

CHAPTER 13 – MISCELLANEOUS PROVISIONS AND OFFENSES

Sec. 13-64. Aggressive Solicitation; definitions.

For purposes of sections 13-64 through 13-66:

(a) Solicit means 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

(b) Aggressive manner means and includes:

(1) 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,

(2) 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,

(3) 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,

(4) 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, and acts authorized by a permit issued pursuant to Section 14-24 of the Peoria City Code, shall not constitute obstruction of pedestrian or vehicular traffic;

(5) 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

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(6) 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 solicitation

(c) Automated teller machine means 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.

(d) Automated teller machine facility means 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 twenty five (25) feet of an automated teller machine is part of the automated teller machine facility to provide access to financial institution customers.

(e) Check cashing business means 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.

(f) Financial institution means any person, entity or corporation engaged in the banking business as defined in Arizona Revised Statutes, Section 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.

(g) Public area means 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.
(Ord. No. 97-98, 9/16/98, enacted)