

ORDINANCE NO. 944-B

**AN ORDINANCE OF THE CITY OF CHEHALIS,
WASHINGTON, AMENDING CHAPTER 7.04.320 OF
THE CHEHALIS MUNICIPAL CODE
“MISCELLANEOUS MISDEMEANORS”, BY ADDING
A PROVISION TO DEAL WITH THE REGULATION
OF SOLICITATION (PANHANDLING)**

WHEREAS, the City Council of the City of Chehalis has received numerous communications from citizens, businesses, community organizations, and others regarding serious public harm caused by panhandlers and persons engaged in coercive and aggressive solicitation; and

WHEREAS, the City Council of the City of Chehalis desires to protect citizens of and visitors to the City from the fear and intimidation accompanying certain kinds of solicitation, to promote business and tourism, and to preserve the quality of urban life while providing safe and appropriate venues for constitutionally protected activity; and

WHEREAS, the City Council of the City of Chehalis has determined that it is in the best interests of the City and its citizens that Chapter 7.04.320 of the Chehalis Municipal Code be amended to add a provision to deal with the regulation of solicitation, to 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 risk to traffic and public safety; now therefore,

THE CITY COUNCIL OF THE CITY OF CHEHALIS,

WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 7.04.320 of the Chehalis Municipal Code, the Miscellaneous Misdemeanor provision, shall be, and the same hereby is, amended to add a new section “I” regarding regulation of solicitation:

7.04.320.I. Regulation of Solicitation

1. 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 1 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.

2. Prohibited Conduct:

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

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 Chehalis:

i Any on-ramps and/or off-ramps to state routes or interstate highways, and specifically those located at Main Street, 13th Street, and Chamber Way;

ii. Within 300 feet of the following intersections:

a.) Chamber Way and National Avenue;

b.) Chamber Way and State Street; and

c.) Chamber Way and Louisiana Avenue.

iii. Within 300 feet of the entrance to the parking lots of all businesses located between - and to include - the 1200 block to the 2100 block of Louisiana Avenue and all businesses located presently or in the future on Arkansas Way.

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 “e” above.

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.

3. Penalties: Any person who knowingly violates or fails to comply with any term or provision of any section of CMC 7.04.320.I shall be deemed to have committed the following:

a. First Offense. First Offense constitutes a Class 1 civil infraction with a monetary penalty of \$250.00.

b. Second or Subsequent Offense. Constitutes a misdemeanor, and if found guilty, shall be punished by a fine not to exceed \$1,000,

plus costs and assessments, and/or imprisonment not to exceed 90 days, or both a fine and imprisonment. A second offense shall mean a violation of this chapter which is committed within one calendar year of the first offense.

Section 2. If any provision of this Ordinance, or its application to any person or circumstances, is held invalid, the remainder of this Ordinance or application of the provisions to other persons or circumstances shall be unaffected.

Section 3. The City Clerk shall be, and she hereby is, instructed to amend Chapter 7.04.320 of the Chehalis Municipal Code as set forth herein.

Section 4. This Ordinance is effective on September 2, 2015.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 24th day of August, 2015.

Dennis L. Dawes, Mayor

Attest:

Judith A. Schave, City Clerk

Approved as to form and for content:

William T. Hillier, City Attorney

STATE OF WASHINGTON)
:SS

COUNTY OF L E W I S)

I, Judith A. Schave, City Clerk of the City of Chehalis, Washington, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 944-B of the Ordinances of the City of Chehalis.

Judith A. Schave, City Clerk