

**CITY OF PLACERVILLE**  
**ORDINANCE NO. 1660**

**AN ORDINANCE ADDING CHAPTER 20 OF TITLE VI OF THE  
PLACERVILLE CITY CODE RELATING TO AGGRESSIVE  
SOLICITATION**

The City Council of the City of Placerville does ordain as follows:

SECTION 1: AMENDMENT OF CODE. Chapter 20 of Title VI is hereby added to the City

Code to read as follows:

**CHAPTER 20**

**AGGRESSIVE SOLICITATION**

Section:

- 6-20-01: Purpose
- 6-20-02: Definitions
- 6-20-03: Aggressive solicitation prohibited
- 6-20-04: All solicitation prohibited at specified locations
- 6-20-05: Non-exclusivity
- 6-20-06: Penalty

***Cross-reference:***

*Peddlers, solicitors and vendors in general, see Title 5, Chapter 4.*

**6-20-01: PURPOSE.**

The citizens of Placerville have a right to be free of aggressive solicitations within the City of Placerville. This chapter shall address and define aggressive solicitations and solicitors within the city limits. The actions of the aggressive solicitors can lead a person to feel intimidated, fearful of bodily harm, or damage to property. No soliciting shall occur within 15 feet in front of a bank, ATM, or check cashing business, near a motor vehicle traveling on the road, any public transportation vehicles, and within 15 feet of a gas station.

**6-20-02: DEFINITIONS.**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) ***“PUBLIC PLACE”*** A place to which 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, apartment house or hotel not constituting a room or apartment designed for residence.

- (b) **“SOLICIT, ASK OR BEG”** Includes using the spoken, written, or printed word, or bodily gestures, signs or other means to request an immediate donation of money or other thing of value or to offer the sale of goods or services.

**6-20-03: AGGRESSIVE SOLICITATION PROHIBITED.**

- (A) No person shall solicit, ask or beg in an aggressive manner in any public place.
- (B) **AGGRESSIVE MANNER** shall mean 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 himself or herself or to another, or 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 the consent of that person or an occupant or owner of that vehicle;
  - (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;
  - (5) Persisting in closely following or approaching a person, after the person has informed the solicitor by words or conduct that he or she 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 that is likely to provoke a violent reaction.

**6-20-04: ALL SOLICITATION PROHIBITED AT SPECIFIED LOCATIONS.**

- (A) *Banks, check cashing businesses and ATMs.*
- (1) *Prohibition.* No person shall solicit, ask or beg on public property within 15 feet of any entrance or exit of any bank or check cashing business during its business hours or within 15 feet of any automated teller machine when it is available for customer 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, 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.
  - (2) *Definitions.* For the purposes of this division (A), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AUTOMATED TELLER MACHINE** or **ATM.** Any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

**AUTOMATED TELLER MACHINE FACILITY.** An area inside a structure in which one or more automated teller machines are located but excluding an area within any structure the primary purpose or function of which is unrelated to banking activities, including but not limited to supermarkets, airports and school buildings.

**BANK.** Any member bank of the Federal Reserve System, and any bank, savings and loan association, credit union, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of California or the United States whether or not the deposits of such institutions are insured by the Federal Deposit Insurance Corporation.

**CHECK CASHING BUSINESS.** Any person licensed as a check seller, bill payer, or prorater pursuant to Division 3 of the California Financial Code, commencing with § 12000.

(B) *Motor vehicles.* No person shall approach an operator or occupant of a motor vehicle traveling within a public right-of-way for the purpose of soliciting, asking or begging. A vehicle is “traveling” for this purpose even though stopped at an intersection or otherwise in compliance with traffic control laws and regulations but not if parked legally. This prohibition does not apply to solicitations related to emergency repairs requested by an operator or occupant of a vehicle.

(C) *Public transportation vehicles.* No person may solicit, ask or beg in any publicly owned or operated vehicle, including a bus, designed, used or maintained for carrying 10 or more persons, including the driver.

(D) *Gas stations.* No person shall solicit, ask or beg within 15 feet of a fueling pump, air, or water hose at a gas station. For purposes of this division (D), **GAS STATION** means a business that sells at retail gasoline or other vehicle fuel dispensed by a pump.

**6-20-05: NONEXCLUSIVITY.**

Nothing in this chapter shall limit or preclude the enforcement of other applicable laws to conduct within the scope of this chapter.

**6-20-06: PENALTY.**

An intentional violation of this section is punishable as a misdemeanor, pursuant to Title 1, Chapter 4, Section 5.

**SECTION 2: EFFECTIVE DATE.** This ordinance shall become effective thirty (30) days after its final passage and adoption.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Placerville held on December 10, 2013, by Councilmember Wilkins, and the reading of said Ordinance was waived. The Ordinance was read for the second time on January 14, 2014 and Councilmember Patton moved its adoption. The motion was seconded by Councilmember Wilkins. A poll was taken, which stood as follows:

AYES:	Borelli, Hagen, Patton, Wilkins
NOES:	None
ABSENT:	Thomas
ABSTAIN:	None

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Mayor Carl Hagen

ATTEST:

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Susan Zito, MMC, City Clerk