

Agenda item 21(c)

**CITY OF SAN ANTONIO
POLICE DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council
FROM: Albert A. Ortiz, Chief of Police
SUBJECT: Ordinance Prohibiting Aggressive Solicitation
DATE: February 03, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the City Manager to amend Chapter 21 of the San Antonio City Code to prohibit aggressive solicitation in public areas and certain businesses; and providing for a fine in an amount not to exceed \$500.00 for violation of this ordinance.

Staff recommends approval.

BACKGROUND INFORMATION

On February 12, 2004, City Councilman Roger O. Flores submitted a Council Consideration Request directing City staff to bring forward an ordinance to amend Chapter 21 of the City Code. This ordinance would address problematic behaviors affecting the quality of life, fear and safety in public areas, especially downtown, created by aggressive solicitors.

The proposed ordinance makes it an offense to solicit: in an aggressive manner in a public place; in a bus, at a bus station or stop, or at a facility operated by transportation authority for passengers; within twenty-five (25) feet of an ATM, the entrance or exit of a bank, or the entrance or exit of a check cashing business; and at a marked crosswalk. Aggressive manner means: making any physical contact without consent; following the person being solicited; continuing to solicit within five (5) feet after receiving a negative response; blocking safe/free passage of person being solicited; and using obscene language or gestures. It also means approaching a person being solicited in a manner that is intended or likely to cause fear or to intimidate the person being solicited. This action provides for a fine not to exceed \$500.00 for violation of this ordinance and is intended to serve as a deterrent to aggressive solicitation in public areas.

POLICY ANALYSIS

This action continues City Council policy of clarifying existing City Codes. In addition, this ordinance will enhance the City's efforts in dealing with public nuisance activity.

FISCAL IMPACT

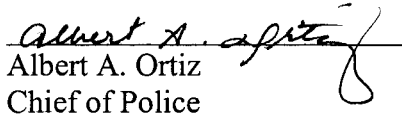
There are no new costs created by this proposed ordinance. Revenue generated by the \$500.00 fine under this ordinance will impact Municipal Court. However, due to a lack of historical perspective, the extent of the impact cannot be determined.

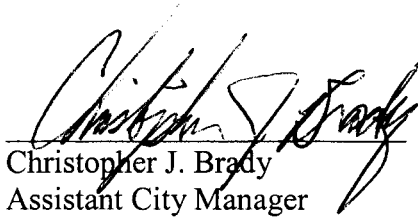
COORDINATION

This ordinance request has been coordinated with the Finance Department, Office of Management & Budget, Municipal Court, and the City Attorney's Office.

SUPPLEMENTARY COMMENTS

This item does not require an Ethics Ordinance Disclosure Statement or a Discretionary Contracts Disclosure Form.


Albert A. Ortiz
Chief of Police


Christopher J. Brady
Assistant City Manager


J. Rolando Bono
Interim City Manager