

Temecula Municipal Code							
Up	Previous	Next	Main	Collapse	Search	Print	No Frames
Title 9 PUBLIC PEACE, MORALS AND WELFARE							

Chapter 9.65 PROHIBITION AGAINST CERTAIN FORMS OF SOLICITATION, LINGERING AND LOITERING ON MEDIANS

9.65.010 Findings.

The city council hereby finds, determines and declares that:

- A. Solicitations made in an aggressive manner are unsafe and disruptive to persons in the city of Temecula and are a threat to public health, safety, and general welfare. Aggressive solicitations typically include approaching or following pedestrians, the use of abusive language, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.
- B. An increase in aggressive solicitation throughout the city has become extremely disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder.
- C. Aggressive solicitation from people in places where they are a “captive audience” in which it is impossible or difficult for them to exercise their own right to decline to listen to or to avoid solicitation from others, is problematic, detracts from the rights of persons in the city to quietly enjoy public facilities and presents a risk to the health, safety and welfare of the public. Such places include public transportation vehicles and their designated locations for stops, as well as gasoline stations.
- D. The presence of individuals who solicit money from persons at or near banks or automated teller machines is especially threatening and dangerous. Such activity often carries with it an implicit threat to both person and property. Restricting solicitation in such places will provide a balance between the rights of solicitors and the rights of persons who wish to decline or avoid such solicitations, and will help avoid or diminish the threat of violence in such unwarranted and unavoidable confrontations.
- E. Aggressive solicitation on roadway median strips, at traffic intersections, and in the public roadway and lingering and loitering on a median are unsafe and hazardous for solicitors, drivers, pedestrians, and the general public. Aggressive soliciting on roadway median strips, at traffic intersections, and in the public roadway increases the risk of drivers becoming distracted from their primary duty to watch traffic, which may result in automobile accidents, congestion and blockage of streets, and delay and obstruction of the free flow of travel, all of which constitute substantial traffic safety problems.
- F. The council’s intent in enacting this chapter is not to interfere with the exercise of First Amendment rights of those engaged in solicitation on roadway median strips, at traffic intersections, and in the public roadway and lingering and loitering on the medians, but only to minimize the safety hazards of those in such areas as well as the drivers and passengers in vehicles near these areas and in a manner to minimize those safety hazards.
- G. The practice of aggressive solicitation near driveways accessing shopping centers, retail, and business establishments is unsafe and hazardous for solicitors, drivers, pedestrians and the general public. The location of the solicitor near the driveway compromises the solicitor’s safety, impedes visibility, and impairs a driver’s ability to safely enter and exit. Drivers also become distracted from their duty to watch traffic, which may result in automobile accidents, congestion and blockage of streets, and delay and obstruction of the free flow of travel, all of which constitute substantial traffic safety problems.
- H. The restrictions of this chapter are content neutral and are narrowly tailored to serve a significant governmental interest, but still provide alternative avenues of communication.
- I. The reasonable time, place, manner restrictions in this chapter avoid the negative effects of aggressive solicitation and solicitation in unsafe places and will not unreasonably restrict free speech of people engaged in solicitation. (Ord. 16-09 § 1)

9.65.020 Authority and purpose.

- A. This chapter is adopted pursuant to the authority granted to the city of Temecula in Article XI, Section 7 of the California Constitution.
- B. The purpose and intent of this chapter is to protect public health, safety and the general welfare of people in the city of Temecula and improve the quality of life and economic vitality of the city of Temecula by imposing reasonable time, place, manner, restrictions on certain forms of solicitation while respecting the constitutional rights of free speech for all citizens as further described in the findings set forth in Section 9.65.010.

C. The California Supreme Court has held such regulation of solicitation does not violate the liberty of speech clause of the California Constitution in the case of *Los Angeles Alliance For Survival v. City of Los Angeles* (2000) 22 Cal. 4th 352. (Ord. 16-09 § 1)

9.65.030 Applicability.

The provisions of this chapter shall apply generally to all property throughout the city wherein any of the conditions specified in this chapter are found to exist; provided, however, that any condition that constitutes a violation of this chapter, but which is permitted or authorized under any local, state or federal law, shall not be deemed to violate this chapter. (Ord. 16-09 § 1)

9.65.040 Definitions.

As used in this chapter, the following words, terms and phrases shall have the following meanings, unless a different meaning is apparent from the context or is specified elsewhere in this chapter:

“After dark” means any time from one-half hour after sunset to one-half hour before sunrise.

“Aggressive manner” means any of the following:

1. Conduct intended or likely to cause a reasonable person to fear bodily harm to oneself or to another, damage to or loss of property, or otherwise be intimidated into giving money or other thing of value;
2. Intentionally touching or causing physical contact with another person or an occupied vehicle without that person’s consent;
3. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
4. Using violent or threatening gestures toward a person; or
5. Persisting in closely following or approaching a person, after the person has informed a solicitor that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor.

“Automated teller machine” or “ATM” means any electronic information processing device that accepts or dispenses cash in connection with a credit, deposit, or convenience account.

“Automated teller machine facility” means the area comprised of one or more automated teller machines, and any adjacent space that is made available to banking customers after regular banking hours.

“Bank” means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

“Check cashing business” means any person duly licensed as a check seller, bill payer, or prorater pursuant to California Financial Code Section 12000 et seq., as may be amended.

“Credit union” means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration.

“Donation” shall mean a gift of money or other item of value.

“Financial institution” includes a bank, savings and loan association, credit unions and check cashing business.

“Linger on a median” means remaining in a median longer than two traffic signals cycles, except in an emergency or except where the median is specifically designated for pedestrians or equestrians.

“Loiter on a median” means standing or lingering in a median for any purpose other than to safely and lawfully cross the street, except in an emergency or except where the median is specifically designated for pedestrians or equestrians.

“Median” shall mean a paved or planted area of public right-of-way that divides a street or highway according to the direction of travel.

“Motor vehicle” means any propelled vehicle or vehicle drawn by a power other than muscular power, other than a motorized wheelchair.

“Public place” means a place to which the public or a substantial group of persons has access, and includes, without limitation, any street, highway, sidewalk, median, parking lot, plaza, transportation facility, school, place of amusement, park, playground and any doorway, entrance, hallway, lobby and other portion of any business establishment, an apartment house or hotel not constituting a room or apartment designed for actual residence.

“Public transportation vehicle” means any vehicle, including a trailer bus, or train, designed, used or maintained for carrying ten or more persons, including the driver; or a passenger vehicle designed for carrying fewer than ten persons, including the driver, and used to carry passengers for hire.

“Savings and loan association” means any federal savings and loan association and any “insured institution” as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 1752 of the Federal Credit Union Act, as amended.

“Solicit” shall mean to ask, beg, request or panhandle using spoken, written, or printed word, or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

“Solicitor” means one who solicits as defined in this section. (Ord. 16-09 § 1)

9.65.050 Aggressive solicitations prohibited.

No person shall solicit in an aggressive manner (as defined in Section 9.65.040) in any public place. (Ord. 16-09 § 1)

9.65.060 All solicitations prohibited at specified locations—Lingering and loitering prohibited on medians.

A. Financial Institutions and Automated Teller Machines (ATMs). No person shall solicit within twenty-five feet of any entrance or exit of any financial institution during its business hours or within twenty-five feet of any automated teller machine during the time it is available for customers’ use. When an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility. No person shall solicit within an automated teller machine facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession of such facility.

B. Parking Lots. No person shall solicit in any public parking lot or structure any time after dark.

C. Public Transportation Vehicles and Stops. No person shall solicit in any public transportation vehicle or within fifty feet of any designated or posted public transportation vehicle stop.

D. Gasoline Stations and Fuel Pumps. No person shall solicit from an operator or occupant of a motor vehicle while such vehicle is stopped in a gasoline station or at a fuel pump.

E. Driveways Accessing Shopping Center, Retail and Business Establishments. No person shall solicit from an operator or occupant traveling in a motor vehicle while such vehicle is located within twenty-five feet of a driveway providing vehicular access to a shopping center, retail or business establishment.

F. Medians.

1. No person shall linger on a median.

2. No person shall loiter on a median.

3. No person shall solicit upon any median or in any manner or location that is inconsistent with the provisions of the California Vehicle Code.

G. Dining Establishments. No person shall solicit in any outdoor dining area of any restaurant or other dining establishment serving food for immediate consumption. (Ord. 16-09 § 1)

9.65.070 Exemptions.

The provisions of Section 9.65.060 shall not be construed to prohibit:

A. The right to exercise protected free speech;

B. The lawful vending of goods and services;

C. Solicitations related to business authorized by or conducted by the property owner, business owner, or employees thereof on the premises;

D. Solicitations related to the lawful towing of a vehicle; or

E. Solicitations related to emergency repairs requested by the operator or other occupant of a motor vehicle. (Ord. 16-09 § 1)

9.65.080 Penalty.

A. Misdemeanor. Any person who violates Sections 9.65.050 and 9.65.060 of this chapter shall be guilty of a misdemeanor or infraction as provided in Chapter 1.20 of Title 1 of the Temecula Municipal Code.

B. Administrative Citations. Any person who violates Section 9.65.050 or 9.65.060 of this chapter shall be guilty of violating the Temecula Municipal Code and may be issued an administrative citation and be subject to the applicable punishments pursuant to Chapter 1.21 of Title 1 of the Temecula Municipal Code.

C. Nonexclusivity. Nothing in this chapter shall limit or preclude the enforcement of any other applicable laws or remedies available for violations of this chapter, including, but not limited to, the enforcement provisions of Title 1 of the Temecula Municipal Code. (Ord. 16-09 § 1)

View the [mobile version](#).

ORDINANCE NO. 2017- _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MENIFEE, CALIFORNIA, ADDING CHAPTER 11.08 TO THE
MENIFEE MUNICIPAL CODE PROHIBITING CERTAIN FORMS OF
SOLICITATION**

THE CITY COUNCIL OF THE CITY OF MENIFEE DOES ORDAIN AS FOLLOWS:

SECTION 1 A new Chapter 11.08 prohibiting certain forms of solicitation in the City is hereby added to the Menifee Municipal Code to read in its entirety as follows:

“Chapter 11.08: PROHIBITION AGAINST CERTAIN FORMS OF SOLICITATION

Section

11.08.010	Findings
11.08.020	Definitions
11.08.030	Solicitations Prohibited at Specific Locations
11.08.040	Aggressive Solicitations Prohibited
11.08.050	Exemptions
11.08.060	Penalties

§ 11.08.010 FINDINGS.

