

H51

(O-94-24 COR.COPY)

ORDINANCE NUMBER O- 17998 (NEW SERIES)

ADOPTED ON OCT 25 1993

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW DIVISION 40 ENTITLED "AGGRESSIVE SOLICITATION" AND NEW SECTIONS 52.4001, 52.4002, 52.4003, 52.4004, 52.4005, AND 52.4006, TO PROHIBIT AGGRESSIVE SOLICITATION

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 2, of the San Diego Municipal Code be and the same is hereby amended by adding Division 40, Sections 52.4001, 52.4002, 52.4003, 52.4004, 52.4005, and 52.4006, to read as follows:

DIVISION 40

AGGRESSIVE SOLICITATION

SEC. 52.4001 Acts Prohibited

It is unlawful for any person on the streets, sidewalks, or other places open to the public, whether publicly or privately owned, to aggressively coerce, threaten, hound, harass, or intimidate another person for the purpose of soliciting money or goods.

SEC. 52.4002 Aggressive Conduct

For purposes of this Division, a person "aggressively coerces, threatens, hounds, harasses or intimidates another person" when:

(a) The solicitor's conduct would cause a reasonable person in the position of the solicitee to fear for his or

her safety; or

(b) The solicitor intentionally blocks the path of the solicitee; or

(c) The solicitor persists in following the solicitee closely, and continues to demand money or other thing of value after the solicitee has rejected the solicitation by words or conduct.

SEC. 52.4003 Reasonable Fear for Safety

For purposes of this Division, the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for his or her safety:

(a) the solicitor's making physical contact with the solicitee; or

(b) the proximity of the solicitor to the solicitee;
or

(c) the duration of the solicitation; or

(d) the solicitor's making threatening gestures or other threatening conduct, including closely following the solicitee.

SEC. 52.4004 Definitions

For purposes of this Division:

"Aggressively" means behaving in a hostile manner.

"Coerce" means to force or bring about by force or threat.

"Harass" means to irritate or torment persistently.

"Hound" means to pursue relentlessly and tenaciously.

"Intentionally block" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by

another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact.

"Intimidate" means to frighten into submission or obedience.

"Solicitor" means a person who asks for money or goods as a charity, whether by words, bodily gestures, signs or other means.

"Threaten" means to express an intention to inflict evil, injury or damage.

SEC. 52.4005 Demand for Services

This Division is not intended to proscribe any demand for payment for services rendered or goods delivered.

SEC. 52.4006 Free Speech

This Division is not intended to restrict the exercise of protected free speech.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Joseph M. Battaglin
Joseph M. Battaglin
Deputy City Attorney

JMB:jp:lja
07/30/93
08/16/93 COR. COPY
09/09/93 COR. COPY
09/17/93 COR. COPY
Or.Dept:Mayor
O-94-24
Form=o+t

OLD LANGUAGE - STRIKEOUT
NEW LANGUAGE - UNDERLINE

(O-94-24 COR.COPY)

STRIKEOUT ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A
NEW DIVISION 40 ENTITLED "AGGRESSIVE
SOLICITATION" AND NEW SECTIONS 52.4001,
52.4002, 52.4003, 52.4004, 52.4005, AND
52.4006, TO PROHIBIT AGGRESSIVE SOLICITATION

DIVISION 40

AGGRESSIVE SOLICITATION

SEC. 52.4001 Acts Prohibited

It is unlawful for any person on the streets,
sidewalks, or other places open to the public, whether
publicly or privately owned, to aggressively coerce,
threaten, hound, harass, or intimidate another person for
the purpose of soliciting money or goods.

SEC. 52.4002 Aggressive Conduct

For purposes of this Division, a person "aggressively
coerces, threatens, hounds, harasses or intimidates another
person" when:

(a) The solicitor's conduct would cause a reasonable
person in the position of the solicitee to fear for his or
her safety; or

(b) The solicitor intentionally blocks the path of the
solicitee; or

(c) The solicitor persists in following the solicitee
closely, and continues to demand money or other thing of

value after the solicitee has rejected the solicitation by words or conduct.

SEC. 52.4003 Reasonable Fear for Safety

For purposes of this Division, the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for his or her safety:

(a) the solicitor's making physical contact with the solicitee; or

(b) the proximity of the solicitor to the solicitee;
or

(c) the duration of the solicitation; or

(d) the solicitor's making threatening gestures or other threatening conduct, including closely following the solicitee.

SEC. 52.4004 Definitions

For purposes of this Division:

"Aggressively" means behaving in a hostile manner.

"Coerce" means to force or bring about by force or threat.

"Harass" means to irritate or torment persistently.

"Hound" means to pursue relentlessly and tenaciously.

"Intentionally block" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact.

"Intimidate" means to frighten into submission or obedience.

"Solicitor" means a person who asks for money or goods as a charity, whether by words, bodily gestures, signs or other means.

"Threaten" means to express an intention to inflict evil, injury or damage.

SEC. 52.4005 Demand for Services

This Division is not intended to proscribe any demand for payment for services rendered or goods delivered.

SEC. 52.4006 Free Speech

This Division is not intended to restrict the exercise of protected free speech.

(O-94-24 COR.COPY)

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

EFFECTIVE DATE _____

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A
NEW DIVISION 40 ENTITLED "AGGRESSIVE
SOLICITATION" AND NEW SECTIONS 52.4001,
52.4002, 52.4003 AND 52.4004, 52.4005, AND
52.4006, TO PROHIBIT AGGRESSIVE SOLICITATION

This ordinance amends Chapter V, Article 2, of the San Diego
Municipal Code by adding a new Division 40 entitled "Aggressive
Solicitation" and new Sections 52.4001, 52.4002, 52.4003,
52.4004, 52.4005, and 52.4006, to prohibit aggressive
solicitation.

JMB:jp:lja
07/30/93
08/16/93 COR. COPY
09/09/93 COR. COPY
09/17/93 COR. COPY
Or.Dept:Mayor
O-94-24
Form=o+t

O-17998

Passed and adopted by the Council of The City of San Diego on OCT 25 1993
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Mary Cepeda Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 11 1993, and on OCT 25 1993

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Mary Cepeda Deputy.

Office of the City Clerk, San Diego, California	
Ordinance <u>0-17998</u>	OCT 25 1993
Number Adopted	

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

93 NOV 10 AM 1:13

SAN DIEGO,

P

OFFICE OF THE CITY CLERK
2ND FLOOR
CITY ADMINISTRATION BUILDING
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2, OF...

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17998 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW DIVISION 40 ENTITLED "AGGRESSIVE SOLICITATION" AND NEW SECTIONS 52.4001, 52.4002, 52.4003 AND 52.4004, 52.4005, AND 52.4006, TO PROHIBIT AGGRESSIVE SOLICITATION
This ordinance amends Chapter V, Article 2, of the San Diego Municipal Code by adding a new Division 40 entitled "Aggressive Solicitation" and new Sections 52.4001, 52.4002, 52.4003, 52.4004, 52.4005, and 52.4006, to prohibit aggressive solicitation.
A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101
INTRODUCED ON October 11, 1993
Passed and adopted by the Council of the City of San Diego on October 25, 1993
AUTHENTICATED BY:
SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By MARY CEPEDA, Deputy
Pub. Nov. 8 284519

ORDINANCE NUMBER 0-17998 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

NOV. 8

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 8th day of NOV., 1993.

Corey Donahue
(Signature)

2 3/8" X 2 = \$ 64.00