

ORDINANCE 06-10

AN ORDINANCE OF THE CITY OF COVINGTON, WASHINGTON, ADOPTING AMENDMENTS TO CMC 9.110.080 RELATED TO THE REGULATION OF SOLICITATION, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Covington previously adopted an aggressive begging ordinance;
and

WHEREAS, the City Council has received numerous communications from citizens, businesses, community organizations, and others regarding public harms caused by panhandlers;
and

WHEREAS, aggressive solicitation causes fear and intimidation upon citizens and harms tourism and business; and

WHEREAS, solicitation at certain locations poses traffic and public safety risks; and

WHEREAS, the Council held a study session on April 27, 2010, during which public comment and extensive discussion was conducted regarding panhandling issues in Covington;
and

WHEREAS, based on public comment and information provided to the Council, the Council believes that additional and more comprehensive regulations would help to protect persons from threatening, intimidating, fraudulent, dangerous, or harassing behavior; keep public places safe and attractive for use by all members of the community; maintain and preserve public places where all of the community can interact in a peaceful manner; provide for the free flow of pedestrian and vehicular traffic on the streets and sidewalks in the City; promote tourism and business; and preserve the quality of urban life; and

WHEREAS, the City finds that more specific requirements regarding solicitation furthers the health and safety of citizens, specifically by recognizing the inherently threatening nature of certain encounters in public places based on either the manner or locations of these interactions; the inherent negative impact on traffic from certain encounters in public places based on either the manner or location of these interactions; and the need to protect citizens from the inherently coercive nature of certain encounters in public places based on the fraudulent manner of these interactions; and by protecting children;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 9.110.080 of the Covington Municipal Code shall be repealed.

Section 2. Section 9.190 shall be added to the Covington Municipal Code as follows:

9.190.010 Purpose.

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

9.190.020 Definitions.

(1) "Aggressive solicitation" shall mean:

(a) to approach, speak or gesture to a person in such a manner as would cause a reasonable person to feel fearful of safety to their person, another person or property in the person's possession;

(b) to approach within one (1) foot of a person for the purpose of making a solicitation without obtaining said person's initial consent;

(c) to persist in a solicitation after the person solicited has given a negative response;

(d) to impede pedestrian or vehicular traffic, including, but not limited to, public places adjacent to any public roadway where the solicitation is directed to or intended to attract the attention of the occupant of any vehicle stopped or traveling on the roadway, unless said vehicle is legally parked;

(e) to engage in conduct that would reasonably be construed as intended to intimidate or compel or force a person being solicited to accede to demands;

(f) Solicitation on private property, unless the solicitor has prior written permission from the owner or occupant;

(g) to make any false or misleading representation in the course of making a solicitation;

or

(h) Soliciting in a manner that exploits children.

(2) "Exploit children" shall mean using children in an unethical, selfish, or abusive manner or in any other manner that gives an unfair advantage.

(3) "Public place" shall mean any road, alley, lane, parking area, sidewalk or any place, private or otherwise, adopted to and fitted for vehicular or pedestrian travel that is in common use by the public with the consent, expressed or implied, of the owner or owners, and further, any public playground, school grounds, recreation grounds, parks, parkways, park drives, park paths and rights-of-way open to the use of the public.

(4) "Solicitation" shall mean 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.

9.190.030 Aggressive Solicitation – Prohibited.

It shall be unlawful for any person to knowingly engage in aggressive solicitation in any public place.

9.190.040 Place of Solicitation.

It shall be unlawful to solicit within a public right-of-way or park within 300 feet of a school when children are present.

9.190.050 Penalties.

Violation of any section of this chapter shall be a misdemeanor.

Section 3. This ordinance shall be in full force and effect five days after proper posting and publication. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

Section 4. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provision of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

Passed by the City Council on the 25th day of May, 2010.



Mayor Pro Tem Jeffrey Wagner

PUBLISHED: May 28, 2010

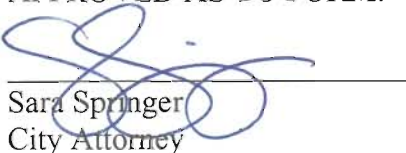
EFFECTIVE: June 2, 2010

Attested:



Sharon Scott
City Clerk

APPROVED AS TO FORM:



Sara Springer
City Attorney