For purposes of this Chapter, the City Council finds as follows:

- (A) The City Council finds “aggressive solicitation” is unsafe and disruptive to persons in the City of Menifee and is a threat to public health, safety, and general welfare.
- (B) The City Council finds that solicitation at banks, automatic teller machines and check cashing businesses, from persons in vehicles, in parking lots after dark, in public transportation vehicles, at gasoline stations and fuel pumps, in driveways, on median strips and freeway ramps, in City parks, on landscaped parkways/trails, and at dining establishments that subjects persons in the City of Menifee to danger. Soliciting from persons in vehicles results in the congestion of public streets and can lead to distracted drivers causing accidents constituting a danger to pedestrian and vehicular traffic safety. The City Council further finds that soliciting from people in locations where it is difficult to avoid the solicitation makes persons who will commonly be carrying money on their persons vulnerable to intimidation and such solicitation detracts from the rights of persons in the City to quietly enjoy public facilities.
- (C) The restrictions of this section are content neutral and are narrowly tailored to serve a significant governmental interest but still provide alternatives avenues of communication. The reasonable time, place, manner restrictions of this section

avoid the negative effects of aggressive solicitation and solicitation in unsafe places and will not unreasonably restrict free speech of people engaged in solicitation.

§ 11.08.020 DEFINITIONS.

For purposes of this Chapter, the following shall apply:

- (A) **Solicit, Ask, or Beg.** Include using the spoken, written, or printed word, or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.
- (B) **Public Place.** A place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, the right-of-way of any freeway, including any on ramp, off ramp, or roadway shoulder which lies within the right-of-way of the freeway, highway, sidewalk, median, parking lot, plaza, transportation facility, school, place of amusement, park, improved trail, playground, and any doorway, entrance, hallway, lobby and other portion of any business establishment, an apartment house or hotel not constituting a room or apartment designed for actual residence.

§ 11.08.030 SOLICITATIONS PROHIBITED AT SPECIFIC LOCATIONS.

- (A) **Financial Institutions and Automated Teller Machines (ATMs).** No person shall solicit within 25 feet of any entrance or exit of any financial institution during its business hours or within 25 feet of any automated teller machine during the time it is available for customers' use. When an automated teller machine is located within an ATM facility, such distance shall be measured from the entrance or exit of the ATM facility. No person shall solicit within an ATM facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession of such facility.
- (B) **Parking Lots and Parking Structures.** No person shall solicit in any public parking lot or structure any time.
- (C) **Public Transportation Vehicles and Stops.** No person shall solicit in any public transportation vehicle or within 50 feet of any designated or posted public transportation vehicle stop.
- (D) **Gasoline Stations and Fuel Pumps.** No person shall solicit from an operator or occupant of a motor vehicle while such vehicle is stopped in a gasoline station or at a fuel pump.

(E) Driveways Accessing Shopping Center, Retail and Business

Establishments. No person shall solicit from an operator or occupant traveling in a motor vehicle while such vehicle is located within 25 feet of a driveway providing vehicular access to a shopping center, retail or business establishment.

(F) Medians/Parkways.

- (1) No person shall linger on a median or parkway.
- (2) No person shall loiter on a median or parkway.
- (3) No person shall solicit upon any median or parkway or in any manner or location that is inconsistent with the provisions of the California Vehicle Code.

(G) Dining Establishments. No person shall solicit in any outdoor dining area of any restaurant or other dining establishment serving food for immediate consumption.

(H) Parks and Trails. No person shall solicit in any public park or improved public trail at any time.

§ 11.08.040 AGGRESSIVE SOLICITATIONS PROHIBITED.

(A) “Aggressive manner” shall mean any of the following:

- (1) Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to:
 - a. Fear bodily harm to oneself or to another;
 - b. Damage to or loss of property; or
 - c. Otherwise be intimidated into giving money or other thing of value;
- (2) Intentionally touching or causing physical contact with another person or an occupied vehicle without that person’s consent in the course of soliciting, asking or begging;
- (3) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- (4) Using violent or threatening gestures toward a person solicited either before, during or after soliciting, asking or begging;
- (5) Persisting in closely following or approaching a person, after the person being solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or

(6) Using profane, offensive or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during, or after solicitation.

(B) No person shall solicit in an aggressive manner (as defined in Section 11.08.040(A)) in any public place.

§ 11.08.050 EXEMPTIONS.

The provisions of Chapter 11.08 shall not be construed to prohibit:

- (A) The right to exercise protected free speech;
- (B) The lawful vending of goods and services;
- (C) Solicitations related to business authorized by or conducted by the property owner, business owner, or employees thereof on the premises;
- (D) Solicitations related to the lawful towing of a vehicle; or
- (E) Solicitations related to emergency repairs requested by the operator or other occupant of a motor vehicle.

§ 11.08.060 PENALTIES

- (A) **Misdemeanor.** Any person who violates Sections 11.08.030 and 11.08.040 of this chapter shall be guilty of a misdemeanor as provided in Chapter 1.01 of the Menifee Municipal Code.
- (B) **Administrative Citations.** Any person who violates 11.08.030 or 11.08.040 of this chapter shall be guilty of violating the City of Menifee Municipal Code and may be issued an administrative citation and be subject to the applicable punishments pursuant to Chapter 1.03 of the Menifee Municipal Code.
- (C) **Non-exclusivity.** Nothing in this Chapter shall limit or preclude the enforcement of any other applicable laws or remedies available for violations of this Chapter. “

Section 2. If any section, subsection, sentence or clause of this ordinance is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. The adoption of this ordinance is not a “project” subject to the requirements of the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines section 15378(b)(4) the regulation is not a project within the meaning of CEQA because it establishes a prohibition that does not involve any commitment to any

specific project that may result in a potentially significant impact on the environment and therefore CEQA review is not required.

Section 4. This Ordinance shall take effect and be in full force and operation thirty (30) days after its adoption.

Section 5. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published within fifteen (15) days after passage in accordance with law, and shall cause this Ordinance and its certification to be entered in the Book of Ordinances of the City of Menifee.

