

**ORDINANCE NO. 2014-10**

**AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA,  
ADDING CHAPTER 11.15, PROHIBITION AGAINST CERTAIN FORMS  
OF SOLICITATION, LINGERING AND LOITERING ON MEDIANS, TO  
THE JURUPA VALLEY MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS  
FOLLOWS:**

**Section 1.** Enactment of Chapter 11.15. Chapter 11.15, Prohibition against Certain Forms of Solicitation, Lingering and Loitering on Medians, is hereby added to Title 11, Peace, Morals and Safety, of the Jurupa Valley Municipal Code to read as follows:

**“Chapter 11.15 - PROHIBITION AGAINST CERTAIN FORMS OF  
SOLICITATION, LINGERING AND LOITERING ON  
MEDIANS**

**Sections:**

**11.15.010 – Findings.**

**11.15.020 – Authority and purpose.**

**11.15.030 – Applicability.**

**11.15.040 – Definitions.**

**11.15.050 – Aggressive Solicitations Prohibited.**

**11.15.060 – All Solicitations prohibited at Specified Locations; Lingering and  
Loitering Prohibited on Medians.**

**11.15.070 – Exemptions.**

**11.15.080 – Penalty.**

**11.15.010 – Findings.** The City Council hereby finds, determines and declares that:

(a) Solicitations made in an aggressive manner are unsafe and disruptive to persons in the City of Jurupa Valley and are a threat to public health, safety, and general welfare. Aggressive solicitations typically include approaching or following pedestrians, the use of abusive language, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.

(b) An increase in aggressive solicitation throughout the City has become extremely disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder.

(c) Aggressive solicitation from people in places where they are a “captive audience” in which it is impossible or difficult for them to exercise their own right to decline to listen to or to avoid solicitation from others, is problematic, detracts from the rights of persons in the City to quietly enjoy public facilities and presents a risk to the health, safety and welfare of the public. Such places include public transportation vehicles and their designated locations for stops, as well as gasoline stations.

(d) The presence of individuals who solicit money from persons at or near banks or automated teller machines is especially threatening and dangerous. Such activity often carries with it an implicit threat to both person and property. Restricting solicitation in such places will provide a balance between the rights of solicitors and the rights of persons 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) Aggressive solicitation on roadway median strips, at traffic intersections, and in the public roadway and lingering and loitering on a median are unsafe and hazardous for solicitors, drivers, pedestrians, and the general public. Aggressive soliciting on roadway median strips, at traffic intersections, and in the public roadway increases the risk of drivers becoming distracted from their primary duty to watch traffic, which may result in automobile accidents, congestion and blockage of streets, and delay and obstruction of the free flow of travel, all of which constitute substantial traffic safety problems.

(f) The Council's intent in enacting this Chapter is not to interfere with the exercise of First Amendment rights of those engaged in solicitation on roadway median strips, at traffic intersections, and in the public roadway and lingering and loitering on the medians, but only to minimize the safety hazards of those in such areas as well as the drivers and passengers in vehicles near these areas and in a manner to minimize those safety hazards.

(g) The practice of aggressive solicitation near driveways accessing shopping centers, retail, and business establishments is unsafe and hazardous for solicitors, drivers, pedestrians and the general public. The location of the solicitor near the driveway compromises the solicitor's safety, impedes visibility, and impairs a driver's ability to safely enter and exit. Drivers also become distracted from their duty to watch traffic, which may result in automobile accidents, congestion and blockage of streets, and delay and obstruction of the free flow of travel, all of which constitute substantial traffic safety problems.

(h) The restrictions of this Chapter are content neutral and are narrowly tailored to serve a significant governmental interest, but still provide alternative avenues of communication.

(i) The reasonable time, place, manner restrictions in this Chapter avoid the negative effects of aggressive solicitation and solicitation in unsafe places and will not unreasonably restrict free speech of people engaged in solicitation.

#### **11.15.020 – Authority and purpose.**

(a) This chapter is adopted pursuant to the authority granted to the City of Jurupa Valley in Article XI, Section 7 of the California Constitution.

(b) The purpose and intent of this Chapter is to protect public health, safety and the general welfare of people in the City of Jurupa Valley and improve the quality of life and economic vitality of the City of Jurupa Valley by imposing reasonable time,

place, manner, restrictions on certain forms of solicitation while respecting the constitutional rights of free speech for all citizens as further described in the findings set forth in Section 11.15.010.

