

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 aide 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 and visitors to provide regulations to protect the public from the fear and intimidation accompanying certain kinds of solicitation and address traffic safety in order to provide safe and appropriate venues for constitutionally protected activity;

WHEREAS, the City Council of the City of Kalama has determined that it is in the best interest of the City and its citizens to adopt regulations that will regulate and punish acts of coercive and aggressive solicitation, and acts of solicitation 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 a risk to traffic and public 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 Regulations on Solicitation as follows:

**Chapter 9.75
Regulations on Solicitation**

Sections:

- 9.75.010 Purpose.
- 9.75.020 Definitions.
- 9.75.030 Prohibited conduct.
- 9.75.040 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

a. "Coercive" means to do the following with intent:

i. 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.

ii. To approach within one foot of the person for the purposes of making a solicitation without obtaining said person's initial consent.

iii. To persist in a solicitation after the person solicited has given a negative response.

iv. To block the passage of a person or pedestrian traffic, or a vehicle or vehicular traffic, while making a solicitation.

v. To engage in conduct that would reasonably be construed as intended to compel or force a person being solicited to accede to demands.

vi. To make any false or misleading representations in the course of making a solicitation.

vii. To willfully provide or deliver, or attempt to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return for the service or product to a person.

b. "Solicitation" and all derived forms of "solicit" 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, for oneself or another person, directed to another person, requesting an immediate donation or payment 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.

9.75.030 Prohibited Conduct.

a. It shall be unlawful for any person or persons to make a coercive solicitation within the city limits of Kalama.

b. It shall be unlawful for any person or persons to make any solicitation of persons or pedestrians within 25 feet of the entrance to any building unless specific permission has been given by the business owner or occupant to the person or persons seeking to solicit.

c. It shall be unlawful for any person or persons to make any solicitation of persons or pedestrians within 25 feet of such person's parked vehicle or while any person is loading or unloading any vehicle.

d. It shall be unlawful for any person or persons to make any solicitation of persons or pedestrians on public property after sunset or before sunrise.

e. It shall be unlawful for any person or persons to solicit at the following places within the city limits of Kalama:

- i. Any on-ramps and/or off-ramps to state routes or interstate highways, and specifically those located at Elm Street and Oak Street
- ii. 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. 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.

f. It shall be unlawful for any person or persons to sell, or offer for immediate sale, goods, services, or publications, or distribute items without remuneration, to a person in a vehicle, at those locations set forth at subsection e(i) and (ii) of this section.”

g. For purposes of this chapter, distance shall be measured by using a straight line, without regard for intervening structures or objects, from the nearest point at which a solicitation is being conducted to the restricted location as set forth above.

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 6th day of April, 2016

Mayor Pete Poulsen

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

City Attorney

Passed:

Published:

Effective:

DRAFT