PASSED, APPROVED AND ADOPTED this 17th day of May, 2017, by the following vote:

Neil R. Winter, Mayor

Attest:

Sarah A. Manwaring, City Clerk

Approved as to Form:

Jeffrey T. Melching, City Attorney

Chapter 7.30 AGGRESSIVE PANHANDLING

Sections:

- 7.30.010 Intent.**
- 7.30.020 Definitions.**
- 7.30.030 Prohibited acts.**
- 7.30.040 Exemptions.**
- 7.30.050 Penalties.**
- 7.30.060 Operation of chapter.**

7.30.010 INTENT.

Aggressive or intimidating acts by panhandlers soliciting money or other things of value from persons upon public property, or upon private property open to the public, imperils the safety of residents, visitors and tourists within the City of Anaheim. Such acts further constitute coercion to obtain contributions from persons who do not desire to make, and would not otherwise freely make, such contributions in the absence of such aggressive or intimidating conduct. Such conduct further jeopardizes the City's economy by discouraging visitors, tourists and prospective customers from coming to Anaheim for business, recreation and shopping. Such conduct also threatens to drive City residents to places outside of Anaheim for their recreation and shopping activities. Such conduct further undermines the public's basic right to be in and enjoy public places without fear that they will be pursued or intimidated by persons seeking handouts. Further, it is necessary to place reasonable restrictions upon the time, place and manner in which panhandling occurs in order to protect the public health and safety. (Ord. 5406 § 1 (part); November 2, 1993.)

7.30.020 DEFINITIONS.

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

.010 "Aggressive manner" means:

- (A) Approaching, speaking to, or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession; or
- (B) Touching another person without such person's consent in the course of asking, begging or soliciting alms; or
- (C) Continuing to ask, beg, or solicit alms from a person after such person has made a negative response or otherwise indicated a desire not to contribute; or
- (D) Intentionally blocking or interfering with the safe or free passage of the person solicited by any means, including causing such person to take evasive action to avoid physical contact or preventing such person from departing the location of the solicitation; or
- (E) Intentionally following the person solicited, without such person's consent, for the purpose of continuing to ask, beg or solicit alms after such person has made a negative response or indicated a desire not to contribute; or

(F) Making any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat of bodily harm; or

(G) Rendering any service to a motor vehicle, including but not limited to any cleaning, washing, protecting, guarding or repairing of said vehicle or any portion thereof, without the prior consent of the owner, operator or occupant of such vehicle, and thereafter asking, begging or soliciting alms or payment for the performance of such service, regardless of whether such vehicle is stopped, standing or parked on a public street or upon other public or private property; or

(H) Intentionally blocking, preventing, impeding or interfering with the free and unobstructed ability of the person solicited to enter into or emerge from any vehicle during the course of asking, begging or soliciting alms or following a negative response by the person solicited to any such solicitation; or

(I) Intentionally blocking, preventing, impeding or interfering with the operation or movement of any vehicle operated or occupied by the person solicited, during the course of asking, begging or soliciting alms or following a negative response by the person solicited to any such solicitation.

.020 "Ask, beg, or solicit alms" includes the spoken, written, or printed word or such other act conducted for the purpose of obtaining an immediate donation of money or thing of value, whether for personal use, or as a charitable contribution to any individual or organization, or for any other purpose. (Ord. 5406 § 1 (part); November 2, 1993.)

7.30.030 PROHIBITED ACTS.

No person shall ask, beg, or solicit alms in an aggressive manner in any place open to the general public, whether publicly or privately owned, including but not limited to any sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, gasoline service stations, and the grounds around or enclosed by buildings. (Ord. 5406 § 1 (part); November 2, 1993.)

7.30.040 EXEMPTIONS.

.010 Nothing contained in this chapter shall be deemed to prohibit any act which is otherwise expressly permitted or prohibited by law.

.020 Nothing contained in this chapter shall be deemed to permit any act which is otherwise prohibited by law. (Ord. 5406 § 1 (part); November 2, 1993.)

7.30.050 PENALTIES.

A violation of any provision of this chapter shall be deemed an infraction punishable as set forth in Section 36900 of the Government Code of the State of California, or any successor provision thereto. (Ord. 5406 § 1 (part); November 2, 1993.)

7.30.060 OPERATION OF CHAPTER.

It is acknowledged that acts prohibited by this chapter are prohibited pursuant to subdivision (c) of Section 647 of the Penal Code of the State of California (hereinafter "Section 647(c)"). In the event said Section 647(c) is valid and enforceable, said Section 647(c) would preempt the provisions of this chapter. However, Section 647(c) has been held unconstitutional, invalid and unenforceable by the United States District Court in the case of Blair v. Shanahan (N.D. Cal. 1991) 775 F. Supp. 1315. Conversely, Section 647(c) has been held to be constitutional, valid and enforceable by the California state courts (Ulmer v. Municipal Court [1976] 55 Cal. App. 3d 263, 127 Cal. Rptr. 445; People v. Zimmerman [1993] 19 Cal. Rptr. 2d 286). The operation of this chapter is necessary and appropriate only if Section 647(c) is invalid and unenforceable.

For the aforesaid reasons, this chapter shall be and remain in full force and effect; except, however, in the event any court of competent jurisdiction in any civil or criminal proceeding where the validity of any provision of this

chapter is at issue determines that Section 647(c) is valid and enforceable, then and only then shall this chapter be deemed inoperative and of no force or effect for purposes of such proceeding. (Ord. 5406 § 1 (part); November 2, 1993.)

