

Introduced by _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING
VARIOUS SECTIONS OF CHAPTER 10.39 OF THE PASADENA MUNICIPAL
CODE AND ADDING A NEW SECTION 10.39.031 PROHIBITING VEHICLE
SOLICITATION IN UNAUTHORIZED LOCATIONS WITHIN COMMERCIAL
PARKING AREAS**

The People of the City of Pasadena ordain as follows:

SECTION 1. 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; and information gathered at public meetings before the Economic Development and Technology Committee on April 21, 2004, and the Pasadena City Council on April 26, 2004, the City Council finds and declares:

1. Commercial parking areas within the City are for the purpose of parking, placing or stationing a vehicle for the benefit of the public, clients, customers, members and occupants of the adjoining commercial premises.

2. Groups of men daily congregate near the driveway or in the parking areas of some commercial establishments to await drivers soliciting temporary workers.

3. The use of commercial parking areas for the solicitation of workers in unauthorized locations results in interference with the intended use of the parking area because of the vehicle congestion in such area caused by vehicles whose occupants bargain and temporarily stop to negotiate with potential workers.

4. Commercial parking areas have limited accessibility to inbound and outbound traffic through their driveways. The commercial activity occurring between vehicle occupant and worker limits such driveway access because of the blockage and congestion of such driveways by vehicles whose occupants stop to bargain or negotiate with persons seeking employment.

5. The public has a substantial interest in promoting the public safety of persons using commercial parking areas by prohibiting drivers of vehicles from soliciting workers within such parking areas when appropriately posted by the property owners.

6. Motorists who stop in restricted commercial parking areas obstruct the free flow of vehicular traffic.

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

SECTION 2. Section 10.39.020 is amended to add a new subsection G to read as follows:

“G. ‘Commercial parking area’ shall mean privately owned property which is designed or used primarily for the parking of vehicles and which adjoins one or more commercial establishments.”

SECTION 3. Chapter 10.39 of the Pasadena Municipal Code is amended to add a new Section 10.39.031 to read as follows:

Section 10.39.031 Prohibition of vehicle solicitation in unauthorized locations of commercial parking areas.

A. It shall be unlawful for any driver or occupant of a vehicle located on

private property, including a private driveway, private parking facility or private entrance way, to solicit or attempt to solicit any person in such a manner as to disrupt the flow of vehicular traffic on a public right-of-way located within a no vehicle solicitation zone.

B. It shall be unlawful for any motorist to solicit or attempt to solicit any other person within a commercial parking area other than an area within or served by such parking area which is authorized by the property owner or the property owner's representative for such solicitation. This section shall not apply to solicitation to perform employment or business for the owner or lawful tenants of the subject premises.

C. The owner or person in lawful possession of the commercial parking area shall cause a notice to be posted in a conspicuous place at each entrance to such commercial parking area not less than 18' x 24' in size, with lettering not less than one inch in height and not to exceed in total area six (6) square feet. The notice shall be in substantially the following form:

IT IS UNLAWFUL AND AN INFRACTION UNDER THE
MUNICIPAL CODE TO ENGAGE IN THE SOLICITATION
OF EMPLOYMENT IN AREAS OF THIS COMMERCIAL
PARKING LOT WHICH ARE NOT APPROVED FOR SUCH
ACTIVITY BY THE PROPERTY OWNER, OTHER THAN
TO PERFORM EMPLOYMENT OR BUSINESS FOR THE
OWNER OR LAWFUL TENANTS OF THE PREMISES.”

SECTION 4. Section 10.39.050 is hereby amended to read:

“10.39.050 Fines and penalty - Infraction.

Violation of Section 10.39.030 or Section 10.39.031 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.”

SECTION 5. This ordinance shall take effect thirty (30) days after publication.

Signed and approved this _____ day of _____ 2004.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting of _____, 2004, by the following vote:

AYES:

NOES:

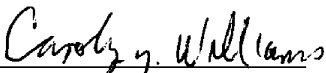
ABSENT:

ABSTAIN:

Published:

Jane Rodriguez
City Clerk

APPROVED AS TO FORM:



Carolyn Y. Williams
Asst. City Attorney