

## **Chapter 9.10**

### **AGGRESSIVE SOLICITATION**

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#### **9.10.010 DEFINITIONS.**

For the purposes of this chapter:

(a) "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 the purpose 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 entertainment or a street performance he or she provides. This chapter does not apply to peddling and soliciting activity governed by Chapter [5.40](#) of this code.

(b) "Person" means and includes both individual persons and organizations.

(Ord. [2002-51](#) § 1, 2002: Ord. [2002-39](#) § 1, 2002: Ord. [2002-32](#) § 1, 2002: Ord. [94-10](#) § 1 (part), 1994).

#### **9.10.020 TIME OF SOLICITATION.**

Any person who solicits after sunset or before sunrise is guilty of an infraction.

(Ord. [94-10](#) § 1 (part), 1994).

#### **9.10.030 PLACE OF SOLICITATION.**

Any person who solicits in any of the following places, or any person who solicits when the person solicited is in any of the following places, is guilty of an infraction:

- (a) 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 entranceway into or exit from any building open to the public other than those referenced in subsection (f) of this section. Where any such entranceway or exit is recessed from the public sidewalk, the fourteen feet shall be measured from the point at which the building abuts the sidewalk;
- (f) Within fifty feet of any bank, savings and loan, 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 all cash disbursement machines, outdoor vending machines, outdoor money changing machines, 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 the face of any building not otherwise specifically referenced in this section or within fourteen feet of any fence or other structure separating private property from the public right-of-way, other than cyclone fences between vacant lots and the public right of way;
- (j) While seated on or leaning against any public bench, planter, monument or other public property;
- (k) While seated on or leaning against privately owned property without the property owner's or tenant's permission;
- (l) Within fourteen feet of any crosswalk.

(Ord. [2002-39](#) § 2, 2002: Ord. [2002-32](#) § 2, 2002: Ord. [94-10](#) § 1 (part), 1994).

#### **9.10.040 MANNER OF SOLICITATION.**

Any person who solicits in any of the following manners is guilty of an infraction:

- (a) By coming within three feet of the person solicited, until that person has indicated that he or she wishes to make a donation;
- (b) By blocking the path of the person solicited, or other pedestrians, along a sidewalk or street;
- (c) By following a person who walks away from the solicitor;
- (d) By using profane or abusive language, either during the solicitation or following a refusal;
- (e) By soliciting in a group of two or more persons; or
- (f) While under the influence of alcohol or any illegal narcotic or controlled substance.

(Ord. [94-10](#) § 1 (part), 1994).

### **9.10.050 FALSE OR MISLEADING SOLICITATION.**

(a) Any person who knowingly makes any false or misleading representation in the course of soliciting a donation is guilty of an infraction. False or misleading representations include, but are not limited to, the following:

- (1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
- (2) Stating that the donation is needed to meet a need which does not exist;
- (3) Stating that the solicitor is from out of town and stranded, when that is not true;
- (4) Stating that the solicitor is homeless, when he or she is not;
- (5) Stating that the solicitor is soliciting on behalf of an organization which does not exist or which has not authorized the solicitor to seek donations on its behalf.

(b) Any person who knowingly solicits a donation stating that the funds are needed for a specific purpose and then spends the funds received for a different purpose is guilty of an infraction.

(Ord. [94-10](#) § 1 (part), 1994).

### **9.10.060 MISDEMEANOR.**

Any person who violates one or more of the sections of this chapter twice within a six-month period is guilty of a misdemeanor.

(Ord. [94-10](#) § 1 (part), 1994).