Chapter 14.30 SOLICITATION OF VEHICLE OCCUPANTS

Sections:

14.30.010 Solicitation prohibited.

14.30.020 Definitions.

14.30.030 Exemptions.

14.30.040 Violations of chapter.

14.30.010 SOLICITATION PROHIBITED.

.010 It is unlawful for any person to be upon or go upon the roadway of any public street and solicit or attempt to solicit employment, business, or charitable contributions or alms from the occupant of any vehicle which is in transit upon a public street, regardless of whether such vehicle is moving or temporarily stopped in traffic.

.020 It is unlawful for any person to be upon or go upon the roadway or any public street and engage in any business with, or accept any charitable contribution or alms from, the occupant of any vehicle which is in transit upon a public street, regardless of whether such vehicle is moving or temporarily stopped in traffic.

.030 Nothing contained in this section shall prohibit solicitations of employment, business or charitable contributions or alms from or by the occupants of any vehicle which either is lawfully parked upon a public street, or which is not upon a public street, at the time of such solicitation. (Ord. 5407 § 1 (part); November 2, 1993.)

14.30.020 DEFINITIONS.

The words, terms and phrases used in this chapter shall have the following meanings:

.010 "Business" means any sale of or offer to sell, or purchase of or offer to purchase, any product, commodity, item or service of any kind or nature.

.020 "Charitable contributions or alms" means the obtaining of an immediate donation of money or other thing of value, whether for personal use, or as a contribution to a charitable organization, or for any other purpose.

.030 "Roadway" means that area within any public street right-of-way which is designed, improved or ordinarily used for vehicular traffic and traffic related improvements, including without limitation any median islands, traffic divider areas, bicycle lanes, safety zones, crosswalks and curbs.

.040 "Solicit or attempt to solicit" means and includes any act of requesting, offering or announcing by any means including, without limitation, any oral or written communication or gesture.

.050 "Street" means and includes any public street, highway or alley within the City of Anaheim.

.060 "Vehicle" means as defined in Section 670 of the California Vehicle Code or any successor provision thereto. (Ord. 5407 § 1 (part); November 2, 1993.)

14.30.030 EXEMPTIONS.

This chapter shall not apply to or prohibit:

.010 Any acts prohibited by Section 22520.5 of the Vehicle Code of the State of California or any acts otherwise prohibited or preempted by any other provision of state law.

.020 Any act of soliciting or attempting to solicit an occupant of a vehicle by another occupant of the same vehicle.

.030 Any act of soliciting or attempting to solicit transportation upon or within a vehicle which act is engaged in between the driver or other occupant of such vehicle and any other person.

.040 Any act of soliciting or attempting to solicit contributions or alms by a bonafide charity or non-profit corporation, organization or association, subject to compliance with the following requirements:

.0401 Such qualified charitable or non-profit corporation, organization or association shall obtain a certificate of exemption from the Anaheim Police Department. Such certificate shall be issued within 72 hours following the submittal of a written application therefor provided such application and the proposed solicitation conforms to the following requirements:

.01 That the applicant submits proof that it is qualified by the Internal Revenue Service as a charitable or non-profit corporation, organization or association exempt from taxation under applicable provisions of the Internal Revenue Code;

.02 That the application is accompanied by a plan for review and approval by the Police Department (1) demonstrating that its solicitors will wear distinctive and highly visible attire (such as garments or devices containing reflective materials or composed of vivid and highly visible colors) for the purpose of increasing visibility of such persons to motorists; and (2) providing a plan or methodology for minimizing interference with traffic.

.0402 All solicitation of vehicles while engaged in transit on the public streets shall be limited to between the hours of 10:00 a.m. to 3:00 p.m.

.0403 All solicitations by the charitable or non-profit corporation, organization or association pursuant to such certificate of exemption shall be limited to one (1) day per calendar year.

.0404 Not more than one charitable or non-profit corporation, organization or association shall be scheduled at the same location on the same date. (Ord. 5407 § 1 (part); November 2, 1993; Ord. 5989 § 1; August 23, 2005; Ord. 5990 § 1; September 13, 2005.)

14.30.040 VIOLATIONS OF CHAPTER.

A violation of any provision of this chapter shall be punishable as an infraction as provided in Section 36900 of the Government Code of the State of California or any successor provision thereto. (Ord. 5407 § 1 (part); November 2, 1993.)

Chapter 5.08

SOLICITING

Sections:

- 5.08.010 Definitions.**
- 5.08.020 Solicitation within the City of Riverside is Unlawful where Posted or otherwise Communicated to the Solicitor.**
- 5.08.030 General Restrictions regarding Solicitation.**
- 5.08.040 Time Restrictions on Solicitation.**
- 5.08.050 Solicitation Prohibited in City-owned Buildings and Pedestrian Mall.**
- 5.08.060 Solicitation Provisions are Nonexclusive.**

Section 5.08.010 Definitions.

Unless it is apparent from the context that another meaning is intended, the following words, when used herein, shall have the meaning ascribed to them by this Section:

"Person" means an individual, group, firm, copartnership, corporation, company, association, church, religious sect, religious denomination, society, organization or league;

"Private property" means a privately owned building, either a residence or commercial enterprise;

"Solicit" or "solicitation" means to request, directly or indirectly, money, property, including discarded household furnishings, newspapers, magazines, castoff materials, or financial assistance of any kind, including donations or pledges of donations, or to sell, to offer for sale or to exhibit any thing or object whatever to raise money, including any article, tag, service, emblem, publication, ticket, advertisement or subscription; or to secure or attempt to secure money or donations or other property by promoting any bazaar, sale, dance, card party, supper or entertainment, whether any of such acts occur on the streets, in any office or public building, by house-to-house canvass or in any public or private place by personal solicitation. (Ord. 6898 § 1, 2006; Prior code § 21.65)

Section 5.08.020 Solicitation within the City of Riverside is Unlawful where Posted or otherwise Communicated to the Solicitor.

