

Excerpt from

Pierce County Web – Front Page News

Council moves to curb panhandling

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Panhandlers must stay at least 25 feet away from people using ATM machines, pay phones, gas stations or other exposed public areas in unincorporated Pierce County under a proposal the County Council adopted yesterday (Sept. 23), which also prohibits aggressive and roadside panhandling.

The proposal's prime sponsors, Councilmembers Barbara Gelman (District 5) and Calvin Goings (District 2), said they've heard from citizens, businesses and community groups about increased panhandling in their districts. Most complained that panhandlers target people who are a "captive audience" - such as those waiting for a bus, washing their car at a self-service car wash or loading groceries into their car in a parking lot - and can't easily leave the area.

"People are more vulnerable to crime when they're focused on doing something else, especially at night," said Gelman, who chairs the council's Public Safety and Human Services Committee that took public testimony on the proposal July 7 and Aug. 4. "They shouldn't have to avoid certain areas just because they're afraid of who they might encounter."

The proposal also makes it illegal to panhandle to moving vehicles, which can cause accidents if a driver is surprised by an approaching panhandler. It governs only county roadways and not state highways or interchanges.

"This proposal does not prohibit panhandling," said Goings, the measure's other prime sponsor. "It merely puts some common-sense limits on where it can occur."

Both councilmembers noted that the county funds agencies that serve the homeless and assists those who are truly needy. Pierce County Human Services can be reached toll free at 800-642-5769, and housing information and assistance are available at 253-798-7038.

The ordinance (2008-45s) takes effect Nov. 1 and carries a penalty of up to \$1,000, up to 90 days in jail, or both. Visit the council Web site for more information.

CONTACTS: Councilmember Barbara Gelman, 253-798-6653; Councilmember Calvin Goings, 253-798-6694; or Brad Chatfield, Communications Legislative Analyst, 253-798-7790

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6 ORDINANCE NO. 2008-45s
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10 **An Ordinance of the Pierce County Council Relating to Public Safety,**
11 **Creating Two New Chapters of the Pierce County Code,**
12 **Chapter 9.60, "Regulation of Solicitation," and Chapter 9.62,**
13 **"Solicitations to Occupants of Vehicles on Public Roadways**
14 **Prohibited;" Adopting a Definition of Pedestrian and Vehicle**
15 **Interference, Placing Reasonable Time, Place, and Manner**
16 **Restrictions on Solicitation in Certain Locations, Defining**
17 **Offenses and Penalties; and Setting an Effective Date.**
18

19 **Whereas**, the Pierce County Council has received numerous communications
20 from citizens, businesses, community organizations, and others regarding serious public
21 harms caused by panhandlers; and
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23 **Whereas**, the Council's Public Safety and Human Services Committee has
24 studied the matter; and
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26 **Whereas**, the Council's Public Safety and Human Services Committee held
27 public hearings on July 7 and August 4, 2008, and the Council held a public hearing on
28 _____, 2008, during which extensive testimony was taken; and
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30 **Whereas**, the Pierce County departments of Community Services and Human
31 Services have reported that the County currently provides funding to agencies to serve
32 homeless persons, has outreach capacity to assist those persons who rely on
33 solicitation and who are willing to move into safe housing through assistance with
34 transitioning from homelessness, and case management resources for those who have
35 mental health problems and Medicaid coupons, through the PATH program; and
36

37 **Whereas**, based on the testimony received and the information provided to it, the
38 Council believes that it is important to protect citizens from the fear and intimidation
39 accompanying certain kinds of solicitation, to promote business and tourism, and to
40 preserve the quality of life, while providing safe and appropriate venues for this
41 constitutionally protected activity; **Now Therefore**,

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43 **BE IT ORDAINED by the Council of Pierce County:**
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45 Section 1. Based on the testimony provided to the Pierce County Council's
46 Public Safety and Human Services Committee and the information and research
47 provided to the Council, the Council makes the following findings of fact:



