

# Ordinance Fact Sheet

TO: CITY COUNCIL DATE: June 9, 2003  
FROM: CITY ATTORNEY  
SUBJECT: ORDINANCE PROHIBITING SOLICITATION IN POSTED  
NO VEHICLE SOLICITATION ZONES

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 10 TO ADD A NEW CHAPTER 10.39 TO THE PASADENA MUNICIPAL CODE PROHIBITING VEHICLE SOLICITATION WITHIN THE PUBLIC RIGHT-OF-WAY IN POSTED "NO VEHICLE SOLICITATION" ZONES

PURPOSE OF ORDINANCE:

The purpose of this ordinance is to eliminate traffic safety problems created by drivers who stop in travel lanes or no stopping zones to engage temporary workers standing on the sidewalks, curbside or streets.

REASON WHY LEGISLATION IS NEEDED:

On March 24, 2003, the City Council directed the City Attorney's Office to prepare an ordinance to prohibit vehicle solicitation in areas posted with signs indicating "no vehicle solicitation" is permitted. Section 410 of the Pasadena City Charter requires that the municipal code be amended by ordinance.

68232.1

MEETING OF 6/09/2003

AGENDA ITEM NO. 9.A.1

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

This ordinance will impact staff in the Police Department and in Northwest Programs, as well as property owners and residents in the posted areas of the city. Following Council's direction, our office met with those who assist temporary workers who solicit in the right-of-way areas to inform them of the terms of the proposed ordinance.

POLICY CHANGE:

This amendment is an effort to eliminate hazardous traffic conditions created by drivers transacting temporary employment relationships in the streets of the city.

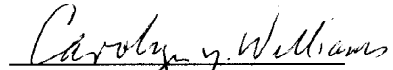
FISCAL IMPLICATIONS:

Staff anticipates that there will be added costs related to police services during the first six months of the enforcement of the ordinance.

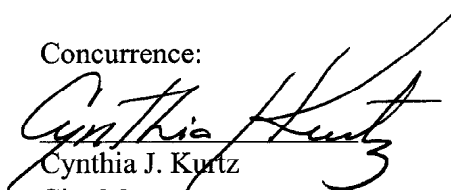
Respectfully submitted,

  
Michele Beal Bagneris  
City Attorney

Prepared by:

  
Carolyn Y. Williams  
Asst. City Attorney

Concurrence:

  
Cynthia J. Kurtz  
City Manager

Introduced by Councilmember \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 10 TO ADD A NEW CHAPTER 10.39 TO THE PASADENA MUNICIPAL CODE PROHIBITING VEHICLE SOLICITATION WITHIN THE PUBLIC RIGHT-OF-WAY IN POSTED "NO VEHICLE SOLICITATION" ZONES**

The People of the City of Pasadena ordain as follows:

**SECTION 1.** This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the City Charter. The approved summary of this ordinance reads as follows:

**"SUMMARY**

The subject ordinance, Ordinance No. \_\_\_\_\_, adds a new chapter to Title 10, the City's Vehicles and Traffic Code. Specifically, this ordinance prohibits vehicle solicitation in areas posted with signs indicating "no vehicle solicitation" is permitted. The ordinance prohibits motorists from stopping in the roadway in zones designated as no stopping to hire or solicit temporary workers who stand on sidewalks or curbside. The ordinance requires the posting of conspicuous signs providing notice of the prohibition and possible fines. Violation of the ordinance will be punished as an infraction.

Ordinance No. \_\_\_\_\_ shall take effect thirty days after its publication."

**SECTION 2.** Based on staff's receipt of community complaints regarding unsafe conditions created by employment solicitation activities in various streets of the City; staff meetings with impacted residents and business owners; staff meetings with representatives of the Pasadena Community Job Center; staff surveys of similarly situated cities in Los Angeles

County; public meetings before the City Council Economic Development and Technology Committee on February 5 and 19; and March 12, 2003; and information gathered at the public meeting before the Pasadena City Council on March 24, 2003, the City Council finds and declares:

1. Drivers of motor vehicles in some areas habitually stop in the public right-of-way and in posted "No Stopping" zones, to solicit potential employees standing in the street or on the sidewalks or curbs near the street.

2. This practice has encouraged groups ranging up to 100 men to gather on the sidewalks and curbs to make themselves available for drivers who solicit them from the travel lanes of certain city streets.

3. Residents in the vicinity of these streets have observed multiple unsafe traffic conditions created by drivers stopping in streets to solicit employees, including but not limited to: rear-end collisions when such vehicles stop or pull over to the curb to drop-off or pick-up workers; vehicle tires screeching to a halt unexpectedly when stopped behind drivers soliciting workers; vehicles forced to pass hurriedly or swerve around a car that has stopped to transact business with a potential worker; vehicles forced to brake quickly to avoid hitting someone rushing toward a driver who has stopped or slowed down to solicit workers; workers jumping in front of moving cars or running across the street to reach a truck which has stopped to solicit workers; gridlock created by vehicles which have stopped to solicit employees; serious traffic accidents, including one involving a day laborer hit by a car near a bus stop in the vicinity; vehicles stopping to solicit workers and thus blocking traffic on a street designated a through fire lane; and the traffic hazards created by men sitting on the street curb with their legs extended into

the streets.

4. In the year 2000, the City assisted the Instituto de Educacion Popular del Sur de California (IDEPSCA), a nonprofit organization, in establishing the Pasadena Community Job Center, a facility on Lake Avenue near the intersection of Villa Street as a location where employers could obtain laborers for short term job opportunities and where workers could have access to bathroom facilities. The City leased the property from the landlord, and has entered into a Memorandum of Understanding with IDEPSCA to provide services at the site rent-free. IDEPSCA also offers educational programs and occupational training classes at the Center. Currently, the City has entered into a five-year lease of the site, and provides Community Development Block Grant funds to assist IDEPSCA with staffing and other costs.

