

**CITY OF GOLD BAR**

**ORDINANCE NO. 617**

AN ORDINANCE OF THE CITY OF GOLD BAR, WASHINGTON, AMENDING TITLE 9 OF THE GOLD BAR MUNICIPAL CODE BY ADDING A NEW CHAPTER 9.15 TO ADDRESS AGGRESSIVE, INTIMIDATING, OBSTRUCTIVE AND FRAUDULENT PANHANDLING; PLACING REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS ON SOLICITATION IN CERTAIN LOCATIONS, DEFINING OFFENSES AND PENALTIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

---

**WHEREAS**, the City of Gold Bar requires regulations to help protect persons from threatening, intimidating, fraudulent, dangerous, or harassing behavior; keep public places safe and attractive for use by all members of the community; maintain and preserve public places where all of the community can interact in a peaceful manner; provide for the free flow of pedestrian and vehicular traffic on the streets and sidewalks in the City, promote tourism and business and preserve the quality of life;

**WHEREAS**, the City finds that requirements regarding aggressive begging furthers the health and safety of citizens, specifically by recognizing the inherently threatening nature of certain encounters in public places based either on the manner or location of these interactions, especially locations where persons it is difficult to leave from or where money is dispensed; the inherent negative impact on traffic from certain encounters in public places based either on the manner or location of these interactions; and the need to protect citizens from inherently coercive nature of certain encounters in public places based on the fraudulent manner of these interactions and protecting children; and

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

**Section 1.** Title 9 of the Gold Bar Municipal Code is hereby amended by adding a new Chapter 9.15 to read as follows:

Chapter 9.15

REGULATION OF AGGRESSIVE BEGGING

Sections:

9.15.010 Purpose.

9.15.020 Aggressive Begging.

9.15.030 Affirmative Defense and Penalties.

**9.15.010 Purpose.**

The purpose of this Chapter is to protect citizens from the fear and intimidation accompanying certain kinds of aggressive solicitation or begging, to promote business and tourism, and to preserve the quality of life while providing safe and appropriate venues for constitutionally protected activity.

**9.15.020 Aggressive begging.**

(1) It is a crime for any person to intentionally engage in aggressive begging in any public place.

(2) The following definitions apply to this section:

“Aggressive begging” means:

- (a) Begging while using intimidation;
- (b) Begging while using false or misleading information;
- (c) Begging in a manner that creates a threat to the safety of any person or property;
- (d) Begging in a manner that impedes or threatens to impede pedestrian or vehicular traffic;
- (e) Begging in a manner that exploits children;
- (f) Begging by providing or attempting to provide services or products of negligible value that were not requested or agreed to, while demanding or coercing payment in return; or
- (g) Begging in the following places:
  - (i) Within 15 feet of an automated teller machine (ATM);
  - (ii) At a public transportation stop;
  - (iii) On a public transportation vehicle;
  - (iv) On private property or residential property, if the owner, tenant, or lawful occupant has asked the person not to beg on the property or a sign has been posted indicating that begging is not allowed on the property;
  - (v) Places where the begging is likely to create a threat to the safety of persons or property; or
  - (vi) Places where the begging is likely to impede pedestrian or vehicular traffic, including, but not limited to, public places adjacent to any public roadway where the begging is directed to, or intended to attract the attention of, the occupant of any vehicle stopped or traveling on the roadway, unless said vehicle is legally parked.

“Begging” means asking for money or goods as a charity, whether by words, bodily gestures, signs, or other means.

“Exploits children” means begging while associating with children when the funds will not benefit the children or where the children are not cooperating voluntarily.

“False or misleading information” includes, but is not limited to:

- (a) Stating that a donation is needed to meet a specific need and either that need does not exist, the person either already has sufficient funds to meet that need, or the person does not intend to use the funds to meet that need and the person does not disclose that fact;
- (b) Stating that a person is from out of town or stranded, when that is not true;

- (c) Wearing a military uniform or other indication of military service, while being neither a present nor former member of the service indicated;
- (d) Simulating a physical disability or using makeup or a device to simulate a deformity; or
- (e) Stating that a person is homeless, when that is not true.

“Impede pedestrian or vehicular traffic” includes, but is not limited to, unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid contact by obstructing the path of the person or vehicle; or directing a solicitation to, or intending to attract the attention of, the occupant of any vehicle stopped or traveling on the roadway, unless the vehicle is legally parked.

“Intimidation” means words or conduct which would likely cause a reasonable person to fear bodily harm, fear damage to or loss of property, or otherwise be coerced into giving money or other thing of value. Evidence of intimidation shall include, but not be limited to:

- (a) Persisting in soliciting and closely following or approaching a person after the person has made a negative response to the begging;
- (b) Using violent or threatening gestures toward a person;
- (c) Using profane, offensive, or abusive language which is inherently likely to provoke an immediate violent reaction; and
- (d) Intentionally touching or causing physical contact with another person without that person’s consent.

“Public place” means any place that is in common use by, or expressly or impliedly open to, the public, whether owned or operated by public or private interests, and includes but is not limited to any street, right-of-way, parking area, sidewalk, plaza, playground, school ground, park, cemetery, lake, stream, public conveyance, or business establishment open to the public.

#### 9.15.030 Affirmative Defense and Penalties.

- (1) It is an affirmative defense to prosecution under this section that the person was:
  - (a) Requesting assistance in an immediate, emergent, and unexpected emergency situation;
  - (b) Requesting, arranging, or providing a lawful tow of, or emergency repairs to, a vehicle;
  - (c) Otherwise authorized by a city permit; or
  - (d) A law enforcement officer in the performance of official duties.
- (2) A person violating this section is guilty of a misdemeanor.

**Section 2.** **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 3. Effective Date.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED by the City Council of the City of Gold Bar this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

APPROVED:

\_\_\_\_\_  
Joe Beavers, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Laura Kelly, City Clerk-Treasurer

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

INTRODUCED: \_\_\_\_\_

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

VETOED: \_\_\_\_\_

VETO OVERRIDDEN: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_