

Section 3-17.02 – Definitions

(a) “Aggressive solicitation” for the purpose of this chapter includes all behaviors either prohibited or regulated by specific time, place or manner restrictions as set forth in this chapter. “Aggressive solicitation” also includes any conduct during the solicitation or immediately before or after the solicitation that is intended or is likely to cause a reasonable person to:

1. Fear bodily harm to oneself or to another
2. Fear damage to or loss of property
3. Otherwise be intimidated, harassed or threatened.

(b) A “person” for purposes of this chapter includes individual persons, organizations and entities as set forth in Chapter 3 Section 1-3.13 (n) of the Los Banos Municipal Code.

(c) A “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, public walkway, public alley, parking lot, parking structure, plaza, transportation facility, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby and other portion of any business establishment.

(d) Private property means any property that is privately owned, and does not constitute a “public forum.”

(e) A “public forum” for the purposes of this chapter, includes all public places, and those places, which may be privately owned, and are deemed freely open to the public. These areas may include, but not be limited to, shopping centers, malls or other areas in which there are places in which persons can meet friends, dine, rest, be entertained, post public notices and participate in community events and activities.

(f) “Solicitation” for the purposes of this chapter, is any request made in person, including asking or begging, 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, for the purpose of this chapter.

Section 3-17.03. Times of Solicitation.

No person shall solicit after sunset or before sunrise.

Section 3-17.04. Place of Solicitation.

No person shall solicit in any of the following places, nor shall any person solicit when the person solicited is in any of the following places:

- (a) Within twenty-five feet of any bank, savings and loan, or other financial institution buildings, including their outdoor automatic teller machines.
- (b) In the parking lot of any bank, savings and loan, or other financial institution.
- (c) Within ten feet of any entranceway or exit from any building open to the public other than those referenced in subsection (a).

- (d) In any outdoor dining area when patrons are seated at tables or on chairs owned and serviced by an eating establishment.
- (e) On private property, not deemed a public forum, unless the solicitor has permission from the owner, tenant, lessee or agent of the property
- (f) In any vehicle on the street or while such vehicle is located in any public place.
- (g) At any bus stop.
- (h) In any public transportation vehicle or facility.
- (i) Upon any street, roadway or alley, including median strips or islands.
- (j) Upon the grounds of a public or private school and the sidewalks immediately adjacent thereto.

Section 3-17.05. Manner of Solicitation.

No persons shall solicit, ask, or beg in an aggressive manner in any public place. Aggressive solicitation includes, but is not limited to the act of soliciting, asking, or begging in any of the following manners:

- (a) Intentionally coming within three feet of a solicited person unless and until that person has indicated, by word or conduct, he or she wishes to make a donation.
- (b) Continuing to request a donation from a solicited person, after that person has indicated by word or conduct, he or she does not wish to make a donation.
- (c) Persisting in closely following or approaching a person they have solicited, after that person has indicated by word or conduct, he or she does not wish to make a donation.
- (d) Blocking the path of a person solicited, or other pedestrians, along a sidewalk, alley, public walkway, and street or in any public place.
- (e) Using profane, offensive or abusive language, either during the solicitation or following a refusal.
- (f) Approaching any person, whom a reasonable person would immediately identify as being under the age of 18, for the purpose of solicitation.
- (g) While under the influence of alcohol or any illegal narcotic or controlled substance.
- (h) Accosting any person in any public place, or place open to the public, for purposes of soliciting or begging. "Accost" includes walking up to and approaching a person in a manner likely to threaten or harass or intimidate a reasonable person.
- (i) Approaching any operator or occupant of a motor vehicle for the purpose of soliciting, asking or begging while the operator or occupant is entering or exiting or operating a motor vehicle that is stopped in any public place or roadway.
- (j) Rendering any service to a motor vehicle, including but not limited to any cleaning, washing, protecting, guarding or repairing of said vehicle or any portion thereof, without the consent of the owner, operator or occupant of such vehicle, and thereafter, requesting payment for the performance of such service, regardless of whether such vehicle is stopped, standing or parked.