

ORDINANCE NO. 1969-19

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, ADDING A NEW CHAPTER 9.35 TO THE MILTON MUNICIPAL CODE TO CODIFY REGULATIONS PERTAINING TO PEDESTRIAN INTERACTIONS WITH OCCUPANTS OF VEHICLES AND BEGGING; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Milton recognizes that begging including but not limited to solicitation may be an activity protected by the First Amendment to the United States Constitution; and

WHEREAS, the City Council finds that regulation of aggressive begging, begging at sensitive areas or times, as well as obstructing vehicle traffic promotes public safety and protects residents, drivers and visitors; and

WHEREAS, the City Council finds that the regulation of aggressive begging protects residents and visitors from dangerous and abusive behavior that no one should have to endure; and

WHEREAS, the City Council finds that the regulation of begging at sensitive areas or times helps protect residents and visitors at sensitive areas or times where they may be more vulnerable or not positioned well to handle an interaction of that type; and

WHEREAS, the City Council finds that the regulation of pedestrian interactions with vehicles will result in safe traffic flow, prevention of traffic congestion, safety of pedestrians, and safety of vehicle passengers and drivers; therefore;

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals set forth above are hereby adopted as the Milton City Council's findings in support of this ordinance.

Section 2. A new Milton Municipal Code Section 9.35 is hereby added to the municipal code as follows:

9.35.010 Purpose.

9.35.020 Definitions.

9.35.030 Unlawful pedestrian interaction with occupants of vehicles on a prohibited roadway – Exceptions.

9.35.040 Aggressive Begging

9.35.050 Begging Restricted

9.35.060 Violation – Penalty.

9.35.010 Purpose.

Certain roadways or roadway types in Milton have statistically higher accident rates and require increased driver attention. The purpose of this section is to promote the city's fundamental interest in public peace,

health, and safety, by regulating certain pedestrian interaction with occupants of vehicles that are being operated upon certain designated roadways which have been found to pose substantial risks to vehicular and pedestrian safety due to high volume traffic, limited or no parking, historical accident data, and/or other safety factors. The aggressive begging sections are meant to discourage aggressive begging that is coercive, with actual or implied threats, or menacing actions or if a beggar uses physical force or extreme aggressive action.

9.35.020 Definitions.

In this chapter:

“Aggressive begging” means: (1) 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; (2) continuing to solicit from a person or continuing to engage that person after the person has given a negative response to such soliciting; (3) following a person with intent to solicit money or other things of value; (4) 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; (5) begging with or involving activities that are unsafe or dangerous to any person or property; (6) begging in a manner that exploits children; or (7) 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.

“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.

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

“Enter” means to cross the vertical plane of the edge of a prohibited roadway with any part of a person’s body, any implement or device, or any extension thereof.

“Exploit” means using in an unethical, selfish or abusive manner or in any other manner that seeks an unfair advantage.

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

“Interact” means actual physical contact or the giving or receiving of any item from one person to another.

“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.

“On and off ramps” refers to the areas commonly used to enter and exit public highways from any City roadway or overpass.

“Overpass” means an elevated section of roadway which passes over another roadway.

“Prohibited roadway” means any roadway designated in this chapter as being historically or inherently more associated with vehicle and/or pedestrian accidents or high traffic volumes or complicated roadways requiring full driver attention.

“Public place” means: (1) any public road, alley, lane, parking area, sidewalk, or other publicly owned building, facility or structure; (2) 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 (3) 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.

“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.

“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.

“Roadway” has the meaning given that term in RCW 46.04.500, as currently adopted or as it may be amended in the future.

“Roundabout” means a circular intersection where drivers travel counterclockwise around a center island.

“Vehicle” has the meaning given that term in RCW 46.04.670, as currently adopted or as it may be amended in the future.

9.35.030 Unlawful pedestrian interaction with occupants of vehicles on a prohibited roadway – Exceptions.

A. It shall be unlawful for any pedestrian to enter a prohibited roadway and interact with or to verbally engage an occupant of any operating vehicle.

B. Exceptions. It is not a violation under this section if the person entering a prohibited roadway:

1. Contacts a vehicle occupant when the vehicle is legally parked;
2. Is summoning aid in an emergency; or
3. Is a law enforcement officer in the performance of official duties.

C. Prohibited roadways within the city are designated as:

1. In or within 200 feet of any roundabout.
2. Within 500 feet of any 4-way intersection which contains a traffic control light or stop sign.

2. Within 200 feet of an overpass.

9.35.040 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 chapter.

9.35.050 Begging Restricted

Begging shall be deemed a violation of this section under the following conditions: (A) within 25 feet of an ATM machine or financial institution; (B) within 15 feet of any (1) occupied handicapped parking space, or (2) bus stop, train station or in any public parking lot or structure or walkway dedicated to such parking lot or structure; (C) before sunrise or after sunset at any public transportation facility or on any public transportation vehicle or (D) while a person is under the influence of alcohol or controlled substances.

9.35.060 Violation – Penalty.

Violation of this section shall be a misdemeanor, punishable by a fine up to \$1,000 or by a jail sentence of up to 90 days, or by both such fine and jail time.

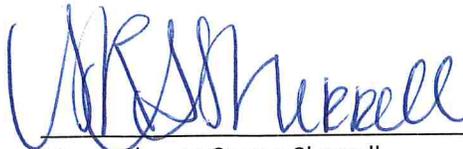
Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Publication. This ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This ordinance shall become effective and be in full force five (5) days after passage, approval, and publication as provided by law.

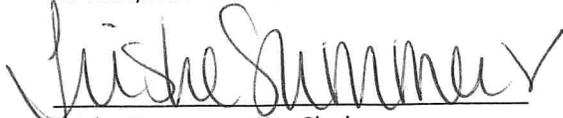
PASSED by the Council and approved by the Mayor of the City of Milton, this 17th day of June, 2019.

CITY OF MILTON



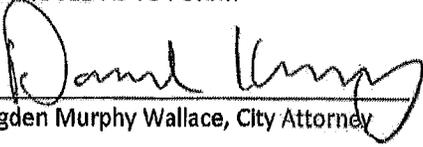
Mayor Shanna Styron Sherrell

ATTEST/AUTHENTICATED:



Trisha Summers, City Clerk

APPROVED AS TO FORM:


Ogden Murphy Wallace, City Attorney

Published: 6-19-19
Effective Date: 6-24-19

