

ORDINANCE NO. 2985-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CHAPTER 9.56 OF THE SUNNYVALE MUNICIPAL CODE RELATING TO SOLICITATION

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION AMENDED. Section 9.56.020 of Chapter 9.56 (Solicitation of Employment, Business or Contributions of Money or Other Property) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

9.56.020. Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(1) – (6) [Text unchanged.]

(7) “Roadway” means that portion of a public street that is improved, designed or ordinarily used for vehicular travel. “Roadway” does not include sidewalks or parkway strips.

(8) “Solicit” means making any oral or written request, offer or enticement, or taking any action which indicates the availability of a person for employment or availability to provide services for compensation or which seeks to purchase or secure services or goods; the purchase or sale of goods; or a request for money or other property; or a contribution of money or other property. A solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.

SECTION 2. SECTION AMENDED. Section 9.56.040 of Chapter 9.56 (Solicitation of Employment, Business or Contributions of Money or Other Property) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

9.56.040. Solicitation in public rights-of-way.

(a) No person shall stand in a roadway and solicit from the driver or occupant of any unparked vehicle, or from any vehicle that is stopped in, or blocking, a lane of traffic.

(b) No person, while the driver or occupant of an unparked vehicle or a vehicle that is stopped in, or blocking, a lane of traffic, shall solicit from any person who is standing in a roadway.

SECTION 3. SECTION AMENDED. Section 9.56.050 of Chapter 9.56 (Solicitation of Employment, Business or Contributions of Money or Other Property) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

9.56.050. Solicitation in unauthorized locations within commercial parking areas prohibited.

(a) It is unlawful for any person to solicit or attempt to solicit employment, business or contributions of money or other property, from a location within a commercial parking area used for vehicular traffic. It is also unlawful to solicit in a any other location within the commercial parking area not authorized in advance by the property owner, or the property owner's representative, for such solicitations.

(b) The prohibition against solicitation in commercial parking areas shall only apply if the owner or person in lawful possession has caused a notice to be posted in a conspicuous place at each entrance to such parking area. This notice shall not be less than eighteen by twenty-four inches (18" x 24") in size with lettering not less than one inch in height, and the notice shall not exceed, in total area, six square feet. The notice shall read substantially as follows:

"It is unlawful to solicit in areas of this parking lot not approved for such activity by the property owner. SMC 9.56.050"

SECTION 4. SECTION AMENDED. Section 9.56.060 of Chapter 9.56 (Solicitation of Employment, Business or Contributions of Money or Other Property) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

9.56.060. Restrictions on time, place and manner of solicitation.

(a) – (b) [Text unchanged.]

(c) It is unlawful to solicit before 9:00 a.m. or after 9:00 p.m.

(d) It is unlawful to solicit at any bus stop.

(e) It is unlawful to or attempt to solicit any person entering or exiting any vehicle, so as to impede that person's movement, when such vehicle is located within a public street, private driveway leading to a public street, public or private parking lot or structure.

SECTION 5. SECTION AMENDED. Section 9.56.070 of Chapter 9.56 (Solicitation of Employment, Business or Contributions of Money or Other Property) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

9.56.070. Penalty.

Every violation of this chapter is an infraction, except that a violation may be charged as a misdemeanor after five (5) or more convictions for violation of any provision of this Chapter within a thirty-six (36) month period.

SECTION 6. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 7. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection,

sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2012, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

Joan A. Borger, City Attorney