

City of Stockton, CA
Friday, January 31, 2025

Title 9. Public Peace and Welfare

Chapter 9.36. PROHIBITION AGAINST CERTAIN FORMS OF AGGRESSIVE SOLICITATION

§ 9.36.010. Short title.

This chapter shall be known as the "Aggressive Solicitation Ordinance."
(Prior code § 5-131.30)

§ 9.36.020. Purpose.

- A. It is the intent of the Council in enacting the ordinance codified in this chapter to improve the quality of life and economic vitality of the City and to protect the safety of the general public against certain abusive conduct of persons engaged in solicitation by imposing reasonable time, place, and manner restrictions on solicitation while respecting the constitutional rights of free speech for all citizens.
- B. The Council finds that aggressive solicitation in the City is extremely disturbing and disruptive to residents and businesses and will contribute not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation, and disorder. Aggressive panhandling usually includes approaching or following pedestrians, the use of abusive language, unwanted physical contact, or the intentional blocking of pedestrians and vehicular traffic.
- C. The Council further finds that the presence of individuals who solicit money from persons at or near banks or automated teller machines is especially threatening and dangerous. Motorists also find themselves confronted by persons at traffic intersections, which presents a serious risk to public safety. People driving or parking on City streets frequently find themselves faced with panhandlers seeking money. Such activity often carries with it an implicit threat to both person and property.
- D. The Council further finds as abusive the solicitation of people in places where they are a "captive audience" in which it is impossible or difficult for them to exercise their own rights to decline to listen to or to avoid solicitation from others. Such places include buses, parking lots, and structures; and indoor and outdoor dining areas. Restricting solicitation in such places will provide a balance between the rights of solicitors and the rights of person who wish to decline or avoid such solicitations, and will help avoid or diminish the threat of violence in such unwarranted and unavoidable confrontations.
- E. This law is timely and appropriate, because current laws and City regulations are insufficient to address the aforementioned problems. The restrictions contained herein are neither over-broad nor vague and are narrowly tailored to serve a substantial governmental interest. The goal of this law is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation that have become an unwelcome presence in the City.

(Prior code § 5-131.31)

§ 9.36.030. Definitions.

For the purpose of this chapter, unless the context clearly requires a different meaning, the words, terms, and phrases hereinafter set forth shall have the meanings given them in this section:

"Public place" means 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" means and includes using 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.

(Prior code § 5-131.32)

§ 9.36.040. Aggressive solicitation prohibited.

A. No person shall solicit, ask, or beg in an aggressive manner in any public place.

B. "Aggressive manner" means any of the following:

1. 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:
 - a. Fear bodily harm to oneself or to another, damage to or loss of property, or
 - b. Otherwise be intimidated into giving money or other thing of value.
2. 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;
3. 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;
4. Using violent or threatening gestures toward a person solicited either before, during, or after soliciting, asking, or begging;
5. Persisting in closely following or approaching a person, after the person solicited has been solicited and informed the solicitor by words of 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
6. Using profane, offensive, or abusive language, which is inherently likely to provoke an immediate violent reaction, either before, during, or after solicitation.

(Prior code § 5-131.33)

§ 9.36.050. All solicitation prohibited at specified locations.

All solicitation shall be prohibited at the following specified locations:

- A. 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.

1. Definitions. For purposes of this section:

"Automated teller machine" means any electronic information processing device, which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

"Automated teller machine facility" means 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" 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.

"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.

"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.

"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.

Exemptions. The provisions of subsection **A** of this section 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.

a. No person shall solicit, ask, or beg from an operator or occupant of a motor vehicle while such vehicle is located within 100 feet of any intersection that is controlled by an official traffic signal of the type set forth in **Vehicle Code** Section 21450.

b. No person shall approach an operator or occupant of a motor vehicle for the purpose of soliciting, asking, or begging while such vehicle is in a public place.

2. 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.

3. Exemptions. Subsection **B** of this section 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.

C. Public Transportation Vehicles.

1. "Public transportation vehicle" means any vehicle, including a trailer bus, designed, used, or maintained for carrying ten 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.
 2. Any person who solicits, asks, or begs in any public transportation vehicle, or within 10 feet of any designated or posted public transportation vehicle stop, is guilty of a violation of this section.
- D. Restaurants. Any person who solicits, asks, or begs in or around any outdoor or indoor dining area of a restaurant or other establishment serving food for immediate consumption, including, but not limited to, entrances, doorways, or lobbies to the restaurant or other establishment serving food for immediate consumption, is guilty of a violation of this section.

(Prior code § 5-131.34)

§ 9.36.060. Penalty.

A violation of this chapter is punishable as a misdemeanor.

(Prior code § 5-131.35)