

City of Long Beach
Many Unique Neighborhoods
One Great City



Suja Lowenthal
Vice Mayor

Memorandum

To: Mayor and City Council

May 10, 2011

From: Robert Garcia, First District *RG*
Suja Lowenthal, Second District *S*
Gary DeLong, Third District *GD*

Subject: Aggressive & Passive Solicitation

REQUESTED ACTION:

Respectfully request the City Attorney work with the City Prosecutor and City Manager to draft an ordinance protecting pedestrians and businesses from aggressive and passive solicitation.

BACKGROUND INFORMATION:

For the last year, District 1 & 2 council offices have been working with the Downtown Long Beach Associates' Public Safety Task Force to research solicitation ordinances from other cities in California, Oregon and Washington and to develop potential language for an ordinance in Long Beach. The task force also met with the City Prosecutor and City Attorney's office to discuss potential ordinance language and legal concerns. It is made up of residents and business owners in the downtown (voting members), as well as representatives from our offices, Long Beach Police Department, LA County Sheriff's Department and the Office of the Mayor (Advisors).

In public and private meetings, residents, business owners, property owners and business improvement districts such as DLBA have consistently expressed concerns about solicitation or what is commonly called "panhandling" of pedestrians and drivers. At a town hall hosted by the DLBA's Downtown Retail Visioning Committee, solicitation was among the most mentioned concern of residents. Female residents in particular complain of being intimidated and harassed on a regular basis by individuals. So much so that they express a reluctance to walk along certain business corridors or frequent particular businesses at different times of the day or night. Clearly, this activity is affecting the quality of life of our residents and the livelihood of our businesses.

While there are protections for solicitation under the First Amendment, cities struggling with similar concerns are seeking to better define "aggressive solicitation" and determine locations where even "passive solicitation" is prohibited. The purpose of the requested action is to protect pedestrians when they are most vulnerable to harassment and intimidation.

For example, we should provide a solicitation buffer zone for residents and visitors on public transportation or at transit stops, near outdoor dining areas, ATM machines, fuel pumps and public parking structures or surface lots. For the purpose of safety to driver and solicitor, there should be no solicitation at freeway entrances and exits, or medians when turning left.

With the development of this ordinance, we hope to balance quality of life expectations from residents, businesses and visitors with a compassionate approach to managing the unfortunate circumstances, which lead individuals to engage in solicitation. We have an obligation to both constituencies and feel that Long Beach and its community partners are providing leadership in both communities. In addition, we encourage the task force to continue making progress in its research and development of programs that bring awareness and activism to addressing the issue.

FISCAL IMPACT:

No fiscal impact is anticipated from this item.