

ORDINANCE NO. 906

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
PROHIBITING SOLICITATION ON COUNTY PROPERTY

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that unauthorized solicitation on County Property may obstruct, interfere or conflict with the use of such property for proper governmental purposes and may create a health and/or safety hazard within, about, or upon such property.

Section 2. PURPOSE. The purpose of this ordinance is to prohibit solicitation on County Property. This ordinance is not intended to prohibit or restrict noncommercial speech.

Section 3. AUTHORITY. This ordinance is adopted pursuant to Government Code Section 23004, which authorizes counties to manage County Property, and pursuant to Article XI, Section 7 of the California Constitution which authorizes counties to make and enforce within their limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws that serve to protect the health, safety and welfare of its residents.

Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. Board. The Board of Supervisors of the County of Riverside.
- b. Commercial Activity. Any activity designed to market or advertise products, services, or property; or activity to generate revenue for a person or entity other than the County, or any activity or action undertaken in whole or in part by a person or entity whose purpose, in whole or in part, directly or indirectly, is to derive or realize a present or future financial gain for the person or entity.
- c. County. The County of Riverside, any of its Agencies, Departments or any associated Districts, and any officer or employee thereof.
- d. County Property. Real property, buildings and facilities owned, leased, subleased or otherwise licensed by or to the County, or real property subject to the use and control of the County, whether such property is within the

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1 unincorporated or incorporated territory of the County. County Property
2 includes real property in the possession of a public or private entity under
3 contract with the County.

4 e. Person. Any individual, partnership, corporation, joint venture, firm, company,
5 association, group, body politic, or other entity, and any officer, employee,
6 agent, trustee, assignee or other representative thereof.

7 f. Solicitation. Any request, offer, enticement or action that announces the sale of
8 any product, service or property; or, any request, offer, enticement or action that
9 announces the availability for or of employment; or, any other commercial
10 activity. Solicitation shall occur whether or not a transaction is completed, an
11 exchange of money or other property takes place, an actual employment
12 relationship is created, or any other commercial activity is initiated.

13 Section 5. PROHIBITION. It shall be unlawful for any person to engage in
14 solicitation on County Property, in any manner or for any purpose, except to the extent described herein.

15 Section 6. EXEMPTIONS. This ordinance shall not apply to any of the following:

- 16 a. Solicitation of any concession operated under authority granted by the Board.
17 b. Solicitation for County employee benefits.
18 c. Solicitation by any person having business with or calling upon the County in
19 the ordinary course of County business.
20 d. Solicitation for the benefit of a recognized, qualified charitable or non-profit
21 organization in support of charitable programs that has been authorized by the
22 Board.
23 e. Any other solicitation that has been specifically authorized, regulated or
24 exempted by order or resolution of the Board, or its authorized designee.

25 Section 7. VIOLATIONS AND PENALTIES. Any person violating any provision of
26 this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such
27 person shall be deemed guilty of a separate offense for each and every day or portion thereof during
28 which any violation of any of the provisions of this ordinance is committed, continued, or permitted.

1 Violations of this ordinance may be prosecuted by county authorities in the name of the people of the
 2 State of California. Any person convicted of violating this ordinance shall be: (1) guilty of an infraction
 3 offense and punished by a fine not exceeding on hundred dollars (\$100) for a first violation; (2) guilty of
 4 an infraction offense and punished by a fine not exceeding two hundred dollars (\$200) for a second
 5 violation. The third and any additional violations shall constitute a misdemeanor offense and shall be
 6 punishable by a fine not exceeding one thousand dollars (\$1,000) or six (6) months in jail, or both.
 7 Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. The
 8 penalties herein are in addition to any other remedies provided by law and the payment of any penalty
 9 herein shall not relieve a person of the obligation to correct the violation.

10 Section 8. INITIAL PHASE-IN PERIOD. Notwithstanding the above, for ninety (90)
 11 days following the Effective Date of this ordinance, not to exceed one hundred twenty (120) days from
 12 the date this ordinance was adopted, shall allow for an Initial Phase-In Period whereby enforcement of
 13 this ordinance shall be stayed and only verbal warnings will be given to a person found in violation of this
 14 ordinance. On the ninety-first (91st) day following the Effective Date, the Initial Phase-In Period will
 15 expire, unless additional time has been ordered by the Board.

16 Section 9. SEVERABILITY. If any provision, clause, sentence or paragraph of this
 17 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
 18 shall not affect the other provisions of this ordinance which can be given effect without the invalid
 19 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
 20 severable.

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Section 10. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

By: Bob Buster
Bob Buster, Chairman

ATTEST:
KECIA HARPER-IHEM
CLERK OF THE BOARD

By: Kaleubguta
Deputy

(SEAL)

APPROVED AS TO FORM:

June 8, 2011

By: Synthia M. Gunzel
Synthia M. Gunzel
Deputy County Counsel

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STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on June 14, 2011, the foregoing ordinance consisting of 10 Sections was adopted by the following vote:

AYES: Buster, Tavaglione, Stone, Benoit and Ashley
NAYS: None
ABSENT: None

DATE: June 14, 2011

KECIA HARPER-IHEM
Clerk of the Board

BY: *Karibayton*
Deputy

SEAL

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