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- A. Persons using automated teller machines often do so in exposed and isolated locations with cash conspicuously in their possession;
- B. Persons using exterior public pay phones often do so in isolated locations with their attention distracted from their surroundings;
- C. Persons using self-service car washes and gas stations often do so in exposed and isolated locations with cash conspicuously in their possession and are usually a captive audience, with their attention distracted from their surroundings while their vehicles are in various stages of cleaning or fueling;
- D. Persons using public transportation and waiting at public transportation stops are usually a captive audience, often in isolated locations, with their attention distracted from their surroundings as they wait and watch for necessary transportation;
- E. Persons entering or exiting vehicles are usually a captive audience, often in isolated locations, with their attention distracted from their surroundings as they load groceries or other purchases, look for keys, or watch for traffic;
- F. Persons entering and exiting buildings are usually a captive audience, with limited means of ingress and egress to those buildings;
- G. Persons conducting normal activities at night do so under conditions in which their visibility is reduced, and they often do these activities in isolated locations;
- H. Persons who are subjected to coercive solicitations are often solicited in circumstances where they are a captive audience or are in isolated locations;
- I. Motor vehicle drivers approached by pedestrians may become distracted, may stop suddenly, or may linger at traffic control devices thereby posing a significant risk of physical injury to themselves, other motorists, and pedestrians; and
- J. Solicitation to the public conducted by a person located on private property absent consent of the owner or without permission of the property owner affects the rights of the property owner to control the use of his or her property.
- K. Public Safety Officers including law enforcement personnel and firefighters have established training and experience in controlling traffic and other activities in and around public roadways.

1 Section 2. Based on the findings above and the testimony and record provided,
2 the Council concludes as follows:

- 3
4 A. Solicitation of persons using automated teller machines, exterior public pay
5 phones, self-service car washes, and gas stations makes those persons
6 especially vulnerable to crime because of the isolated locations, limited
7 options to protect themselves by leaving the area, and exposure as persons
8 who may be carrying cash;
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- 10 B. Solicitation of persons using or waiting for public transportation makes those
11 persons more vulnerable to crime because of the isolated location of public
12 transportation stops and because persons using or waiting for public
13 transportation often cannot leave the area. This vulnerability may cause
14 persons to avoid using public transportation;
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- 16 C. Solicitation of persons entering or exiting vehicles makes those persons
17 more vulnerable to crime because those persons may be distracted from
18 their surroundings or because they may be in an isolated location with
19 limited options to avoid an attacker or thief;
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- 21 D. Solicitation of persons at night or of persons entering or exiting buildings
22 makes those persons more vulnerable to crime because of the limited
23 visibility and limited options to avoid an attacker or thief;
24
- 25 E. Solicitation of persons operating motor vehicles may result in car/pedestrian
26 collisions, as well as vehicle collisions caused when the solicited driver
27 swerves to avoid the solicitor, vehicles behind the one being solicited move
28 forward without realizing the solicited driver has not moved; and/or if the
29 solicited driver startles and collides with an adjacent vehicle;
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- 31 F. Because public places have become increasingly congested, solicitation in
32 those public places contributes to the loss of access to and enjoyment of
33 public places and to a sense of fear, intimidation, and disorder. This fear
34 adversely and unreasonably affects businesses and contributes to the loss
35 of access to and enjoyment of public places;
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- 37 G. Coercive solicitation is disturbing and disruptive to residents and businesses
38 and contributes to the loss of access to and enjoyment of public places and
39 to a sense of fear, intimidation, and disorder;
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- 41 H. Solicitation to the public conducted by a person located on private property
42 absent consent of the owner or occupant is akin to trespass and
43 unreasonably interferes with the private enjoyment of property; and



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2 I. Maintaining a distance of 25 feet between the solicitor and the person being
3 solicited will help protect persons from such intimidating solicitations set
4 forth above and will provide a uniform distance to guide law enforcement
5 and citizens alike.
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7 Section 3. A new Chapter 9.60 of the Pierce County Code, "Regulation of
8 Solicitation," is hereby adopted as shown in Exhibit A, which is attached and
9 incorporated herein.
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11 Section 4. A new Chapter 9.62 of the Pierce County Code, "Solicitations to
12 Occupants of Vehicles on Public Roadways Prohibited," is hereby adopted as shown in
13 Exhibit B, which is attached and incorporated herein.
14

15 Section 5. This Ordinance is effective on November 1, 2008.
16

17 Section 6. If any provision of this Ordinance, or its application to any person or
18 circumstances, is held invalid, the remainder of the Ordinance or application of the
19 provisions to other persons or circumstances shall be unaffected.
20

21 **PASSED this _____ day of _____, 2008.**
22

23 ATTEST:
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PIERCE COUNTY COUNCIL
Pierce County, Washington

28 _____
29 **Denise D. Johnson**
30 Clerk of the Council
31

_____ **Terry Lee**
Council Chair
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33 _____
34 **John W. Ladenburg**
35 Pierce County Executive
36 Approved _____ Vetoed _____, this
37 _____ day of _____,
2008.
38

39 Date of Publication of
40 Notice of Public Hearing: _____
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42 Effective Date of Ordinance: _____
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"New Chapter"

Chapter 9.60

REGULATION OF SOLICITATION

Sections:

- 9.60.010 Purpose.**
- 9. 60.020 Definitions.**
- 9. 60.030 Place of solicitation.**
- 9. 60.040 Solicitation by Coercion.**
- 9. 60.050 Evidence.**
- 9. 60.060 Penalties.**

9. 60.010 Purpose.

