

ATTACHMENT 6

Chapter 9.04

OFFENSES

Sections:

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- 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)