

ORDINANCE NO. O23-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF
GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER
26 OF THE GLENDALE CITY CODE AS IT RELATES TO SOLICITING

WHEREAS, the Glendale City Charter provides that the council may, by ordinance, create boards or commissions as in its judgment are required or as are now or hereafter provided by law, and may grant to them such power and duties as are not consistent with the provisions of the charter;

WHEREAS, the City of Glendale City Council desires to add definition to the Glendale City Code and establish a new ordinance governing solicitation in the City of Glendale.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code Chapter 26 (Offenses-Miscellaneous), Article IV (Offenses Against Public Decency and Morals), Division 1 (Generally), Section 74 (Prohibited Solicitation; prohibited acts; violations) is hereby amended and titled as with the following:

Chapter 26-74. – Prohibited Solicitation; definitions.

For purposes of Chapter 26-74:

Solicit: To request an immediate donation or transfer of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by spoken, written, or printed word, or by other means of communication

Aggressive manner means and includes:

Intentionally or recklessly making any physical contact with or touching another person or the person's property in the course of the solicitation without the person's consent.

Following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal

act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation,

Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. There shall be: (i) a rebuttable presumption that placing items of personal property on a sidewalk resulting in less than three feet of walking space is done with the intent to block passage on the sidewalk; (ii) a rebuttable presumption that engaging in solicitation in the designated traffic lane of a public roadway or on a median between designated travel lanes of a public roadway is done with the intent to block passage on the roadway. Acts authorized as an exercise of one's constitutional right to picket or legally protest, shall not constitute obstruction of pedestrian or vehicular traffic;

Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation, or

Approaching the person being solicited in a manner that: (i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicited.

Automated teller machine: A device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments. An automated teller machine regardless of whether it is located at a financial institution shall be included within this definition.

Automated teller machine facility: The area comprised of one or more automatic teller machines, and any adjacent space which is made available to financial institution customers after regular inside counter hours. It shall be presumed that any automobile parking space within fifty (50) feet of an automated teller machine is part of the automated teller machine facility to provide access to financial institution customers.

Check cashing business: Any person duly licensed by the State of Arizona to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the laws pertaining to financial services.

Financial institution: Any person, entity or corporation engaged in the banking business as defined in A.R.S. § 6-201, including but not limited to national bank associations, regardless of whether their home office is located in this state, banks holding a banking permit issued by the state of Arizona, credit unions or savings and loan associations.

Public area: An area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

SECTION 2. EFFECTIVE DATE. Whereas the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, and safety of the City of Glendale, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor and Council of the City of Glendale, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED, ADOPTED AND APPROVED by the Mayor and City Council of the City of Glendale, Maricopa County, Arizona, this 14th day of February, 2023.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, City Manager