(a) No person shall engage in solicitation activity upon any private property after having been asked to leave such property by the owner or occupant of the property.

(b) Unless invited by the legal occupants or owners of the private property, it shall be unlawful for any such person to engage in solicitation upon the private premises or residence or business located thereon if such premises or residence is posted with notice prohibiting solicitation, prominently displayed upon which is printed:

"SOLICITING AT THIS LOCATION IS A VIOLATION OF LAW"

For purposes of the preceding sentence, a private property, either residence or business, shall be deemed to be posted prohibiting solicitation if there is exhibited, on or near the main entrance to the property or on the main door to any structure located thereon, a sign conspicuously posted, which bears the above wording or similar wording restricting or prohibiting solicitation on the premises. (Ord. 6898 § 1, 2006; Prior code § 21.66)

Section 5.08.030 General Restrictions regarding Solicitation.

(a) No person who engages in solicitation shall use a plan, scheme or ruse or make any

statement which indicates or implies that the purpose of the solicitation is other than to obtain orders or to make sales of goods or services.

(b) No person who engages in solicitation shall misrepresent the right of a buyer to rescind or cancel a sale under the provisions of applicable law.

(c) No person who engages in solicitation shall solicit by shouting or by using any sound device in connection with soliciting, including bells or amplifying system.

(d) No person who engages in solicitation shall step onto or over the threshold of a doorway of a residence unless invited to do so by the occupant or place hands, legs or any portion of the solicitor's body in the doorway so that it reasonably appears that the door may not be closed, unless allowed to do so by the occupant.

(e) It shall be unlawful to make false statements or misrepresentations about the purpose of the solicitation. (Ord. 6898 § 1, 2006; Prior code § 21.67)

Section 5.08.040 Time Restrictions on Solicitation.

No person shall engage in any form of door to door solicitation before 8 am or after 9 pm. Further, it shall be unlawful for any person to engage in solicitation at any time of day if such time of day is clearly posted on the "no soliciting" sign posted pursuant to the sections of this Code. (Ord. 7341 § 4, 2016; Ord. 7229 § 7, 2013; Ord. 6898 § 1, 2006; Prior code § 2.68)

Section 5.08.050 Solicitation Prohibited in City-owned Buildings and Pedestrian Mall.

(a) Notwithstanding any other provisions of the Chapter, it is unlawful for any person to solicit or sell or offer for sale, by taking orders, subscriptions, direct sales or any other method, any merchandise or printed matter within any building owned by the City or the Pedestrian Mall. Nothing in this Section shall prohibit solicitation or direct sales by any person permitted to engage in such activities pursuant to a lease or rental agreement or a permit issued by the City.

(b) The Pedestrian Mall is defined as:

Main Street between the southerly line of Sixth Street and the northerly line of Tenth Street but excluding from the mall the intersections of Main Street with Mission Inn Avenue (formerly known as Seventh Street), University Avenue (formerly known as Eighth Street) and excluding from the mall Ninth Street. This area will be commonly known as part of "Main Street Riverside." (Ord. 7356 § 1, 2016; Ord. 6898 § 1, 2006; Prior code § 21.69)

Section 5.08.060 Solicitation Provisions are Nonexclusive.

Nothing in this Chapter shall be construed as to replace or eliminate any of the provisions or requirements of Title 5 of the Riverside Municipal Code requiring business licenses. (Ord. 6898 § 1, 2006; Prior code § 21.70)

Chapter 9.04

OFFENSES

Sections:

9.04.010	Prohibition against certain forms of aggressive solicitation.
9.04.120	Loitering.
9.04.140	Sounding bell or whistle on streetcar or locomotive engine.
9.04.190	Use of public and private school ground at certain times prohibited.
9.04.200	Damaging public property.
9.04.210	Sales to children near school grounds.
9.04.220	Loitering for drug activities.
9.04.230	Display and sale of drug paraphernalia.
9.04.240	Throwing stones and missiles.
9.04.280	Annoying pedestrians--Impeding free passage.
9.04.290	Bicycles, skateboards, etc.
9.04.300	Trespass on private property.
9.04.400	Conduct on public property.
9.04.500	Sitting or lying in entrance of building prohibited.
9.04.600	Camping on public sidewalks, streets, and other public property.

Section 9.04.010 Prohibition against certain forms of aggressive solicitation.

A. Findings

1. The City Council finds solicitation is unsafe and disruptive to persons in the City of Riverside and is a threat to public health, safety, and general welfare.

2. The City Council finds that solicitation at banks, ATMs and check cashing businesses, from persons in vehicles, in parking lots after dark, in public transportation vehicles, at gasoline stations and fuel pumps, in driveways, on median strips and freeway ramps, and at dining establishments that subjects persons in the City of Riverside to danger. Soliciting from persons in vehicles results in the congestion of public streets and can lead to distracted drivers causing accidents constituting a danger to pedestrian and vehicular traffic safety. The City Council further finds that soliciting from people in locations where it is difficult to avoid the solicitation makes persons who will commonly be carrying money on their persons vulnerable to intimidation and such solicitation detracts from the rights of persons in the City to quietly enjoy public facilities.

