

ORDINANCE NO. 2015--XXX

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
AMENDING ARLINGTON MUNICIPAL CODE CHAPTER 9.56
REGARDING PUBLIC SOLICITATION AND CAMPING

WHEREAS, the City of Arlington, Washington has the authority to enact laws to protect citizens and visitors to the City; and

WHEREAS, the City previously enacted regulations intended to protect the members of the public and persons engaged in solicitation activities, which regulations have been codified in Arlington Municipal Code Chapter 9.56; and

WHEREAS, the City has been asked to review those regulations; and

WHEREAS, the City Council has reviewed the regulations and believes certain amendments are desirable;

NOW, THEREFORE, the City Council of the City of Arlington do hereby ordain as follows:

Section 1. Arlington Municipal Code section 9.56.010 shall be and hereby is amended to read as follows:

9.56.010 Findings. The City Council finds as follows:

(1) Consistent with the findings of other Washington State Cities, the city council finds that it is important to the general welfare of the citizens and residents of the city to protect and preserve the public safety of pedestrians and to insure the safe and efficient movement of pedestrian and vehicular traffic in public places. The city council further finds that public ~~places as defined in this section~~ rights of way serve the primary purpose of enabling pedestrian and vehicular traffic to safely and efficiently move about from place to place and that public ~~places~~ rights of way have become increasingly congested and should be maintained to serve their primary purpose.

(2) Arlington, as well as other cities in Washington, has experienced an increase in the number of incidents of ~~aggressive-coercive~~ solicitation by individuals towards pedestrians, ~~and~~ vehicular traffic ~~and others~~ and that such interference in public places ~~deteriorates from the primary purpose and threatens public health, safety and welfare~~ can cause citizens to reasonably fear for their safety, and can cause children and the elderly to feel compelled to make donations they would not otherwise be willing to make out of fear for their safety.

(3) The city has a compelling interest in protecting its citizens and its most vulnerable residents and visitors from threatening, intimidating or harassing behavior caused by coercive solicitations, in preserving the quality of life and in protecting and preserving public health, safety and welfare.

(4) ~~The City has an interest in~~ while discouraging the use of public parks as temporary living quarters.

Section 2. Arlington Municipal Code section 9.56.020(6) shall be and hereby is amended to read as follows:

- (6) “Coerce” or “coercive” means to do any of the following with intent:
- (a) To approach, speak or gesture to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with a commission of a criminal act upon the person, another person or property in the person’s possession; or
 - (b) To approach within one foot of a person for the purpose of making a solicitation without obtaining said person’s initial consent; or
 - (c) To persist in a solicitation after the person solicited has given a negative response; or
 - (d) To intentionally impede the passage of a person, pedestrian traffic, a vehicle or vehicular traffic while making a solicitation ~~including, but not limited to, public places adjacent to any public roadway where the solicitation is directed or intended to attract the attention of the occupant of any vehicle stopped or traveling on the roadway, unless said vehicle is legally parked;~~ or
 - (e) To engage in conduct that would reasonably be construed as intended to compel or force a person being solicited to accede to demands; ~~or~~
~~(fe) To make any false or misleading representation in the course of making a solicitation.~~
~~(gf) Soliciting in a manner that exploits children.~~
~~(hg) Solicit under the influence of alcohol and or controlled substances.~~

Section 2. Arlington Municipal Code section 9.56.020(8) shall be and hereby is amended to read as follows:

(8) “Obstruct pedestrian or vehicular traffic” means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact, or to cause or initiate the interaction or exchange of money, leaflets, or other tangible items between an occupant of a motor vehicle within a city street and a pedestrian in such a manner as to block passage by another person or a vehicle. Acts authorized as an exercise of one’s constitutional right to picket or to legally protest, and acts authorized by a permit issued

pursuant to Chapter 5.44 of the Arlington Municipal Code, shall not constitute obstruction of pedestrian or vehicular traffic.

Section 3. Arlington Municipal Code section 9.56.020(11) shall be and hereby is amended to read as follows:

(11) "Solicitation" for the purposes of this chapter is any means of asking, begging, requesting, or pleading made in person, orally or in a written or printed manner, directed to another person, requesting an immediate donation of money, contribution, alms, financial aid, charity, gifts of items or service of value, ~~or the purchase of an item or service for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation.~~

Section 4. Arlington Municipal Code subsections 9.56.020(14) through 9.56.020(19) shall be and hereby are repealed.

Section 5. Arlington Municipal Code subsections 9.56.060 and 9.56.070 shall be and hereby are repealed.

Section 6. A new Arlington Municipal Code section 9.56.060 shall be and hereby is adopted to read as follows:

9.56.060 Soliciting while intoxicated. It shall be unlawful to solicit while under the influence of alcohol and/or controlled substances.

Section 7. A new Arlington Municipal Code section 9.56.070 shall be and hereby is adopted to read as follows:

9.56.070 Soliciting in a manner which exploits children. It shall be unlawful to solicit in a manner that exploits children.

Section 8. Arlington Municipal code section 9.56.080 shall be and hereby is amended to read as follows:

9.56.080 **Penalty for pedestrian interference, coercive solicitation, or any violation of the time and/or place of solicitation restrictions.**

Pedestrian interference is a misdemeanor. Coercive solicitation is a misdemeanor. Violation of ~~either AMC 9.56.060 or AMC 9.56.070 the time and/or place of solicitation restrictions~~ is a misdemeanor.

(1) First Offense. Any person violating any of the provisions of this chapter shall,

upon conviction of such violation, be punished by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment.

(2) Second Offense. Every person who violates any of the provisions of this chapter a second time within a five-year period shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. One hundred dollars of the fine and one day of imprisonment shall not be suspended or deferred.

(3) Third or Subsequent Offense. Every person who violates any of the provisions of this chapter a third or more times within a five-year period shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. Five hundred dollars of the fine and five days' imprisonment shall not be suspended or deferred.

Section 9. The heading for Arlington Municipal Code section 9.56.120 shall be and hereby is amended to read: "9.56.120 [Camping Permit](#)."

Section 10. Severability. If any provision, section, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 11. Effective Date. This ordinance shall be effective five days from its adoption and publication as required by law.

PASSED BY the City Council and APPROVED by the Mayor this ____ day of _____, 2015.

CITY OF ARLINGTON

Barbara Tolbert, Mayor

Attest:

Kristin Banfield, City Clerk

Approved as to form:

Steven J. Peiffle
City Attorney