The purpose of this Chapter is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, to promote business and tourism, and to preserve the quality of life while providing safe and appropriate venues for constitutionally protected activity.

9. 60.020 Definitions.

The following definitions apply to this Chapter:

- A. "Automated teller machine" means a machine other than a telephone:
 - 1. that is capable of being operated by a customer of a financial institution;
 - 2. by which the customer may communicate to the financial institution a request to withdraw, deposit, transfer funds, make payment, or otherwise conduct financial business for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and
 - 3. the use of which may or may not involve personnel of a financial institution.
- B. "Coercion" means:
 - 1. to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with either imminent bodily injury or the commission of a criminal act upon the person or another person or upon property in the person's immediate possession;
 - 2. to persist in a solicitation after the person solicited has given a negative response;
 - 3. to block, either individually or as part of a group of persons, the passage of a solicited person;
 - 4. to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands;
 - 5. to use violent or threatening gestures toward a person;
 - 6. willfully providing or delivering, or attempting to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return; or



1 7. to use profane, offensive, or abusive language, which is inherently likely to provoke
2 an immediate violent reaction.

3 C. "Exterior public pay telephone" means any coin or credit card reader telephone that is:

- 4 1. installed or located anywhere on a premises except exclusively in the interior of a
5 building located on the premises; and
6 2. accessible and available for use by members of the general public.

7 D. "Public transportation facility" means a facility or designated location that is owned,
8 operated, or maintained by a city, county, county transportation authority, public
9 transportation benefit area, regional transit authority, or metropolitan municipal
10 corporation within the state.

11 E. "Public transportation stop" means an area officially marked and designated as a place to
12 wait for a bus, a rail or light rail vehicle, or any other public transportation vehicle that is
13 operated on a scheduled route with passengers paying fares on an individual basis.

14 F. "Public transportation vehicle" has the meaning given that term in RCW 46.04.355, as
15 currently adopted or as it may be amended in the future.

16 G. "Self-service car wash" means a structure:

- 17 1. at which a vehicle may be manually washed by its owner or operator with equipment
18 that is activated by the deposit of money in a coin-operated machine; and
19 2. that is accessible and available for use by members of the general public.

20 H. "Self-service fuel pump" means a fuel pump:

- 21 1. from which a vehicle may be manually filled with gasoline or other fuel directly by
22 its owner or operator, with or without the aid of an employee or attendant of the
23 premises at which the fuel pump is located; and
24 2. that is accessible and available for use by members of the general public.

25 I. "Solicit" and all derivative forms of "solicit" means to ask, beg, solicit, or plead, whether
26 orally or in a written or printed manner, for the purpose of immediately receiving
27 contributions, alms, charity, or gifts of items of value for oneself or another person.
28

29 **9. 60.030 Place of Solicitation.**

30 A. Solicitation near designated locations and facilities.

- 31 1. It is unlawful for any person to solicit another person within 25 feet of:
32 a. an automated teller machine;
33 b. the entrance of a building, unless the solicitor has permission from the owner or
34 occupant;
35 c. an exterior public pay telephone;
36 d. a self-service car wash;
37 e. a self-service fuel pump;
38 f. a public transportation stop; or
39 g. any parked vehicle as occupants of such vehicle enter or exit such vehicle.
40 2. It is unlawful for a person to solicit another person:
41 a. from private property to the public, unless the solicitor has permission from the
42 owner or occupant;
43 b. after sunset or before sunrise;
44 c. in any public transportation facility or vehicle.

45 B. For purposes of subsection A, measurement will be made in a straight line, without
46 regard to intervening structures or objects, from the nearest point at which a solicitation
47 is being conducted to whichever is applicable of the following:



- 1 1. the nearest entrance or exit of a facility in which an automated teller machine is
- 2 enclosed or, if the machine is not enclosed in a facility, to the nearest part of the
- 3 automated teller machine;
- 4 2. the nearest entrance or exit of a building;
- 5 3. the nearest part of an exterior public pay telephone;
- 6 4. the nearest part of the structure of a self-service car wash;
- 7 5. the nearest part of a self-service fuel pump or associated pay station;
- 8 6. the nearest point of any sign or marking designating an area as a public
- 9 transportation stop; or
- 10 7. any door of a parked vehicle that is being used by an occupant of such vehicle to
- 11 enter or exit such vehicle.

