

ORDINANCE NO. C- _____

An ordinance regarding regulation of solicitation; adopting a new section 10.10.027 to chapter 10.10 of the Spokane Municipal Code.

WHEREAS, individuals engage in solicitation in public places, 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; and

WHEREAS, solicitations that occur in certain locations where a person's attention can be distracted can lead citizens feeling vulnerable; and

WHEREAS, solicitation by coercion causes fear and intimidation upon citizens, harms tourism and businesses and can lead to greater levels of violence; and

WHEREAS, solicitation of individuals driving on public streets poses traffic and public safety concerns to drivers and pedestrians, as well as the person engaging in the solicitation; and

WHEREAS, the purpose of this ordinance is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, to promote tourism and business, and to preserve the quality of urban life while providing safe and appropriate venues for individuals to engage in solicitation; and

WHEREAS, the City has a legitimate governmental interest in protecting the public health, safety and welfare by imposing limited restrictions on the places where solicitations may not occur and by prohibiting solicitations by coercion; - NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That there is adopted a new section 10.10.027 to chapter 10.10 to read as follows:

10.10.027 Regulation of Solicitation

A. Definitions. The following definitions apply in this section:

1. "Automated teller machine" means a machine, other than a telephone:
 - a. that is capable of being operated by a customer of a financial institution;

- b. by which the customer may communicate to the financial institution a request to withdraw, deposit, transfer funds, make payment, or otherwise conduct financial business for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and
 - c. the use of which may or may not involve personnel of a financial institution.
2. "Coercion" means:
- a. to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with either imminent bodily injury or the commission of a criminal act upon the person or another person or upon property in the person's immediate possession;
 - b. to persist in a solicitation after the person solicited has given a negative response;
 - c. to block, either individually or as part of a group of persons, the passage of a solicited person;
 - d. to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands;
 - e. to use violent or threatening gestures toward a person;
 - f. to use profane, offensive, or abusive language, which is inherently likely to instill fear or apprehension to a reasonable person; or
 - g. willfully providing or delivering, or attempting to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return.
3. "Exterior public pay telephone" means any coin or credit card reader telephone that is:
- a. installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and

- b. accessible and available for use by members of the general public.
 - 4. “Public transportation facility” means a facility or designated location that is owned, operated, or maintained by a city, county, county transportation authority, public transportation benefit area, regional transit authority, or metropolitan municipal corporation within the state.
 - 5. “Public transportation stop” means an area officially marked and designated as a place to wait for a bus, a light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.
 - 6. “Public transportation vehicle” has the meaning given that term in RCW 46.04.355, as currently adopted or as it may be amended in the future.
 - 7. “Self service car wash” means a structure:
 - a. at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and
 - b. that is accessible and available for use by members of the general public.
 - 8. “Self service fuel pump” means a fuel pump:
 - a. from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, with or without the aid of an employee or attendant of the premises at which the fuel pump is located; and
 - b. that is accessible and available for use by members of the general public.
 - 9. “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.
- B. Place of solicitation.
- 1. Solicitation near designated locations and facilities.

- a. It is unlawful for any person to solicit another person within fifteen (15) feet of:
 - i. an automated teller machine;
 - ii. the entrance of a building, unless the solicitor has permission from the owner or occupant;
 - iii. an exterior public pay telephone;
 - iv. a self-service car wash;
 - v. a self-service fuel pump;
 - vii. a public transportation stop;
 - viii. any parked vehicle as occupants of such vehicle enter or exit such vehicle when the occupants are the subject of the solicitation, or
 - ix. designated loading/unloading, for-hire vehicle, or taxi zones.
 - b. It is unlawful for any person or organization to engage in solicitation within any public right of way unless the person or organization has first obtained a special events permit pursuant to chapter 10.39 SMC.
2. For purposes of subsection B, measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:
- a. the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;
 - b. the nearest entrance or exit of a building;
 - c. the nearest part of an exterior public pay telephone;
 - d. the nearest part of the structure of a self-service car wash;
 - e. the nearest part of a self-service fuel pump;

- f. the nearest part of any sign or marking designating an area as a public transportation stop; or
- g. any door of a parked vehicle that is being used by an occupant of such vehicle to enter or exit such vehicle.

- C. Solicitation by Coercion.
It is unlawful for a person to solicit by coercion.
- D. Penalties.
A violation of SMC 10.10.027 is a misdemeanor.
- E. This section shall not prohibit lawful solicitations.
- F. The provisions of this section are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this section, or the invalidity of the application thereof to any person or circumstance does not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

Passed by the City Council _____ 2008.

City Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date