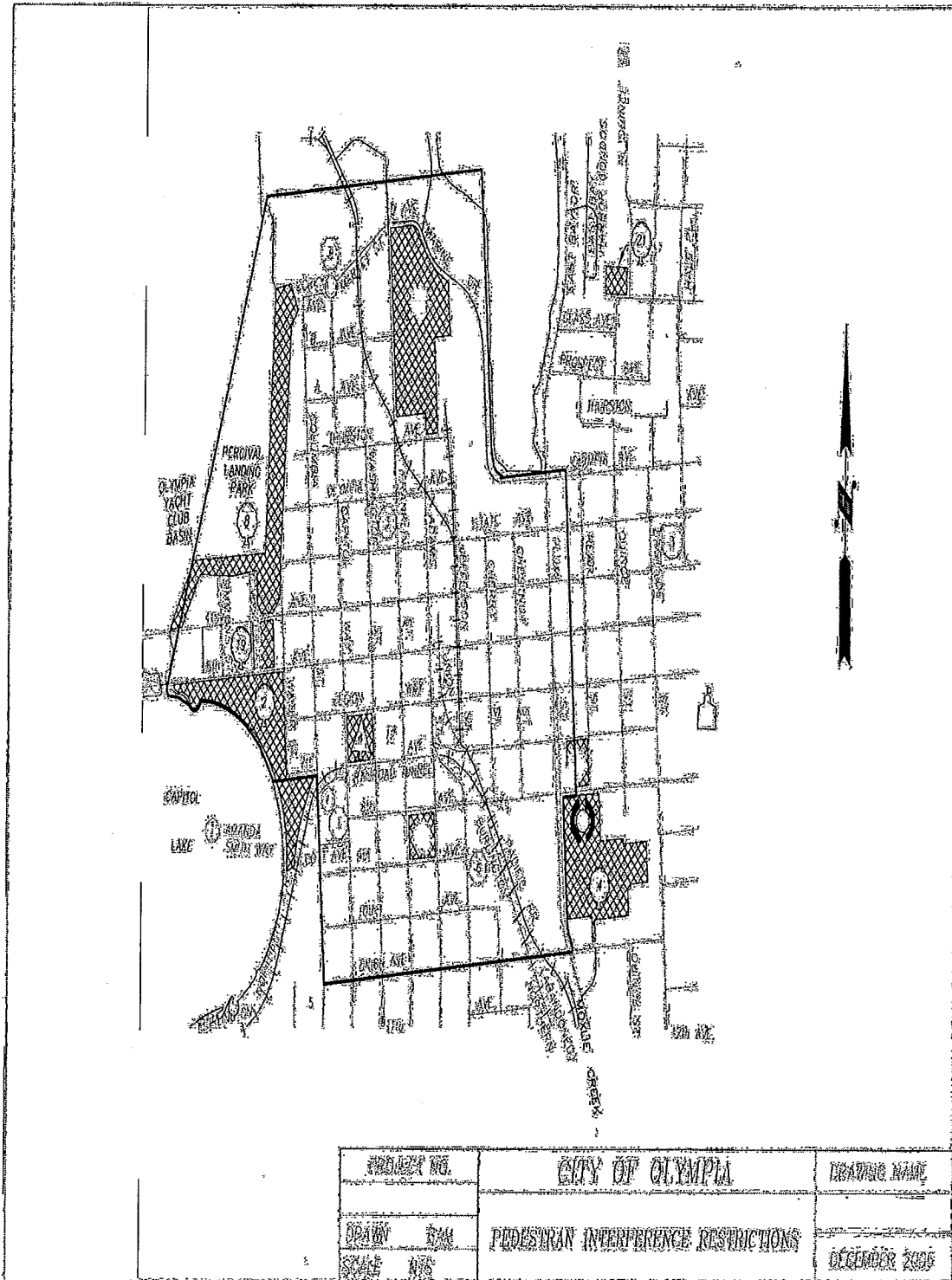


9.16.180 Pedestrian interference

- A. A person is guilty of pedestrian interference if, in a public place, he or she:
1. Obstructs pedestrian or vehicular traffic; or
 2. Aggressively panhandles.
- B. The following definitions apply in this section:
1. "Aggressively panhandles" means to, in a public place, solicit anything of value and intentionally engage in conduct that would likely intimidate a reasonable person, including but not limited to touching, following, persistently soliciting anything of value after being refused, using violent or threatening language or gestures, or taking similar actions for the purpose of inducing another person into giving anything of value.
 2. "Pedestrian Walking Lane" means that portion of any sidewalk, street or alley located within the downtown area delineated in Figure 1, attached hereto and incorporated herein, and: (a) within six (6) feet of the edge of any building or structure located immediately adjacent to the sidewalk or alley, or the edge of the right-of-way, if no building or structure exists; or (b) the six-foot zone established pursuant to a permit issued under OMC 12.24.060.

Figure 1



3. "Obstruct pedestrian or vehicular traffic" means to:
 - a. In a public place, intentionally walk, stand, sit, lie, grasp a person, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take action to

avoid physical contact. Acts other than those regulated in subsection B.3.b below and authorized as an exercise of one's constitutional right to picket or legally protest shall not constitute obstruction of pedestrian or vehicular traffic; and

b. (i) at any time, vend or solicit on that portion of any sidewalk, street or alley in a Pedestrian Walking Lane; or (ii) between the hours of 7 a.m. and 10 p.m., sit or lie on that portion of any sidewalk, street or alley in a Pedestrian Walking Lane. A culpable mental state is not required, and need not be proven, for an offense as defined under this subsection B.3.b.

c. Affirmative Defenses. It is an affirmative defense under subsection B.3.b, that the defendant must prove by a preponderance of the evidence, that the defendant was:

(i) notified by a law enforcement officer within twenty-four (24) hours of arrest that the defendant's conduct violated the Olympia Municipal Code and the defendant so notified promptly ceased to engage in the prohibited conduct following such notification;

(ii) Sitting or lying down on a publicly-owned sidewalk or alley due to a medical emergency;

(iii) Utilizing, as the result of a disability, a wheelchair, walker, or similar device to move about on the publicly-owned sidewalk or alley;