(c) 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.

#### **11.15.030 – Applicability.**

The provisions of this Chapter shall apply generally to all property throughout the City wherein any of the conditions specified in this Chapter are found to exist; provided, however, that any condition that constitutes a violation of this Chapter, but which is permitted or authorized under any local, state or federal law, shall not be deemed to violate this Chapter.

#### **11.15.040 – Definitions.**

As used in this Chapter, the following words, terms and phrases shall have the following meanings, unless a different meaning is apparent from the context or is specified elsewhere in this Chapter:

(a) “After dark” means any time from one-half hour after sunset to one-half hour before sunrise.

(b) “Aggressive manner” means any of the following:

(1) Conduct intended or likely to cause a reasonable person to fear bodily harm to oneself or to another, damage to or loss of property, or 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;

(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;

(5) Persisting in closely following or approaching a person, after the person has informed a solicitor 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

(c) “Automated teller machine” or “ATM” means any electronic information processing device that accepts or dispenses cash in connection with a credit, deposit, or convenience account.

(d) “Automated teller machine facility” means the area comprised of one or more automated teller machines, and any adjacent space that is made available to banking customers after regular banking hours.

(e) “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.

(f) “Check cashing business” means any person duly licensed as a check seller, bill payer, or prorater pursuant to California Financial Code Section 12000 *et seq.*, as may be amended.

(g) “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.

(h) “Donation” shall mean a gift of money or other item of value.

(i) “Financial institution” includes a bank, savings and loan association, credit unions and check cashing business.

(j) “Linger on a median” means remaining in a median longer than two traffic signals cycles, except in an emergency or except where the median is specifically designated for pedestrians or equestrians.

(k) “Loiter on a median” means standing or lingering in a median for any purpose other than to safely and lawfully cross the street, except in an emergency or except where the median is specifically designated for pedestrians or equestrians.

(l) “Median” shall mean a paved or planted area of public right-of-way that divides a street or highway according to the direction of travel.

(m) “Motor vehicle” means any propelled vehicle or vehicle drawn by a power other than muscular power, other than a motorized wheelchair.

(n) “Public place” means a place to which the public or a substantial group of persons has access, and includes, without limitation, any street, 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.

(o) “Public transportation vehicle” means any vehicle, including a trailer bus, or train, designed, used or maintained for carrying ten (10) or more persons, including the driver; or a passenger vehicle designed for carrying fewer than ten (10) persons, including the driver, and used to carry passengers for hire.

(p) “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 1752 of the Federal Credit Union Act, as amended.

(q) “Solicit” shall mean to ask, beg, request or panhandle 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.

(r) “Solicitor” means one who solicits as defined in Subsection (q) of this Section.

#### **11.15.050 – Aggressive Solicitations Prohibited.**

No person shall solicit in an aggressive manner in any public place.

#### **11.15.060 – All Solicitations Prohibited at Specified Locations; Lingered and Loitering Prohibited on Medians.**

(a) Financial Institutions and Automated Teller Machines (ATMs). No person shall solicit within twenty-five (25) feet of any entrance or exit of any financial institution during its business hours or within twenty-five (25) feet of any automated teller machine during the time it is available for customers’ use. 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. No person shall solicit 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.

(b) Parking Lots. No person shall solicit in any public parking lot or structure any time after dark.

(c) Public Transportation Vehicles and Stops. No person shall solicit in any public transportation vehicle or within fifty (50) feet of any designated or posted public transportation vehicle stop.

(d) Gasoline Stations and Fuel Pumps. No person shall solicit from an operator or occupant of a motor vehicle while such vehicle is stopped in a gasoline station or at a fuel pump.

(e) Driveways Accessing Shopping Center, Retail and Business Establishments. No person shall solicit from an operator or occupant traveling in a motor vehicle while such vehicle is located within twenty-five (25) feet of a driveway providing vehicular access to a shopping center, retail or business establishment.

(f) Medians.

- (1) No person shall linger on a median.
- (2) No person shall loiter on a median.
- (3) No person shall solicit upon any median or in any manner or location that is inconsistent with the provisions of the California Vehicle Code.

