

ORDINANCE NO.

Section 1. AGGRESSIVE SOLICITATION PROHIBITED.

A. It shall be unlawful for any person to solicit by threatening, harassing, intimidating or aggressively coercing another person on a public street or sidewalk or in another place open to the public, whether publicly or privately owned.

B. "Solicitation" means any verbal request, or any non-verbal request made with a sign, by a person seeking an immediate donation of money, food, cigarettes or items of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for purposes of this chapter. A person is not soliciting for purposes of this chapter when he or she passively displays a sign or places a collection container on the sidewalk pursuant to which he or she receives monetary offerings in appreciation of his or her original artwork or for entertainment or a street performance he or she provides.

C. For purposes of this Section, a person "aggressively coerces, threatens, harasses or intimidates another person" when:

1. The solicitor's conduct would cause a reasonable person in the position of the solicitee to fear for his or her safety; or

2. The solicitor intentionally blocks the path of the solicitee; or

3. The solicitor persists in following the solicitee closely, and continues to demand money or other things of value after the solicitee has rejected the solicitation by words or conduct.

D. For purposes of this Section, the following facts, among others, are relevant in deciding whether a reasonable person would have

OFFICE OF THE CITY ATTORNEY  
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333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

Revised 10/25

1 cause to fear for his or her safety:

- 2 1. The solicitor's making physical contact with the  
3 solicitee or the solicitor uses verbally abusive language;  
4 2. The proximity of the solicitor to the solicitee; or  
5 3. The duration of the solicitation; or the solicitor's making  
6 threatening gestures or other threatening conduct, including closely  
7 following the solicitee.

8 Section 2. PROHIBITED LOCATIONS: It shall be unlawful for any  
9 person to aggressively or passively solicit another who is in any of the following locations:

- 10 1. In a public transportation vehicle or public  
11 transportation stop;  
12 2. In the outdoor dining area of a restaurant or similar  
13 establishment which serves food or drinks for immediate consumption;  
14 3. Within twenty feet of an automated teller machine;  
15 4. In a vehicle traveling on a public street;  
16 5. In a public parking structure or surface lots open to the  
17 public;  
18 6. At a self-service fuel pump station;  
19 7. Within fourteen feet of any freeway entrance or exit;

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21 Any person violating the provisions of this Section shall be guilty of an  
22 infraction and upon conviction shall be fined an amount not to exceed One Hundred  
23 Dollars (\$100.00).

24 Section 3. The City Clerk shall certify to the passage of this ordinance by  
25 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
26 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
27 Mayor.

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Revised 10/25

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

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Purpose of this exercise is to make recommendations for a Long Beach ordinance that imposes reasonable time, place and manner limitations on solicitation in order to protect the safety of the general public from abusive solicitation while respecting the constitutional right of free speech.

