~
58 ~~limitation, the spoken, written or printed word, or by other means of~~
59 ~~communication including gesture.~~
60

61 ~~(c) — Any person violating the provisions of this section shall be guilty of a Class~~
62 ~~2 misdemeanor.~~
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