(g) Dining Establishments. No person shall solicit in any outdoor dining area of any restaurant or other dining establishment serving food for immediate consumption.

**11.15.070 – Exemptions.**

The provisions of Section 11.15.060 shall not be construed to prohibit:

- (a) The right to exercise protected free speech;
- (b) The lawful vending of goods and services;
- (c) Solicitations related to business authorized by or conducted by the property owner, business owner, or employees thereof on the premises;
- (d) Solicitations related to the lawful towing of a vehicle; or
- (e) Solicitations related to emergency repairs requested by the operator or other occupant of a motor vehicle.

**11.15.080 – Penalty.**

(a) Administrative Citations. Any person who violates Sections 11.15.050 or 11.15.060 of this Chapter shall be guilty of violating the Jurupa Valley Municipal Code and may be issued an administrative citation and be subject to the applicable punishments pursuant to Chapter 1.20 of Title 1 of the Jurupa Valley Municipal Code.

(b) Misdemeanor. Any person who violates Sections 11.15.050 and 11.15.060 of this Chapter shall be guilty of a misdemeanor or infraction as provided Chapters 1.15 of Title 1 of the Jurupa Valley Municipal Code.

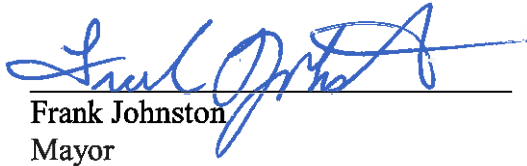
(c) Non-exclusivity. Nothing in this Chapter shall limit or preclude the enforcement of any other applicable laws or remedies available for violations of this Chapter, including but not limited to, the enforcement provisions of Title 1 of the Jurupa Valley Municipal Code.”


**Section 2. Severability.** If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 3. Effect of Ordinance.** This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside in conflict with the terms of this ordinance, including but not limited to, Riverside County Ordinance No. 906 and Chapter 2.120 of the Riverside County Code of Ordinances.

**Section 4. Certification.** The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Jurupa Valley on this 21<sup>st</sup> day of August, 2014.

  
Frank Johnston  
Mayor

ATTEST:  
  
Victoria Wasko, CMC  
City Clerk

**CERTIFICATION**

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF JURUPA VALLEY        )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council held on the 7<sup>th</sup> day of August, 2014 and thereafter at a regular meeting held on the 21st day of August, 2014, it was duly passed and adopted by the following vote of the City Council:


**AYES:           GOODLAND, HANCOCK, JOHNNSTON, LAURITZEN, ROUGHTON**

**NOES:           NONE**

**ABSENT:        NONE**

**ABSTAIN:       NONE**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 21<sup>st</sup> day of August, 2014

  
\_\_\_\_\_  
Victoria Wasko, CMC, City Clerk  
City of Jurupa Valley



# Affidavit of Publication

(2015.5 C.C.P.)

## County of Riverside

## State of California

Catherine Sypin-Barnes, being first duly sworn, deposes and says: That at all times hereinafter, mentioned that she was a citizen of the United States, over the age of eighteen years, and a resident of said County, and was at and during all said times the principal clerk of the printer and publisher of The Riverside County Record-News, a newspaper of general circulation, adjudicated by court decree, printed and published weekly in said County of Riverside, State of California, that said Riverside County Record-News is and was at all times herein mentioned, a newspaper of general circulation as that term is defined in section 4460 of the Political Code, and, as provided by that section, is published for the dissemination of local and telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to nor published for the interest, entertainment or instruction of a particular class, profession, trade, calling, race or denominations; that at all said time said newspaper has been established, printed and published in said County and State at regular intervals for more than one year preceding the date of publication of the notice hereinafter mentioned; that said notice was set in type not smaller than nonpareil and was preceded with words printed in black face type not smaller than nonpareil describing and expressing in general terms the purport and character of the notice intended to be given; that the

### RIVERSIDE COUNTY RECORD NEWSPAPER

of which the annexed is a printed copy, published and printed in said newspaper in at least 1 weekly issues, as follows:

