

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 unincorporated or incorporated territory of the County. County Property includes real property in the possession of a public or private entity under contract with the County.
- e. **Person.** Any individual, partnership, corporation, joint venture, firm, company, association, group, body politic, or other entity, and any officer, employee, agent, trustee, assignee or other representative thereof.
- f. **Solicitation.** Any request, offer, enticement or action that announces the sale of any product, service or property; or, any request, offer, enticement or action that announces the availability for or of employment; or, any other commercial activity. Solicitation shall occur whether or not a transaction is completed, an exchange of money or other property takes place, an actual employment relationship is created, or any other commercial activity is initiated.

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

- Section 6. EXEMPTIONS. This ordinance shall not apply to any of the following:
- a. Solicitation of any concession operated under authority granted by the Board.
 - b. Solicitation for County employee benefits.
 - c. Solicitation by any person having business with or calling upon the County in the ordinary course of County business.
 - d. Solicitation for the benefit of a recognized, qualified charitable or non-profit organization in support of charitable programs that has been authorized by the Board.
 - e. Any other solicitation that has been specifically authorized, regulated or exempted by order or resolution of the Board, or its authorized designee.

Section 7. VIOLATIONS AND PENALTIES. Any person violating any provision of this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted. Violations of this ordinance may be prosecuted by county authorities in the name of the people of the State of California. Any person convicted of violating this ordinance shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200) for a second violation. The third and any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000) or six (6) months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. The penalties herein are in addition to any other remedies provided by law and the payment of any penalty herein shall not relieve a person of the obligation to correct the violation.

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

Section 9. 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 10. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

Adopted: Item 3.66 of 06/14/2011 (Eff: 07/14/2011)