3. The restrictions of this section are content neutral and are narrowly tailored to serve a significant governmental interest but still provide alternatives avenues of communication. The reasonable time, place, manner restrictions of this section avoid the negative effects of aggressive solicitation and solicitation in unsafe places and will not unreasonably restrict free speech of people engaged in solicitation.

B. Authority and Purpose.

1. This section is adopted pursuant to the authority granted to the City of Riverside in Article XI, Section 5(a) and Section 7 of the California Constitution, and Section 200 of the Riverside City Charter.

2. The purpose and intent of this Chapter is to protect public health, safety and the general welfare of people in the City of Riverside by enacting reasonable time, place, manner, restrictions on certain forms of solicitation. The California Supreme Court has held such regulation of solicitation does not violate the liberty of speech clause of the California

Constitution in the case of *Los Angeles Alliance For Survival v. City of Los Angeles* (2000) 22 Cal. 4th 352.

C. Definitions. For purposes of this section:

1. "Solicit, ask or beg" shall include using the spoken, written, or printed word, or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

2. "Public place" shall mean a place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, the right-of-way of any freeway, including any on ramp, off ramp, or roadway shoulder which lies within the right-of-way of the freeway, highway, sidewalk, median, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby and other portion of any business establishment, an apartment house or hotel not constituting a room or apartment designed for actual residence.

3. "Aggressive manner" shall mean any of the following:

(a) Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to:

(1) fear bodily harm to oneself or to another, or

(2) damage to or loss of property, or

(3) otherwise be intimidated into giving money or other thing of value;

(b) Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting, asking or begging;

(c) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

(d) Using violent or threatening gestures toward a person solicited either before, during or after soliciting, asking or begging;

(e) Persisting in closely following or approaching a person, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing or value to the solicitor; or

(f) Using profane, offensive or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during, or after solicitation.

D. Aggressive Solicitation prohibited.

No person shall solicit, ask or beg in an aggressive manner in any public place.

E. All solicitation prohibited at specified locations.

1. Banks and ATMs.

No person shall solicit, ask or beg within 15 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 15 feet of any automated teller machine during the time it is available for customers' use. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility. Provided further that no person shall solicit, ask or beg within an automated teller machine facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession of such facility. Nothing in this paragraph shall be construed to prohibit the lawful vending of goods and services within such areas.

(a) Definitions. For purposes of this section:

(1) "Bank" means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(2) "Savings and loan association" means any federal savings and loan association and any "insured institution" as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

(3) "Credit union" means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration.

(4) "Check cashing business" means any person duly licensed as a check seller, bill payer, or prorater pursuant to Division 3 of the California Financial Code, commencing with Section 12000.

(5) "Automated teller machine" shall mean any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

(6) "Automated teller machine facility" shall mean 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.

(a) Exemptions. The provisions of Subsection C.1. shall not apply to any unenclosed automated teller machine located within any building, structure or space whose primary purpose or function is unrelated to banking activities, including but not limited to supermarkets, airports and school buildings, provided that such automated teller machine shall be available for use only during the regular hours of operation of the building, structure or space in which such machine is located.

2. Motor vehicles.

No person shall approach an operator or occupant of a motor vehicle for the purpose of soliciting, asking or begging while such vehicle is located in a public place, except as exempted in subsection 4.

3. Parking lots.

No person shall solicit, ask or beg in any public parking lot or structure any time after dark. "After dark" means any time from one-half hour after sunset to one-half hour before sunrise, except as exempted in subsection 4.

4. Exemptions.

Subsections C.2. and C.3. shall not apply to any of the following:

(a) to solicitations related to business which is being conducted on the subject premises by the owner or lawful tenants;

(b) to solicitations related to the lawful towing of a vehicle; or

(c) to solicitations related to emergency repairs requested by the operator or other occupant of a vehicle.

5. Public transportation vehicles.

Any person who solicits, asks or begs in any public transportation vehicle is guilty of a violation of this section.

(a) Definitions. For purposes of this section:

(1) "Public transportation vehicle" shall mean any vehicle, including a trailer bus, designed, used or maintained for carrying 10 or more persons, including the driver; or a passenger vehicle designed for carrying fewer than 10 persons, including the driver, and used to carry passengers for hire.

6. Gasoline stations and fuel pumps.

No person shall approach an operator or occupant of a motor vehicle for the purpose of soliciting, asking or begging while such vehicle is located in a gasoline station or near a fuel pump.

7. Exemptions.

Subsection E.6. shall not apply to any of the following:

(a) to solicitations related to business which is being conducted on the premise by the property owner, business owner, or employees of the business;

(b) to solicitations related to the lawful towing of a vehicle; or
(c) to solicitations related to emergency repairs requested by the operator or other occupant of a vehicle.

8. Driveways.

No person shall approach an operator or occupant of a motor vehicle while such vehicle is located within 25 feet of a driveway providing vehicular access to a shopping center, retail or business establishment.

9. Medians and Freeway Ramps.

(a) No person shall solicit, ask or beg upon any median on any street or highway.

(b) No person shall solicit, ask or beg upon any entrance or exit to any freeway as defined by the California Vehicle Code.

10. Dining Establishments.

No person shall approach any outdoor dining area of any restaurant or other dining establishment serving food for immediate consumption for the purpose of soliciting, asking or begging.

F. Penalty.

A violation of this section is punishable as a misdemeanor or infraction, chargeable at the City Attorney's discretion.

G. Severability.

The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

H. Non-exclusivity.

Nothing in this chapter shall limit or preclude the enforcement of other applicable laws. (Ord. 7244 § 1, 2014; Ord 6706 § 1, 2003; Ord. 6178 § 1, 1994)

Section 9.04.120 Loitering.

