

ORDINANCE NO. 1551

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 9.11.050 OF THE BONNEY LAKE MUNICIPAL CODE AND THE CORRESPONDING PORTIONS OF ORDINANCE NO. 1444, AND ADDING NEW SECTIONS 9.11.060 AND 9.11.070 RELATING TO AGGRESSIVE SOLICITATION.

WHEREAS, in the interest to protect citizens from the fear and intimidation resulting from certain kinds of solicitation, to deter potential drug activity, and to provide for vehicular and pedestrian traffic safety, while respecting the right to freedom of speech, the City Council wishes to make amendments to the Bonney Lake Municipal Code related to aggressive solicitation.

NOW, THEREFORE, the City Council of the City of Bonney Lake does hereby ordain as follows:

Section 1. Section 9.11.050 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1444 (2012) are hereby amended to read as follows and new sections 9.11.060, 9.11.070 of the Bonney Lake Municipal Code are hereby enacted:

9.11.050—Penalty

~~Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor.~~

9.11.0650 - Aggressive Solicitation

- A. It is unlawful for any person to engage in aggressive solicitation in any public place in the City, as those terms are defined by this section.
- B. It is unlawful for a parent or person entrusted with physical custody or responsibility of a child to engage in solicitation with a child present when utilizing a method that threatens or jeopardizes the immediate safety of the child, including but not limited to soliciting near heavy traffic or a busy highway.

9.11.060 - Definitions

- A. “Aggressive solicitation” means behavior that is intended to harass or intimidate, including (a) continuing to solicit from a person after the person has given unequivocal negative statements that they do not intend to donate; (b) blocking the passage of a person or vehicle for the purpose of solicitation in a manner that causes a traffic safety hazard, is harassing, or causes intimidation; (c) following a person for purposes of solicitation at a close distance where a reasonable person would be intimidated or in fear of their safety; or (d) standing in a public place and knocking on the window of a car in order to solicit from the occupant of a vehicle.

- B. “Solicitation” means asking for money or goods.
- C. 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 to give the person money or goods.
- D. “Harass” means to create a hostile situation by uninvited and unwelcome verbal or physical conduct.
- E. “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, including the parking lot of a retail establishment.

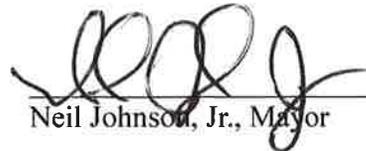
9.11.070 – Penalty

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor.

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 take effect and be in force thirty (30) days after passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this 14th day of June, 2016.



 Neil Johnson, Jr., Mayor

AUTHENTICATED:

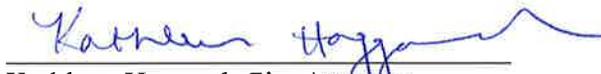


 Harwood T. Edvalson, MMC, City Clerk

Passed: 6/14/2016
 Valid: 6/14/2016
 Published: 6/22/2016
 Effective Date: 7/15/2016
 This Ordinance totals 2 page(s)

AB16-81

APPROVED AS TO FORM:



 Kathleen Haggard, City Attorney

City of Bonney Lake, Washington
Council Agenda Bill (CAB)

Department/Staff Contact: Executive / Maili Barber Police/ Asst. Chief Keller	Meeting/Workshop Date: June 14, 2016	Agenda Bill Number: AB16-81
Agenda Item Type: Ordinance	Ordinance/Resolution Number: Ordinance D16-81	Councilmember Sponsor: Evans

Agenda Subject: Aggressive Solicitation Code

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 9.11.050 Of The Bonney Lake Municipal Code And The Corresponding Portions Of Ordinance No. 1444, And Adding New Sections 9.11.060 And 9.11.070 Relating To Aggressive Solicitation.

Administrative Recommendation:

Background Summary: In response to the number of citizen complaints for the safety of themselves and others when solicitation becomes aggressive, the City Council wishes to differentiate between constitutionally protected speech and behavior that is criminal.
Attachments: D16-81 Ordinance

BUDGET INFORMATION			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
N/A			
Budget Explanation: No Anticipated Budget Impact.			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Public Safety Date: 5/24/16	Approvals:	<input checked="" type="checkbox"/> Watson, Chair <input checked="" type="checkbox"/> Evans, Councilmember <input checked="" type="checkbox"/> Rackley, Councilmember
	Forward to:	Council Meeting	Consent Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No
Commission/Board Review:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director:	Mayor:	Date Reviewed by City Attorney (if applicable):