

## Additional Applicable Laws Enforced by San Luis Obispo Police

### Business & Profession Code- Infraction

- Possession of a shopping cart (22435.2 (b) B&P)

### SLO Municipal Code- Infractions

- Leash required on dogs (6.20.050A)
- Smoking prohibited in certain areas (8.16)
- Possession of open containers or Consumption of alcoholic beverages in public places (9.04.010)
- Prohibition of Aggressive soliciting (Panhandling) (9.06.020)
- Urinating or defecating in public (9.20.050)
- Skating downtown (includes skateboarding) (10.76.010A (2))
- Parks closed between 10PM and 5AM (12.20.040 F)
- Protection of Creeks, Riparian Corridors and associated Natural Resources (12.23)

### California Penal Code- Misdemeanor

- Drunk in public (647(f))
- Lodging in a building without permission from owner (647 (j))
- Trespassing—Enter/occupy land/building without consent (602 (1))

Please contact **San Luis Obispo PD** when observing or encountering a violation.

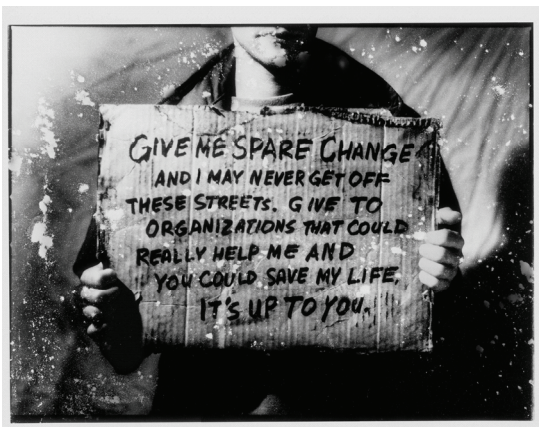
**805-781-7317**

[www.slopd.org](http://www.slopd.org)

## What Can Business Owners Do About Panhandling And Other Problem Behaviors?

If you are a business person, you should

- ⇒ Call the police if you experience or witness aggressive panhandling or any of the behaviors listed as infractions in this brochure. Only by actively keeping the police department aware of the issues can the situation improve.
- ⇒ Make certain that your property is clearly marked for trespassing. California Penal Code 602 (Entering/occupy land/building without consent) allows police to enforce violations on private property.
- ⇒ Inform your patrons of alternative options to giving to panhandlers, including making contributions to local services instead.



It's ok to say "No" to panhandlers and put your change where you can make one.  
Call 805-544-4355 for more information.



# Reference Guide to Laws Regarding Aggressive Panhandling



### What is Panhandling?

Panhandling is commonly defined as: “to stop people on the street and ask for food or money; beg.”

Panhandling is accomplished in a variety of ways, including verbal requests as people walk past; standing on the sidewalks or on street corners with signs requesting money or food; or by holding out a container to passer-bys.

### Is panhandling legal?

The Supreme Court has ruled that panhandling in and of itself is a form of free speech protected under the First Amendment of the U.S. Constitution, and thus not illegal.

However, when a person is **aggressive** in requesting money or food, they violate the San Luis Obispo City ordinance against aggressive solicitation. The San Luis Obispo Municipal Code defines aggressive panhandling as:

- ⇒ Intentionally blocking the path of the person being solicited;
- ⇒ Persistent soliciting by following a person closely, while continuing to ask for money or other things of value, after being told by words or actions that the person does not want to give anything; or
- ⇒ A solicitor’s conduct that would cause a reasonable person to fear for his or her safety.

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SLO Police 805-781-7317

### What can I do when encountering aggressive panhandling?

If you are solicited by a panhandler, you have the right to proceed past that person and not be exposed to force, fear, or having your progress blocked or impeded by the panhandler.

If you are a victim of aggressive panhandling, you should contact the **Police Department at 805-781-7317** and report the incident.

**Note:** If the officer did not actually witness the crime, you need to take the following actions in order for the officer to issue a citation to the offender:

- ⇒ You must be willing to identify the suspect. This may require you and the officer to go to the suspect’s location for viewing and identification.
- ⇒ If a positive identification is made, you will be required to sign a private person’s arrest form.
- ⇒ You may be required to appear in court, along with the officer, to testify.

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### Where is solicitation prohibited?

The City’s Municipal Code (section 9.06.025) regulates **specific locations** where solicitation (panhandling) is not allowed. These regulations promote the safe and orderly flow of traffic and prevent the harassment and intimidation of citizens and visitors. No person may solicit or beg for any monies, goods or services, including offering any services in exchange for monies, goods or services in the following areas:

- ⇒ Within **twenty five (25) feet** of any ATM or similar cash machine, bank, or savings and loan institutions;
- ⇒ Within **six (6) feet** of the entrance to a commercial establishment or driveway thereto, or a driveway serving a shopping center; or
- ⇒ Within **ten (10) feet** of any intersection of city streets, state highways and highway on- or off-ramps; or
- ⇒ On **any median** in any city street; or
- ⇒ **On the roadway of any city street** including approaching and/or attempting to interfere with the movement of any occupied vehicle.

**Note:** This section does not apply to non-profit organizations conducting a fundraising activity with the permission of the owner.

The City’s Municipal Code also regulates the use of **public benches** (Chapter 9.40). A person cannot remain upon any public bench for a continuous period of time in excess of **one hour**, or in excess of **three hours** in any 24-hour period; or arrange personal property on or in front of a bench in a manner that obstructs or precludes the use of the bench by others.

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