5. Despite the establishment of the Center, many workers continue to concentrate on certain sidewalks and curbs to await drivers soliciting temporary day workers.

6. Various kinds of public nuisances have been created by such regular gathering of persons for approximately 5 to 6 hours a day on and around city sidewalks awaiting drivers offering temporary employment opportunities. Residents testified before the City Council that they had observed some individuals among the workers littering, fighting, drug dealing, gambling, blocking the sidewalk, and loitering on the lawns of property owners in the vicinity.

7. The current situation has created an unsafe situation for adult and children pedestrians using the sidewalks, an unsafe environment for persons seeking employment at those sites, and a hazard to public health based on the lack of sanitary facilities available to the individuals as they wait on and around the sidewalks.

8. The activity of drivers soliciting workers from the sidewalks in "No Stopping" zones

impedes the flow of traffic on streets within the City, which results in delay and obstruction of the public's free flow of travel, and results in congestion and blockage of the streets, driveways to parking areas, and sidewalks when workers approach vehicles to negotiate with the drivers.

9. Distracted drivers are more prone to automobile accidents, and accidents on the public streets constitute a substantial traffic safety problem which problem further impedes and prevents the orderly flow of vehicular and pedestrian traffic.

10. The cumulative impact of this type of activity on the City's streets on a daily basis has created a safety hazard, which poses a significant and substantial risk to the interest of the public in the free flow of travel in the City.

11. Governmental regulation of street traffic is a legitimate exercise of the City's police powers.

12. Motorists who stop in traffic lanes obstruct the free flow of vehicular traffic.

13. Prohibiting activities which occur in the path of cars, trucks and buses furthers public safety, constituting a reasonable place restriction.

**SECTION 3.** Title 10 of the Pasadena Municipal Code is amended to a new Chapter 10.39:

**"Chapter 10.39**

**VEHICLE SOLICITATION IN THE STREETS**

**Sections:**

<b><u>10.39.010</u></b>	<b><u>Short title.</u></b>
<b><u>10.39.020</u></b>	<b><u>Definitions.</u></b>
<b><u>10.39.030</u></b>	<b><u>Prohibition of vehicle solicitation in the public right-of-way.</u></b>
<b><u>10.39.040</u></b>	<b><u>No vehicle solicitation zones; posting required.</u></b>
<b><u>10.39.050</u></b>	<b><u>Fines and penalties; infraction.</u></b>

**10.39.060      Mandatory city council review.**

**10.39.070      Severability.**

**10.39.010      Short title.**

This chapter shall be known as the ‘vehicle solicitation ordinance.’

**10.39.020      Definitions.**

For the purpose of this chapter, the following meanings shall apply:

A. ‘Commercial activity’ or ‘Business’ shall mean and include any type of service, performance or activity which is provided or performed, or offered to be provided or performed, in exchange for money, labor, goods, or any other form of consideration.

B. ‘Employment’ shall mean and include services, industry or labor performed by a person for wages or other compensation or under any contract for hire, written, oral, express or implied.

C. ‘No vehicle solicitation zone’ shall mean an area of the city declared by the city manager to be a no vehicle solicitation zone based on traffic safety problems created by solicitation at that site, the nature of the conduct of the solicitation activity, the public nuisance created by the solicitation in that area, or the adverse impacts affecting public health, safety or welfare.

D. ‘Public right-of-way’ shall mean public streets, highways, and sidewalks, including driveways.

E. ‘Roadway’ shall mean that portion of the street traveled by vehicles.

F. ‘Solicit’ or ‘solicitation’ shall mean and include any request, offer, enticement, or action which announces the availability of employment; or any request, offer, enticement or

action which seeks to secure employees. As defined herein, a solicitation shall be deemed complete when a vehicle stops in a posted 'no vehicle solicitation zone,' whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.

**10.39.030 Prohibition of vehicle solicitation in the public right-of-way.**

It shall be unlawful and a public nuisance for any driver or occupant of a vehicle within the roadway in a posted no vehicle solicitation zone to stop, or take any action which would cause a pedestrian in the public right-of-way, including the sidewalk or curbside, to approach the vehicle in the roadway.

**10.39.040 No vehicle solicitation zone; posting required.**

The prohibitions set forth in Section 10.39.030 shall not be enforceable in any area declared to be a 'no vehicle solicitation zone' until the posting of conspicuous signs giving notice of the prohibition and possible fines.

**10.39.050 Fines and penalties; infraction.**

Violation of Section 10.39.030 of this chapter is hereby deemed to be an infraction and is punishable by fines and penalties as set forth in California Government Code Section 36900 and California Penal Code Section 1464.

**10.39.060 Mandatory city council review.**

Staff shall report to the city council on the effectiveness of the ordinance in remediating unsafe traffic conditions six months after the effective date of the ordinance.



**10.39.070 Severability.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Pasadena hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional."

SECTION 4. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by number, title and summary, and the City Clerk's certification.

SECTION 5. This ordinance shall take effect thirty (30) days after publication by title and summary.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2003.

\_\_\_\_\_  
Bill Bogaard  
Mayor of the City of Pasadena

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I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of  
the City of Pasadena at its meeting held \_\_\_\_\_, 2003, by the following vote:

AYES:

NOES:

ABSTAIN:

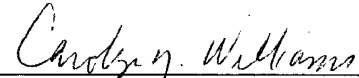
ABSENT:

Published:

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Jane Rodriguez  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Carolyn Y. Williams  
Asst. City Attorney