

**CITY OF OAK HARBOR
Oak Harbor, Washington**

ORDINANCE 1683

**AN ORDINANCE OF THE CITY OF OAK HARBOR, WASHINGTON,
ADDING A NEW CHAPTER 6.XX ENTITLED AGGRESSIVE
PANHANDLING – PEDESTRIAN INTERFERENCE TO THE OAK
HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND
EFFECTIVE DATE**

WHEREAS, coercive solicitation causes fear and intimidation upon citizens, and harms tourism and businesses; and

WHEREAS, the City Council believes that it is important to protect the citizens of Oak Harbor from fear and intimidation accompanying coercive solicitation, to promote tourism and business and to preserve the quality of urban life while providing safe and appropriate venues for constitutionally protected activities.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. OHMC Chapter 6.XX entitled “AGGRESSIVE PANHANDLING - PEDESTRIAN INTERFERENCE” is added to read as follows:

**Chapter 6.XX
AGGRESSIVE PANHANDLING - PEDESTRIAN INTERFERENCE**

Sections:

- 6. XX.010 Purpose.
- 6. XX.020 Definitions.
- 6. XX.030 Pedestrian interference.
- 6. XX.040 Aggressive Panhandling – Prohibited.
- 6. XX.050 Penalty.

6.XX.010 Purpose.

The purpose of this chapter is to regulate and punish acts of coercive and aggressive panhandling, and acts of begging that occur at locations or under circumstances specified herein which create an enhanced sense of fear or intimidation in the person being solicited, or pose risk to traffic and public safety.

6.XX.020 Definitions.

The following definitions apply in this chapter:

(1) "Aggressive Panhandling" means to beg with the intent to intimidate or coerce another person into giving money or goods.

(2) "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 block the passage of a person, pedestrian traffic, a vehicle or vehicular traffic while making a solicitation; 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

(f) To make any false or misleading representation in the course of making a solicitation.

(3) "Intimidate" means to engage in conduct which would make a reasonable person fearful or feel compelled.

(4) "Panhandling" means: 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.

(5) "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. 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 Chapters 5.40, 5.50 and 11.14 OHMC, shall not constitute obstruction of pedestrian or vehicular traffic.

(6) "Public place" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general

public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

6.XX.030 Pedestrian interference.

A person is guilty of pedestrian interference if, in a public place, he or she intentionally:

- (1) Obstructs pedestrian or vehicular traffic; or
- (2) Aggressively Panhandles

6.XX.040 Aggressive Panhandling – Prohibited.

It shall be unlawful for a person to Aggressively Panhandle.

6.XX.050 Penalty.

Pedestrian interference is a misdemeanor. Aggressive Panhandling is a misdemeanor. Any person violating this chapter shall be punished by a fine not to exceed \$1,000 or by imprisonment and jail for not more than 90 days or by both such fine and imprisonment.

Section 2. Severability. If any section, clause, and/or phrase of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity and/or unconstitutionality shall not affect the validity and/or constitutionality of any other section, clause, and/or phrase of the Ordinance.

Section 3. Effective Date. This Ordinance shall take effect immediately upon passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the City Council and **APPROVED** by the Mayor this 21st day of January, 2014.

CITY OF OAK HARBOR

By: 
Scott Dudley, Mayor

ATTEST/AUTHENTICATED:

By: 
Anna Thompson, Interim City Clerk