

# Ordinance No, 00532

[CITY COUNCIL MEETING MINUTES APRIL 18, 2011](#)

Amended 4/18/2011

## ORDINANCE NO. 532

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Title 9A 04.000 Aggressive Begging

WHEREAS, Title 9A.04.000 of the Lakewood Municipal Code prohibits aggressive begging within the City of Lakewood as defined in the Lakewood Municipal Code; and

WHEREAS, The City Council also recognizes the danger of collision or injury to motorists or pedestrians that is created when distracted drivers attempt to make contribution to people requesting assistance at highway on and off ramps leading to and from City roadways or overpasses or at major/principal arterial intersections of City streets or islands located on major arterials.

WHEREAS, The City Council further recognizes that when begging or panhandling takes place, near Automated Teller Machines (ATMS), Financial institutions, and ~~before sunrise and after sunset~~ at public transportation facilities, ~~on buses~~ public transportation vehicles, or near disabled person parking spaces, or when following individuals for the purpose of soliciting, there is a risk of danger or intimidation to members of the community ~~to and/or~~ members of the public who are attempting to conduct business, utilize public services or who may be reasonably intimidated by a solicitor; and

WHEREAS, The City Council seeks only to address public safety concerns created by begging when the action is conducted at specific times, places, or in a specific manner only,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Title 09A.4.000 is hereby amended to read as follows:

### **09A.4.000 – Aggressive Begging**

Chapter 9A.04

Aggressive Begging

Sections:

9A.04.010 Aggressive begging.  
9A.04.020 Definitions.  
9A.04.030 Violation.

### **09A.4.010 - Aggressive Begging**

It is unlawful for any person to engage in aggressive begging in any public place in the City, as those terms are defined by this section. (Ord. 526 § 2 (part), 2010.)

### **09A.4.020 - Definitions**

A. Aggressive Begging means: (a) begging with intent to intimidate another person into giving money or goods by any means including repeated requests for money while approaching or following the person from whom funds are being requested; (b) continuing to solicit from a person or continuing to engage that person after the person has given a negative response to such soliciting; ~~(b)~~ (c) soliciting from anyone who is waiting in line; (d) following a person with intent to solicit money or other things of value; (e) begging with use of false, misleading information, where the person knew or reasonably should have known of the falsity or misleading nature of the information; ~~(f)~~ (c) begging with or involving activities that are unsafe or dangerous to any person or property; ~~(g)~~ (d) begging in a manner that exploits children; or (e) 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.

B. “Automated Teller Machine” means a machine, other than a telephone: (1) that is capable of being operated by a customer of a financial institution; (2) by which the customer may communicate with 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 (3) the use of which may or may not involve personnel of a financial institution;

C. Financial Institution means any banking corporation, credit union, foreign exchange office. For purposes of this section, it shall also include any check cashing business.

D. Major/Principal Arterial Intersections are the intersections of the principal arterials identified in Lakewood Municipal Code 12A.9.022.

E. B- Begging means asking for money or goods as a charity, whether by words, bodily gestures, signs or other means.

F. G. To intimidate means to coerce or frighten into submission or obedience or to engage in conduct which would make a reasonable person fearful or feel compelled.

G. D. Public place means: (a) any public road, alley, lane, parking area, sidewalk, or other publicly-owned building, facility or structure; (b) any public playground, school ground, recreation ground, park, parkway, park drive, park path or rights-of-way open to the use of the public; or (c) any privately-owned property adapted to and fitted for vehicular or pedestrian travel that is in common use by the public with the consent, expressed or implied, of the owner or owners;

H. "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 for the purpose of facilitating bus and other public transportation.

IE. Exploit means using in an unethical, selfish or abusive manner or in any other manner that seeks an unfair advantage; and

J. On and Off Ramps refers to the areas commonly used to enter and exit public highways from any City roadway or overpass. Ord. 526 § 2 (part), 2010.)

K. "Public Transportation Vehicle" means any vehicle that is owned by a City, County, County Transportation Authority, Public Transportation Benefit Area, Regional Transit Authority, or Metropolitan Municipal Corporation within the State for the purpose of facilitating bus and other public transportation.

#### **09A.04.020(A)- Restrictive Areas**

Begging shall be deemed a violation of this section of the municipal code under the following conditions: (1) at on and off ramps leading to and from state intersections from any City roadway or overpass; (2) at intersections of major/principal arterials (or islands on the principal arterials) in the City; (3) within twenty five (25) feet of an ATM machine, or financial institution; (4) within fifteen (15) feet of any (a) occupied handicapped parking space, (b) taxicab stand, or (c) bus stop, train station or in any public parking lot or structure or walkway dedicated to such parking lot or structure; (5) before sunrise or after sunset at any public transportation facility or on any public transportation vehicle or (6) while a person is under the influence of alcohol or controlled substances.

#### **09A.4.030 - Violation**

Violation of this section shall be a misdemeanor, punishable by a fine up to \$1000 or by a jail sentence of up to 90 days, or by both such fine and jail time. (Ord. 526 § 2 (part), 2010.)

Section 2. Severability. If any one or more chapters, sections, subsections or sentences of this ordinance or held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 3. Effective date. This Ordinance shall be in full force and effect ~~five (5)~~ thirty (30) days after publication of the Ordinance Summary.

ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2011

CITY OF LAKEWOOD

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Douglas G. Richardson, Mayor

Attest:

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Alice M. Bush, MMC, City Clerk

Approved as to Form:

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Heidi Ann Wachter, City Attorney