

ORDINANCE NO. 1376

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON ADOPTING A NEW CHAPTER TO THE KALAMA MUNICIPAL CODE 9.75 SOLICITATION ON PUBLIC ROADWAYS IN ORDER TO PROTECT AND ASSURE THE SAFETY OF THE PUBLIC

WHEREAS, the City of Kalama is located along the I-5 corridor with 3 exits from the freeway providing access to the City;

WHEREAS, the City of Kalama has seen an increase in transients and other persons soliciting for aid within the City limits and at those freeway access points in recent years;

WHEREAS, the City Council of the City of Kalama believe it to be in the best interest and safety of its citizens to provide regulations to protect the public from certain kinds of solicitation and address traffic safety;

NOW THEREFORE the City Council of the City of Kalama do ordain:

Section 1. The Kalama Municipal Code is amended to add a new chapter 9.75 Solicitation on Public Roadways as follows:

**Chapter 9.75
SOLICITATIONS ON PUBLIC ROADWAYS**

Sections:

<u>9.75.010</u>	Purpose.
<u>9.75.020</u>	Definitions.
<u>9.75.030</u>	Prohibited conduct.
<u>9.75.040</u>	Penalty.

9.75.010 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.

9.75.020 Definitions.

The following definitions shall apply to this chapter:

- (1) "Goods" means real property, as well as tangible and intangible personal property.
- (2) "Hitchhiking" has the meaning given that term in RCW 46.61.255, as currently adopted or as it may be amended in the future.

- (3) "Public property" means any area dedicated to the public use for street, highway, or other transportation purposes, including, but not limited to, any curb, median, parkway, shoulder, alley, or drive.
- (4) "Roadway" has the meaning given that term in RCW 46.04.500, as currently adopted or as it may be amended in the future.
- (5) "Services" means any work done for the benefit of another person.
- (6) "Solicit" and all derivative forms of "solicit" means any conduct or act whereby a person:
 - (a) Either orally or in writing asks for an article representing monetary value, for any purpose;
 - (b) Either orally or in writing sells or offers for immediate sale goods, services, or publications;
 - (c) Distributes without remuneration goods, services, or publications; or
 - (d) Requests signatures on a petition or opinions for a survey.
- (7) "Vehicle" has the meaning given that term in RCW 46.04.670, as currently adopted or as it may be amended in the future.

9.75.030 Prohibited conduct.

- (1) It is unlawful for any person, while occupying any public property adjacent to any public roadway in the city, to knowingly conduct a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle traveling on or stopped on the roadway, unless said vehicle is legally parked. An offense occurs when the solicitation is made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place.
- (2) Hitchhiking is subject to regulations in RCW 46.61.255, which also preempts the regulation of hitchhiking by counties.
- (3) The following conduct is exempt from the prohibition in this section:
 - (a) Summoning aid or requesting assistance in an emergency situation;
 - (b) Law enforcement officer or public works or utilities worker in the performance of official duties;
 - (c) Engaging transportation licensed for hire (e.g., a taxi or shuttle);
 - (d) In possession of a valid permit; or

(e) Political campaign sign waving.

9.75.040 Penalty.

A violation of this section shall be a misdemeanor and punishable by a fine of up to one thousand five hundred dollars, up to ninety days in jail, or both a fine and jail.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the 16th day of March, 2016

Mayor Pete Poulsen

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

City Attorney

Passed:

Published:

Effective: