



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: APRIL 9, 2019

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT WARDS: ALL

SUBJECT: ORDINANCE TO AMEND RIVERSIDE MUNICIPAL CODE CHAPTER 5.08.040 – TIME RESTRICTIONS ON SOLICITATION REVISING THE SOLICITATION TIME TO 8:00 A.M. TO 7:00 P.M.

ISSUE:

Adopt an ordinance amending Riverside Municipal Code Chapter 5.08.040 - Time Restrictions on Solicitation in order to prevent door to door solicitation from occurring in the later evening hours.

RECOMMENDATIONS:

That the City Council introduce and subsequently adopt the attached ordinance amending Riverside Municipal Code Chapter 5.08.040 – Time Restrictions on Solicitation, revising the solicitation time to 8:00 a.m. to 7:00 p.m.

COMMITTEE RECOMMENDATION:

The Governmental Affairs Committee met on March 6, 2019 with Chair Melendrez, Vice Chair Gardner and Member Conder present, to review the amendment to the Riverside Municipal Code Chapter 5.08.040 – Time Restrictions on Solicitation, revising solicitation time to extend from 8:00 a.m. to 7:00 p.m. After discussion, the Governmental Affairs Committee voted unanimously to recommend that City Council approve and adopt an amendment to Riverside Municipal Code Chapter 5.08.040 - Time Restrictions on Solicitation, revising solicitation time to extend from 8:00 a.m. to 7:00 p.m.

The Committee also asked for clarification as to whether or not this amendment applied to protected free speech activities such as religious proselytizing or political campaigning. Staff advised that the proposed amendment will not affect the existing definition of solicitation which is:

“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 anything 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.”

BACKGROUND:

In 2013, the City Council adopted Riverside Municipal Code (RMC) Chapter 5.08.040 – Time Restrictions for Solicitation, restricting the hours of solicitation to between 8 a.m. and 6 p.m. In 2016, the Code was amended and the current section reads: “No person shall engage in any form of door to door solicitation before 8 a.m. or after 9 p.m. 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”.

DISCUSSION

Residents have raised safety concerns regarding unknown people coming to their homes later in the evening to conduct business solicitation. In particular, the elderly have expressed their concerns over this issue. In addition, solicitors can negatively impact a resident being able to experience the quiet enjoyment of their home. The purpose for the proposed change in hours from 9 p.m. to 7 p.m. for solicitation is to address these concerns, as well as give consideration to solicitors by providing adequate time to solicit after residents traditionally return home from work.


It should be noted that current Code prohibits soliciting if a property owner has posted “No soliciting” or similar signs on their property. This amendment will not affect this provision. The amendment of Chapter 5.08.040 will restrict door-to-door solicitation within the City before 8:00 a.m. or after 7:00 p.m. Furthermore, this ordinance is not intended to restrict or regulate protected free speech activity.

FISCAL IMPACT:

There is no fiscal impact to the General Fund associated with adoption of the proposed ordinance.

Prepared by: David Welch, Community & Economic Development Director
Certified as to availability of funds: Edward Enriquez, Chief Finance Officer/City Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Concurs with:



Mike Gardner, Vice Chair
Governmental Affairs Committee

Attachment: Proposed Ordinance Amending RMC 5.08.040