

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

849



**FROM:** Economic Development Agency / Facilities Management

**SUBMITTAL DATE:**  
May 25, 2011

**SUBJECT:** Ordinance No. 906, An Ordinance of the County of Riverside Prohibiting Solicitation on County Property

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Introduce and adopt on successive weeks, Ordinance No. 906, prohibiting solicitation on County Property; and
2. Find that the adoption of Ordinance No. 906 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment; and
3. Direct the Clerk of the Board to file a Notice of Exemption with the County Clerk for posting.

**BACKGROUND:** (Commences on Page 2)

*Robert Field*  
Robert Field  
Assistant County Executive Officer/EDA

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

**COMPANION ITEM ON BOARD OF DIRECTORS AGENDA:** No

<b>SOURCE OF FUNDS:</b> EDA/Facilities Management Real Estate Division Budget	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE  
*Jennifer L. Sargent*  
BY: Jennifer L. Sargent

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: *Synthia M. Gunzel*  
DATE: 5-23-11  
Departmental Concurrence

Dept't Recomm.:   
 Per Exec. Ofc.:

Prev. Agn. Ref.: 3.14 of 3/1/11

District: All

Agenda Number: **3.38**

**BACKGROUND:**

The purpose of this ordinance is to prohibit unauthorized solicitation on County property by any person and to provide for enforcement of the ordinance by public safety personnel. In addition to County employees, the residents of the County and the general public at large regularly use such property for its intended purposes. 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.

Ordinance No. 906 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment. The County's approval of this proposed ordinance does not create any reasonably foreseeable physical change in the environment; it only prohibits solicitation.

County Counsel has approved this ordinance as to form.

**FINANCIAL DATA:**

The estimated cost of preparing, processing and implementing this ordinance is approximately \$10,000 which will be paid by the Economic Development Agency – Facilities Management budget. The costs of enforcing the ordinance where the assistance from the Sheriff's Department would be warranted is currently undetermined, but conceivably a minimal amount.

**Attachments:**

Ordinance No. 906

1 ORDINANCE NO. 906

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 PROHIBITING SOLICITATION ON COUNTY PROPERTY

4

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

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

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

11 Section 3. AUTHORITY. This ordinance is adopted pursuant to Government Code  
12 Section 23004, which authorizes counties to manage County Property, and pursuant to Article XI, Section  
13 7 of the California Constitution which authorizes counties to make and enforce within their limits all  
14 local, police, sanitary and other ordinances and regulations not in conflict with general laws that serve to  
15 protect the health, safety and welfare of its residents.

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

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

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.

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 shall allow for an Initial Phase-In Period whereby  
12 enforcement of this ordinance shall be stayed and only verbal warnings will be given to a person found in  
13 violation of this ordinance. On the ninety-first (91<sup>st</sup>) day following the Effective Date, the Initial Phase-In  
14 Period will expire.

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

ATTEST:  
KECIA HARPER-IHEM  
CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy

(SEAL)

APPROVED AS TO FORM:  
May 23, 2011

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