

ORDINANCE NO. C- _____

An ordinance related to interference of pedestrian and vehicular traffic, amending SMC 10.10.025.

The City of Spokane does ordain:

Section 1. That SMC 10.10.025 is amended to read as follows:

10.10.025 **((Pedestrian)) Interference with Pedestrian or Vehicular Traffic**

- A. Consistent with the findings of other Washington State cities, the city council finds that it is important to the general welfare of the citizens and residents of the City to protect and preserve the public safety of pedestrians and to insure the safe and efficient movement of pedestrian and vehicular traffic in public places. The city council further finds that public places as defined in this section serve the primary purpose of enabling pedestrian and vehicular traffic to safely and efficiently move about from place to place and that public places in the urban core have become increasingly congested and should be maintained to serve their primary purpose. Spokane, as well as other cities in Washington, has experienced an increase in the number of incidents of aggressive solicitation by individuals towards pedestrians and that pedestrian interference in public places deteriorates from the primary purpose and threatens public health, safety and welfare. The City has a compelling interest in protecting its citizens from threatening, intimidating or harassing behavior caused by aggressive solicitations, in preserving the quality of life in its urban center and in protecting and preserving the public health, safety and welfare.
- B. The following definitions apply in this section:
1. “Aggressively solicit” means to ~~((solicit with the intent to intimidate another person into giving money or goods regardless of the solicitor’s purpose or intended use of the money or goods))~~ solicit anything of value and intentionally engage in conduct that would likely intimidate a reasonable person, including but not limited to touching, following, persistently soliciting anything of value after being refused, using violent or threatening language or gestures, or taking similar actions for the purpose of inducing another person into giving anything of value regardless of the solicitor’s purpose.

- ~~2. “Intent/Intentional” means a person acts with intent or intentionally when he or she acts with the objective or purpose to accomplish a result which constitutes a proscribed act.~~
2. “Intimidate” means to engage in conduct which would make a reasonable person fearful of imminent harm to his person or property or feel threatened.
3. “Obstruct pedestrian or vehicular traffic” means to **intentionally** walk, stand, sit, lie or place an object in such manner as to obstruct or impede, or a person of ordinary sensibilities would conclude it tends to obstruct or impede, the free passage of pedestrians and/or vehicles through the area; or that requires, or would require, evasive action by a pedestrian and/or vehicle to avoid physical contact.
- a. If the impediment or obstruction is caused by the size of a particular group of persons, all persons within the group are equally subject to this section.
- b. Acts ~~((authorized as an))~~ committed as a valid exercise of one’s constitutional rights, which incidentally interferes with pedestrian or vehicular traffic in order to exercise that right, and or acts authorized by a special events permit or an obstruction permit issued pursuant to SMC 11.02.03458(D), SMC 12.02.0706 or SMC 12.02.0730 do not constitute obstruction of pedestrian or vehicular traffic.
4. “Public place” means an area generally ~~((visible to public view))~~ open to the public and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those that serve food or drink or provide entertainment, and the doors and entrances to buildings or dwellings and the grounds enclosing them.
5. Solicit” and all derivative forms of “solicit” means to ask, beg, or plead whether orally, non-verbally or in a written or printed manner, for the purpose of immediately receiving contributions, alms, charity, or gifts of items of value for oneself or another person ((for money or goods whether by words, bodily gestures, signs or other means)).
- C. A person is guilty of ~~((pedestrian))~~ interference with pedestrian or vehicular traffic if, in a public place, he or she **intentionally ((knowingly))**:
1. obstructs pedestrian or vehicular traffic, or

2. aggressively solicits.

D. ~~((Pedestrian-i))~~ Interference with pedestrian or vehicular traffic is a misdemeanor.

E. The provisions of this ~~((chapter))~~ section are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this ~~((chapter))~~ section, or the invalidity of the application thereof to any person or circumstance does not affect the validity of the remainder of this ~~((chapter))~~ section, or the validity of its application to other persons or circumstances.

PASSED BY THE CITY COUNCIL ON _____, 2008.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date