



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: AUGUST 15, 2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: PUBLIC SAFETY TASK FORCE
KINDON MEIK, CITY MANAGER
MATTHEW SUMMERS, CITY ATTORNEY

SUBJECT: INTRODUCTION OF ORDINANCE NO. 2024-407, AMENDING AND RESTATING CHAPTER 9.08 OF THE CALABASAS MUNICIPAL CODE TO PROHIBIT CERTAIN AGGRESSIVE AND UNSAFE FORMS OF SOLICITATIONS THAT ARE A THREAT TO PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE

MEETING DATE: AUGUST 28, 2024

SUMMARY RECOMMENDATION:

The Public Safety Task Force (Mayor Weintraub and Councilmember Shapiro), and City Manager and City Attorney, recommend that the City Council introduce Ordinance No. 2024-407, which amends and restates Chapter 9.08 of the Calabasas Municipal Code (“Aggressive and Unsafe Soliciting”) to prohibit certain aggressive and unsafe forms of solicitations that are a threat to public health, safety, and general welfare.

BACKGROUND:

The Public Safety Task Force has been working closely with the City Attorney’s Office and the City Manager to research solicitation ordinances from other cities to address the increase in aggressive and unsafe solicitation. In consultation with the City Attorney and City Manager, the Public Safety Task Force proposes this ordinance for adoption by the City Council.

The City of Calabasas is experiencing an increase in aggressive and unsafe solicitation throughout, which has become extremely disturbing and disruptive to residents and

businesses, and has contributed not only to the loss of access to and enjoyment of public places, but also to a heightened sense of fear, intimidation, and disorder.

Solicitations made in an aggressive manner are a threat to public health, safety, and general welfare and are unsafe and disruptive to persons in the City. Aggressive solicitations typically include approaching or following pedestrians, the use of abusive language, unwanted physical contact, and the intentional blocking of pedestrian and vehicular traffic.

Residents, business owners, property owners, public safety facilities, schools, and religious institutions in the City have expressed consistent concerns about solicitation of pedestrians and drivers. Women in our community specifically have expressed that they feel intimidated and harassed on a regular basis by individuals soliciting. Aggressive solicitation is impacting women in our community so frequently that they have expressed reluctance to frequent particular businesses at different times of the day and night.

Further, residents have complained of feeling “cornered” or “trapped” at restaurants, automated teller machines (ATMs), and gas stations and fuel pumps by individuals aggressively soliciting. The purpose of this ordinance is to protect pedestrians when they are most vulnerable to intimidation and harassment.

The increase of aggressive and unsafe solicitation in the City also puts drivers and passengers at risk. For the safety of drivers and solicitors, there should be no solicitation at freeway entrances and exits, medians, and driveways. This ordinance seeks to prohibit intentional unwanted physical contact with another person or an occupied vehicle, interference with the passage of a pedestrian or vehicle, violent or threatening gestures, or unwanted close following or approaching of an individual or driver.

This ordinance will also prohibit solicitations, whether aggressive or not, along with lingering and loitering on medians, at financial institutions and ATMs, parking lots and structures, public transportation vehicles and stops, gasoline stations and fuel pumps, certain driveways, freeways, medians, moving vehicles, and dining establishments.

The proposed ordinance does not prohibit the right to exercise protected free speech, lawful vending of goods and services, solicitations related to businesses authorized by or conducted by the property owner, business owner, or employees thereof on the premises, solicitations related to the lawful towing of a vehicle, and solicitations related to emergency repairs requested by the operator or other occupant of a motor vehicle. The restrictions within the ordinance are content neutral and are narrowly tailored to serve a significant governmental interest of addressing the aforementioned health, safety, and welfare issues in our City, but still provide alternative avenues of communication.

Violations of this ordinance will be an infraction to Calabasas Municipal Code section 1.16.020, except that a violation may be charged as a misdemeanor after five or more convictions for violation of any provision of this chapter within a 36-month period.

FISCAL IMPACT/SOURCE OF FUNDING:

The introduction and adoption of Ordinance No. 2024-407 are not expected to have any significant fiscal impact on the City's budget. Any costs associated with the implementation and enforcement of the new regulations will be absorbed within the existing budget.

REQUESTED ACTION:

The Public Safety Task Force recommends that the City Council introduce Ordinance No. 2024-407, amending and restating Chapter 9.08 of the Calabasas Municipal Code ("Aggressive and Unsafe Solicitations") to prohibit certain aggressive and unsafe forms of solicitations that are a threat to public health, safety and general welfare.

ATTACHMENTS:

A. Ordinance No. 2024-407