It is unlawful for any person to loiter or to stand or sit in or at the entrance of any church, hall, theater, or place of public assemblage so as to in any manner obstruct such entrance. (Prior code § 21.33)

Section 9.04.140 Sounding bell or whistle on streetcar or locomotive engine.

It is unlawful for any person operating a locomotive engine or streetcar within the City to blow or sound the whistle or bell of such locomotive engine or streetcar for any other purpose than to warn persons of danger from the approach of such locomotive engine or such streetcar, or for the protection of life and property. (Prior code § 21.38)

Section 9.04.190 Use of public and private school ground at certain times prohibited.

No person shall use, occupy or play any games in or upon, or loiter, or trespass in or upon any public or private school grounds in the City, including the buildings located thereon during the vacation of such school or at any other time when such school is not in session; provided, that this section shall not apply to school children occupying or playing upon school grounds before the opening of the morning session of the school or during the recess or noon hour thereof, or to hours after the last school session of each day when permission is given by the Board of Education; nor shall this section apply to other persons who have received permission to occupy such grounds from the Board of Education. (Prior code § 21.48)

Chapter 9.10

PROHIBITION AGAINST AGGRESSIVE SOLICITATION

9.10.010: PURPOSE:

In order to protect and promote the rights of the general public to be free from inappropriate conduct and from the potential physical confrontations sometimes associated with panhandling, the city council of the city of Redlands finds that there is a need to adopt regulations which impose reasonable and specific time, place, and manner limitations on those forms of inappropriate and unlawful conduct which may be associated with aggressive panhandling. At the same time, the city council seeks to properly and duly recognize, as well as fully protect to the full extent possible, the first amendment free speech rights of all concerned. (Ord. 2747, 2011)

9.10.020: DEFINITIONS:

For purposes of this chapter the following words and phrases shall have the meanings ascribed to them:

PUBLIC PLACE: A place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby, and other portion of any business establishment, an apartment house or hotel not constituting a room or apartment designed for actual residence.

SOLICIT, ASK OR BEG: Using the spoken, written, or printed word, or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value, or soliciting the sale of goods and services. (Ord. 2747, 2011)

9.10.030: AGGRESSIVE SOLICITATION PROHIBITED:

No person shall solicit, ask or beg in any aggressive manner in any public place. "Aggressive manner" shall mean any of the following:

- A. Approaching or speaking to a person, or following a person before, during or after soliciting, asking, or begging, if that conduct is intended or is likely to cause a reasonable person to:
 - 1. Fear bodily harm to oneself or to another, damage to or loss of property, or
 - 2. Otherwise be intimidated into giving money or other thing of value;
- B. Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting, asking, or begging;

- C. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- D. Using violent or threatening gestures toward a person solicited either before, during or after soliciting, asking, or begging;
- E. Persisting in closely following or approaching a person, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or
- F. Using profane, offensive, or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during, or after solicitation. (Ord. 2747, 2011)

9.10.040: SOLICITATION PROHIBITED AT SPECIFIED LOCATIONS:

- A. Banks And ATMs: No person shall solicit, ask, or beg within fifteen feet (15') of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours, or within fifteen feet (15') of any automated teller machine during the time it is available for customers' use. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility. Provided further that no person shall solicit, ask, or beg within an automated teller machine facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession of such facility. Nothing in this section shall be construed to prohibit the lawful vending of goods and services within such areas.

1. Definitions: For purposes of this section:

AUTOMATED TELLER MACHINE: Any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

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.

BANK: Any member bank of the federal reserve system, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank, the deposits of which are insured by the federal deposit insurance corporation.

CHECK CASHING BUSINESS: Any person duly licensed as a check seller, bill payer, or prorater pursuant to division 3 of the California Financial Code, commencing with section 12000.

CREDIT UNION: Any federal credit union and any state chartered credit union, the accounts of which

are insured by the administrator of the national credit union administration.

SAVINGS AND LOAN ASSOCIATION: Any federal savings and loan association and any "insured institution" as defined in section 401 of the national housing act, as amended, and any federal credit union as defined in section 2 of the federal credit union act.

2. Exemptions: The provisions of this subsection A shall not apply to any unenclosed automated teller machine located within any building, structure, or space whose primary purpose or function is unrelated to banking activities, including, but not limited to, supermarkets, airports, and school buildings; provided that such automated teller machine shall be available for use only during the regular hours of operation of the building, structure, or space in which such machine is located.

B. Motor Vehicles And Parking Lots:

1. Motor Vehicles: It is unlawful to, or attempt to, solicit any person entering or exiting any vehicle, so as to impede that person's movement, when such vehicle is located within a public street, public or private driveway leading to a public street, or public or private parking lot or structure.
2. Parking Lots: No person shall solicit, ask, or beg in any public parking lot or structure between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M.
3. Exemptions: The provisions of this subsection B shall not apply to any of the following:
 - a. To solicitation related to business which is being conducted on the subject premises by the owner or lawful tenants;
 - b. To solicitation related to the lawful towing of a vehicle; or
 - c. To solicitation related to emergency repairs requested by the operator or other occupant of a vehicle. (Ord. 2807, 2014)

9.10.050: VIOLATIONS; PENALTY:

A violation of this chapter is punishable as a misdemeanor or infraction, chargeable at the city attorney's discretion. (Ord. 2747, 2011)

9.10.060: NONEXCLUSIVITY:

Nothing in this chapter shall limit or preclude the enforcement of other applicable laws by the city. (Ord. 2747, 2011)