(iv) Operating or patronizing a commercial establishment conducted in the Pedestrian Walking Lane pursuant to a street use permit;

(v) Soliciting, sitting or lying down within any portion of the Pedestrian Walking Lane where such conduct is approved by the City as part of participation in or attendance at a parade, festival, rally, or demonstration; provided, however, that this defense shall not be available to a defendant refusing to obey a reasonable request or order by a police officer to move to prevent obstruction of a public street, alley, sidewalk or building or entrance or doorway into or out of a building open to the public, or to maintain public safety by dispersing those gathered in dangerous proximity to a fire or hazard;

(vi) Sitting on a chair or bench supplied by a public agency or by the abutting private property owner or lessee for that purpose, pursuant to a temporary street use or other applicable permit or authorization if required;

(vii) Sitting or standing on a publicly-owned sidewalk within a bus stop zone while waiting for public or private transportation;

(viii) Waiting in a line to purchase tickets to or attend a performance or public event, or to gain entry to a business adjacent to the publicly-owned sidewalk or alley;

(ix) Busking pursuant to and in a location authorized by a license for the same issued under OMC Chapter 5.88.

Provided, however, that nothing in any of these affirmative defenses shall be construed to permit any conduct which is prohibited by OMC 9.16.180.B.3.a.

4. "Public place" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks, and streets open to the general public including places that serve food or drink or provide entertainment, in the doorways and entrances to buildings or dwellings and the grounds enclosing them.

5. "Sit or Lie" means to sit or lie directly upon a sidewalk, street, or alley, or to sit or lie down upon any blanket, chair, stool, or any other object placed upon the sidewalk, street or alley.

6. "Solicit" means to ask, beg, solicit, or plead, whether orally or through the use of written or printed media, for the purpose of immediately receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

7. "Vend" means to offer for sale, whether orally or through the use of written or printed media, any item of value to another person.

8. "Busk" means to act, sing, play a musical instrument, pantomime, mime, perform magic tricks, or dance for the purpose of or while immediately receiving contributions, alms, charity, or of gifts of items of value for oneself or another person.

(Ord. 6461 §1, 2007; Ord. 6456 §1, 2007; Ord. 6205 §1, 2002; Ord. 5375 §1, 1993).