Santa Monica	Oakland	Santa Cruz	San Jose	San Diego	Palo Alto	Tacoma, WA	
<p><b>4.08.740 Aggressive solicitation prohibited.</b></p> <p>It shall be unlawful for any person to solicit by harassing or menacing another person on a public street or sidewalk or in another place open to the public, whether publicly or privately owned.</p> <p>Adopted in May 1994 No challenges Effective tool for enforcement. Actively cite and arrest.</p> <p>Roger Reese 310/458-8336</p>	<p><b>9.08.230 - Soliciting on streets prohibited.</b></p> <p>It is unlawful for any person to solicit, on any public street or sidewalk, park or other public place or in any doorway or entrance way immediately abutting thereon, the sale of any subscription to any magazine, periodical or other publication, except newspapers, or the sale of any tangible personal property for delivery at a subsequent time.</p> <p>Karin Jain 510/238-3601</p>	<p><b>9.10 Aggressive Solicitation New Information</b></p> <p>"Solicitation" means any verbal request, or any non-verbal request made with a sign, by a person seeking an immediate donation of money, food, cigarettes or items of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for purposes of this chapter. A person is not soliciting for purposes of this chapter when he or she passively displays a sign or places a collection container on the sidewalk pursuant to which he or she receives monetary offerings in appreciation for his or her original artwork or for entertainment or a street performance he or she provides. This chapter does not apply to peddling and soliciting activity governed by Chapter 5.40</p> <p>At any bus stop; (b) In any public transportation vehicle or facility; (c) In any vehicle on the street; (d) On private property, unless the solicitor has permission from the owner or tenant; (e) Within fourteen feet of any building other than those buildings referenced in subsection (f). Where any portion of a building is recessed from the public</p>	<p>San Jose City Attorney 408/535-1900</p>	<p><b>Division 40: Aggressive Solicitation</b></p> <p>It is unlawful for any person on the streets, sidewalks, or other places open to the public, whether publicly or privately owned, to aggressively coerce, threaten, hound, harass, or intimidate another person for the purpose of soliciting money or goods. For purposes of this Division, a person *aggressively coerces, threatens, hounds, harasses or intimidates another person" when: (a) The solicitor's conduct would cause a reasonable person in the position of the solicitee to fear for his or her safety; or (b) The solicitor intentionally blocks the path of the solicitee; or (c) The solicitor persists in following the solicitee closely, and continues to demand money or other thing of value after the solicitee has rejected the solicitation by words or conduct. For purposes of this Division, the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for his or her safety: (a) the solicitor's making physical contact with the solicitee; (b) the proximity of the solicitor to the solicitee; or (c) the duration of the solicitation; or the solicitor's making threatening gestures or other threatening conduct, including closely following the solicitee.</p>	<p><b>9.44.010 Soliciting prohibited.</b></p> <p>It shall be unlawful for any person to solicit or attempt to solicit employment, business or contributions of money or other property from any pedestrian or occupant of a vehicle located within any public parking lot.</p> <p>The term "solicitation" as used in this chapter shall mean and include the activity of requesting, offering, advertising, or otherwise announcing the availability of a person for employment or availability to provide services for compensation, the sale of goods, or a request for money or other property; or requesting, offering, advertising, or otherwise announcing the intent to purchase or secure employment, to sell services or goods, or to solicit a contribution of money or other property. A solicitation shall be deemed complete when made or attempted, whether or not an actual employment relationship is created, a business transaction is completed, or a contribution of money or other property takes place.</p> <p>Don Larkin, City Attorney 650/329-2171</p>	<p>8.13A Regulation of Solicitation</p> <p>Prohibits "solicitation" – ask, beg, or plead either orally or in written form for the purpose of immediately receiving contributions, alms, charity or gift for oneself or another person. Unlawful to solicit another person within 15" of: automated teller machine, entrance of a building without permission, pay telephone, self-service car wash, self service fuel pump, public transportation stop, any parked vehicle where a person is entering or exiting, on private property without permission, after sunset or before sunrise, in any public transportation facility or vehicle.</p> <p>Jean Hayden City Prosecutor 253/591-5834</p> <p>Major issue – panhandling on freeway on and off ramps, parking lots and ATMs.</p> <p>Adopted in 2007 – no legal challenges.</p> <p>Good tool. Police distributed an ordinance fact sheet and explained the ordinance. Warn and cite</p> <p>Very few cites currently as they have moved on to cities that allow panhandling.</p>	<p>LOCATIONS PARKS?</p>

sidewalk, the fourteen feet shall be measured from the point at which the building abuts the sidewalk;

- (f) Within fifty feet of any bank building or other financial institution buildings, including their outdoor automatic teller machines;
- (g) In the parking lot of any bank, savings and loan, or other financial institution;
- (h) Within fifty feet of any ATM machine or cash disbursement machine, or any other outdoor machine or device which disburses or accepts coins or paper currency except parking meters and newspaper vending machines;
- (i) Within fourteen feet of any fence that abuts a public sidewalk;
- (j) Within fourteen feet of any drinking fountain, public telephone, public bench, public trash compactor, information or directory/map sign, sculpture or artwork displayed on public property, or vending cart;
- (k) Within fourteen feet of any street corner or intersection;
- (l) Within fourteen feet of any open air dining area or cafe extension; or
- (m) Within fourteen feet of any kiosk.

John Barisone  
831/420-6200

Adopted 1994  
No challenges

Explained the rules and individuals obey or risk citations.

Santa Monica	Oakland	Santa Cruz	San Jose	San Diego	Palo Alto	Tacoma, WA	
<p>Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed five hundred dollars or be imprisoned for a period not to exceed six months or both. (Added by Ord. No. 1741CCS § 1, adopted 5/10/94)</p>		<p>Any person who violates one or more of the sections of this chapter twice within a six-month period is guilty of a misdemeanor.</p>		<p>Mary Nuesca 619/236-6220 Police Legal Advisor</p>		<p>Misdemeanor subject to \$1,000 fine or incarceration for up to 90 day or both a fine and a penalty.</p>	
<p><b>4.08.750 Solicitation of persons in certain locations - Prohibited</b></p>		<p><b>Chapter 5.40 - Peddling, Soliciting and Canvassing</b></p>					
<p>It shall be unlawful for any person to solicit another who is in any of the following locations:  1 - In a public transportation vehicle;  2- In the outdoor dining area of a restaurant or similar establishment which serves food for immediate consumption;  3 - Within eighty feet of an automated teller machine;  4 - In a vehicle traveling on a public street;  5 - In a public parking structure.  For purposes of this section, "solicit" means to ask another by word or gesture for money or for some other thing of value.  <b>Adopted 1994</b></p>		<p>The purpose of this chapter is to set forth minimum regulations for solicitors, canvassers or peddlers who enter upon private property for the purpose of peddling goods, wares, merchandise or services, or to solicit donations or to canvass; to protect the public against individuals falsely representing themselves as peddlers, solicitors or canvassers; and to balance the rights and interests of those engaged in door-to-door peddling, soliciting and canvassing activities with the rights and interests of those who do not wish to be disturbed by such activities on their private property.</p>					
<p>Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed five hundred dollars or be imprisoned for a period not to exceed six months, or both. (Added by Ord. No. 1758CCS § 1, adopted 8/2/94)</p>		<p>Any violation of the provisions of this chapter shall constitute a misdemeanor. At the discretion of the city attorney, said violation may be prosecuted as an infraction. In addition to any other available remedies and penalties, said violation(s) shall be subject to the remedies and penalties provided for in Chapter 1.08 of this code.</p>					