August 14, 2014

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

Dated: August 14, 2014  
at Riverside, California

**CITY OF JURUPA VALLEY**  
Office of the City Clerk  
**NOTICE OF PROPOSED  
ORDINANCE**  
**NOTICE IS HEREBY GIVEN**  
that on August 7, 2014, the City Council of the City of Jurupa Valley, California, introduced the following ordinance:  
1. **Ordinance No. 2014-10 - Adding Chapter 11.15, Prohibition against certain forms of solicitation, lingering and loitering on medians, to the Jurupa Valley Municipal Code**  
Summary: The proposed ordinance would add Chapter 11.15 to the Jurupa Valley Municipal Code to (1) prohibit aggressive solicitations in all public places; and (2) prohibit solicitations, whether aggressive or not, in certain specified locations, where based on the unique circumstances, the person being solicited is especially vulnerable or would reasonably feel vulnerable to a crime. Additionally, the proposed ordinance prohibits loitering and lingering on all median strips, as narrowly defined.  
The proposed ordinance will be considered for adoption by the City Council at their August 21, 2014 meeting.  
The full text of the ordinance is available for review in the City Clerk's Office, 8304 Limonite Avenue, Suite M, Jurupa Valley, California (951) 332-6464.  
\* Victoria Wasko, CMC  
City Clerk  
Pub: August 14, 2014 RCR0635

# Affidavit of Publication

(2015.5 C.C.P.)

## County of Riverside

## State of California

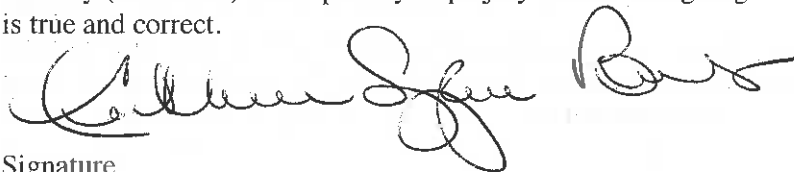
Catherine Sypin-Barnes, being first duly sworn, deposes and says: That at all times hereinafter, mentioned that she was a citizen of the United States, over the age of eighteen years, and a resident of said County, and was at and during all said times the principal clerk of the printer and publisher of The Riverside County Record-News, a newspaper of general circulation, adjudicated by court decree, printed and published weekly in said County of Riverside, State of California, that said Riverside County Record-News is and was at all times herein mentioned, a newspaper of general circulation as that term is defined in section 4460 of the Political Code, and, as provided by that section, is published for the dissemination of local and telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to nor published for the interest, entertainment or instruction of a particular class, profession, trade, calling, race or denominations; that at all said time said newspaper has been established, printed and published in said County and State at regular intervals for more than one year preceding the date of publication of the notice hereinafter mentioned; that said notice was set in type not smaller than nonpareil and was preceded with words printed in black face type not smaller than nonpareil describing and expressing in general terms the purport and character of the notice intended to be given; that the

### RIVERSIDE COUNTY RECORD NEWSPAPER

of which the annexed is a printed copy, published and printed in said newspaper in at least 1 weekly issues, as follows:

August 28, 2014

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

Dated: August 28, 2014  
at Riverside, California

**CITY OF JURUPA VALLEY**  
Office of the City Clerk  
**NOTICE OF NEW ORDINANCE**

**NOTICE IS HEREBY GIVEN** that on August 21, 2014, the City Council of the City of Jurupa Valley, California, adopted the following ordinance by the following vote to wit:

**1. Ordinance No. 2014-10 - Adding Chapter 11.15, Prohibition against certain forms of solicitation, lingering and loitering on medians, to the Jurupa Valley Municipal Code**

Summary: The proposed ordinance would add Chapter 11.15 to the Jurupa Valley Municipal Code to: (1) prohibit aggressive solicitations in all public places; and (2) prohibit solicitations, whether aggressive or not, in certain specified locations, where based on the unique circumstances, the person being solicited is especially vulnerable or would reasonably feel vulnerable to a crime. Additionally, the proposed ordinance prohibits loitering and lingering on all median strips, as narrowly defined.

**AYES: GOODLAND, HANCOCK, JOHNSTON, LAURITZEN, ROUGHTON**  
**NOES: NONE**  
**ABSENT: NONE**

The full text of the ordinance is available for review in the City Clerk's Office, 8304 Limonite Avenue, Suite M, Jurupa Valley, California (951) 332-6464.

Victoria Wasko, CMC  
City Clerk

Published: August 28, 2014

RCR0675