

ORDINANCE NO. C-_____

An ordinance regarding solicitations to occupants of vehicles on arterial streets; adopting a new section 10.10.028 to chapter 10.10 of the Spokane Municipal Code.

WHEREAS, individuals engage in solicitation of occupants of vehicles traveling on arterial streets, 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;

WHEREAS, drivers of vehicles traveling on arterial streets are driving at a higher rate of speed than other non-arterial streets;

WHEREAS, drivers of vehicles traveling on arterial streets are required to comply with the controlled traffic signals and are not to stop in the traffic lanes when required to continue to drive;

WHEREAS, the attempted solicitation of occupants of vehicles traveling on arterial streets for the purpose of immediately contributing alms, charity, or gifts of items of value to a person making such solicitation distracts the occupants of the vehicle, creates a dangerous traffic situations, and causes the occupants of the vehicle to engage in potentially dangerous and illegal actions while driving on arterial streets by attempting to respond to the solicitation;

WHEREAS, such solicitations increase the potential of traffic accidents harming the driver and occupants being solicited, the individuals making the solicitations and drivers and occupants of other vehicles and pedestrians who have to react to, but are not involved with, the solicitation;

WHEREAS, such solicitations create potential harm to the occupants of the vehicle, other drivers, pedestrians and the person making the solicitation; and

WHEREAS, it is the purpose and intent of this ordinance to protect the public health, safety and welfare by prohibiting the solicitation of occupants of vehicles traveling on arterial streets for the purpose of immediately receipt of contributions, alms, charity, or gifts of items of value to the person making such solicitation; - NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That there is adopted a new section 10.10.028 to chapter 10.10 to read as follows:

10.10.028 Regulation of Solicitations to Occupants of Vehicles on Public Roadways.

A. Purpose.

The purpose of this section is to protect the public health, safety and welfare, to provide for vehicular and pedestrian traffic safety and to protect all citizens from the increase danger associated with certain types of solicitation.

B. Definitions.

The following definitions shall apply in this section:

1. "Arterial Street" means any public right of way designated by the City as an arterial street on the Official Arterial Street Map and all federal and state highways.
2. "Public Property" means:
 - a. any property open or devoted to public use or owned by the City; and
 - b. any area dedicated to the public use for sidewalk, street, highway, or other transportation purposes, including, but not limited to, any curb, median, parkway, shoulder, sidewalk, parking strips, alley, drive, or public right-of-way.
3. "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.
4. "Vehicle" has the meaning given that term in RCW 46.04.670, as currently adopted or as it may be amended in the future.

C. Prohibited Conduct.

1. It is unlawful for any person, while occupying any public or private property adjacent to any arterial street, to knowingly conduct a solicitation directed to or intended to attract the attention of the occupant of any vehicle stopped or traveling on the arterial street, unless said vehicle is legally parked. An offense occurs when the solicitation is attempted, whether or not the immediate receipt of contributions, alms, charity, or gifts of items of value takes place.
2. It is a defense to prosecution under SMC 10.10.028 that the person:

- a. was summoning aid or requesting assistance in an emergency situation;
- b. Was a law enforcement officer in the performance of official duties; or
- c. had previously obtained a special events permit pursuant to chapter 10.39 SMC or a charitable solicitation permit pursuant to chapter 10.42 SMC.

D. Penalties.

A violation of SMC 10.10.028 is a misdemeanor.

E. 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.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date