

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)