Santa Monica	Oakland	Santa Cruz	San Jose	San Diego	Palo Alto	Tacoma, WA	
<p><b>4.08.097 Prohibition against sitting or lying in downtown and the Main Street areas doorways at night.</b></p>	<p><b>9.08.160 - Sitting or lying on streets.</b></p>		<p><b>1.13.050 Public nuisance defined.</b></p>		<p><b>9.48.025 Sitting or lying on public sidewalks in University Avenue area/commercial downtown Palo Alto - Prohibited.</b></p>	<p><b>1644 - Loitering Violations</b></p>	
<p>No person shall sit or lie down in any entrance to a building in the downtown or Main Street areas between the hours of eleven p.m. and seven a.m. if that entrance is posted with a sign prohibiting such conduct. "Downtown" means the area bounded by and including the east side of Ocean Avenue, the north side of Wilshire Boulevard, the east side of Lincoln Blvd, and the south side of Pico Blvd. "Main Street area" means the area bounded by and including the west side of Neilsen Way, the north side of Pico Boulevard, the east side of Main Street from Pico Boulevard to Strand Street, the north side of Strand Street to Second Street, the east side of Second Street and the City's southern border. "Entrance" means the entire area between the outer edge of an entrance to a building and the exterior door and includes the entry way, doorway or vestibule. The prohibition contained in this Section shall not apply to any person sitting or lying down in any entrance to a building due to a medical emergency.</p> <p>Adopted October 2002</p>	<p>A person shall not sit, lie or sleep in or upon any public highway, alley, sidewalk or crosswalk or other place open for pedestrian travel, except when necessitated by physical disability of such person.</p>		<p>The maintenance or use of property in the city in a manner that jeopardizes or endangers the health, safety or welfare of persons on the premises or in the surrounding area; or real property that has been the situs for nuisance activity including, but not limited to: disturbing the peace, illegal drug activity, public drunkenness, drinking alcoholic beverages in public, harassment of passersby, gambling, prostitution, sale of stolen goods, acts of violence, public urination, acts of vandalism, acts of lewd conduct, unreasonably loud noise, loitering or excessive littering.</p>		<p>No person shall sit or lie down upon the public sidewalk, or upon a blanket, chair, stool, or any other object placed upon the public sidewalk within fifty feet of any commercial property between Lytton Avenue and Channing Avenue from Alma Street to Emerson Street and the area between Lytton Avenue and Forest Avenue from Emerson Street to Webster Street during the hours between 11:00 a.m. and 11:00 p.m. Does not apply to: (1) medical emergency; (2) individual with a disability, using a wheelchair or similar device; (3) Any child accompanied by an adult who is seated in and using a stroller, or similar device; (4) Any person sitting or lying down upon a chair, bench or planter box wall located on the public sidewalk which is placed there by a public agency; (5) Any person sitting or lying down upon a chair or bench located upon the public sidewalk which is placed there by a private property owner or tenant pursuant to a commercial sidewalk encroachment permit, temporary lease, or temporary street closure permit; (6) Any person sitting or lying down while conducting, attending, or participating in an activity or event which is authorized by a lawfully issued temporary street closure permit or other permit issued by the city which permits use of the public sidewalk; (7) Sitting on a public sidewalk within a bus zone while waiting for public or private transportation.</p>	<p>It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the intent to engage in drug and prostitution-related activities contrary to any of the provisions of Chapters 69.41, 69.50, or 69.52 RCW.</p>	

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<p>Any person violating the provisions of this Section shall be guilty of a misdemeanor which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment. (Added by Ord. No. 2056CCS § 1, adopted 10/22/02)</p>	<p>A person shall not sit, lie or sleep in or upon any public highway, alley, sidewalk or crosswalk or other place open for pedestrian travel, except when necessitated by physical disability of such person.</p>		<p>Referred to the City Attorney who investigates and issues a cease and desist order. Process may include a hearing, issuance of a nuisance abatement order and possible conditions and fines.</p>		<p>No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section.</p>		
	<p><b>9.08.170 - Obstructing pedestrians.</b></p>						
	<p>A person shall not loiter or stand in or upon any public highway, alley, sidewalk or crosswalk or other public way open for pedestrian travel or otherwise occupy any portion thereof in such manner as to obstruct or unreasonably interfere with the free passage of pedestrians or as to obstruct or unreasonably interfere with the normal use of the use of the entrance to any house of worship, hall, theater, moving picture theater or place of public assemblage.</p>						