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13 **9. 60.040 Solicitation by Coercion.**

14 It is unlawful for a person to solicit by Coercion.

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16 **9. 60.050 Evidence.**

17 Evidence to support a conviction for a violation of this chapter may include, but is not
18 limited to, testimony of witnesses, videotape evidence of the violation, and other admissible
19 evidence.

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21 **9. 60.060 Penalties.**

22 A violation of Section 9.60.030 shall be a misdemeanor and, upon conviction thereof, a
23 person is subject to a penalty of up to \$1,000.00, incarceration for up to 90 days, or both a fine
24 and a penalty. Violation of Section 9.60.040 shall be a gross misdemeanor and, upon conviction
25 thereof, a person is subject to a penalty of up to \$5,000.00, incarceration for up to one year, or
26 both a fine and a penalty.



"New Chapter"

Chapter 9.62

**SOLICITATIONS TO OCCUPANTS OF VEHICLES
ON PUBLIC ROADWAYS PROHIBITED**

Sections:

- 9.62.010 Purpose.**
- 9.62.020 Definitions.**
- 9.62.030 Prohibited Conduct.**
- 9.62.040 Evidence.**
- 9.62.050 Penalty.**

9.62.010 Purpose.

The purpose of this Chapter is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation and to provide for vehicular and pedestrian traffic safety.

9.62.020 Definitions.

The following definitions shall apply to this Chapter:

- A. "Goods" means real property, as well as tangible and intangible personal property.
- B. "Hitchhiking" has the meaning given that term in RCW 46.61.255, as currently adopted or as it may be amended in the future.
- C. "Public property" means:
 - 1. any property open or devoted to public use or owned by the County; and
 - 2. any area dedicated to the public use for sidewalk, street, highway, or other transportation purposes, including, but not limited to, any curb, median, parkway, shoulder, sidewalk, alley, drive, or public right-of-way.
- D. "Roadway" has the meaning given that term in RCW 46.04.500, as currently adopted or as it may be amended in the future.
- E. "Services" means any work done for the benefit of another person.
- F. "Solicit" and all derivative forms of "solicit" means any conduct or act whereby a person:
 - 1. either orally or in writing, asks for an immediate ride, employment, goods, services, financial aid, monetary gifts, or any article representing monetary value, for any purpose;
 - 2. either orally or in writing, sells or offers for immediate sale goods, services, or publications;
 - 3. distributes without remuneration goods, services, or publications; or
 - 4. solicits signatures on a petition or opinions for a survey.
- G. "Vehicle" has the meaning given that term in RCW 46.04.670, as currently adopted or as it may be amended in the future.



1 **9.62.030 Prohibited Conduct.**

2 A. It is unlawful for any person, while occupying any public property adjacent to any public
3 roadway in the County, to knowingly conduct a solicitation directed to, or intended to
4 attract the attention of, the occupant of any vehicle traveling on or stopped on the
5 roadway, unless said vehicle is legally parked. An offense occurs when the solicitation
6 is made, whether or not an actual employment relationship is created, a transaction is
7 completed, or an exchange of money, goods, or services takes place.

8 1. Hitchhiking is subject to regulations in RCW 46.61.255, which also preempts the
9 regulation of hitchhiking by counties;

10 2. The following conduct is exempt from the prohibition in this section:

11 a. summoning aid or requesting assistance in an emergency situation;

12 b. a law enforcement officer or public works or utilities worker in the performance
13 of official duties;

14 c. engaging transportation licensed for hire (e.g. a taxi or shuttle); or

15 d. in possession of a valid permit secured pursuant to Chapter 12.44 PCC;

16
17 **9.62.040 Evidence.**

18 Evidence to support a conviction for a violation of this Chapter may include, but is not
19 limited to, testimony of witnesses, videotape evidence of the violation, and other admissible
20 evidence.

21
22 **9.62.050 Penalty.**

23 A violation of this Chapter shall be a misdemeanor and, upon conviction thereof, a person is
24 subject to a penalty of up to \$1,000.00, incarceration for up to 90 days, or both a fine and a
25 penalty.
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