

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTION 9.16.080, PEDESTRIAN INTERFERENCE**

WHEREAS, due to recent Washington State Supreme Court decisions, it is necessary to update Section 9.16.080 of the Olympia Municipal Code;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1. Amendment of OMC 9.16.180. Olympia Municipal Code Section 9.16.180 is hereby amended to read as follows:**

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; or~~

~~3. Panhandles within twenty five (25) feet of an Automated Teller Machine (ATM) or parking pay station. The measurement shall be a straight line without regard to intervening structures or objects from the nearest part of the ATM or parking pay station.~~

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. "Downtown Commercial Zone" means the area depicted in Figure 1, attached hereto and incorporated herein, showing the areas within the City of Olympia in which conduct is prohibited under subsections B.32.b and B.32.c of this section.~~



32. "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 obstruct or impede, or tending to obstruct or impede, the free passage of any person or vehicle, or to require another person or a driver of a vehicle to take action to avoid physical contact; or
- b. at any time vend on any sidewalk, street or alley within the Downtown Commercial Zone as depicted in Figure 1 of this section; or
- c. between the hours of 7 a.m. and 12 a.m., sit or lie on any sidewalk, street or alley within the Downtown Commercial Zone as depicted in Figure 1 of this section. A culpable mental state is not required, and need not be proven, for an offense as defined under this subsection. No person shall be cited under this subsection unless the person engages in conduct prohibited by this subsection after having been notified by a law enforcement officer that the conduct violates this subsection.

~~4. Acts committed as a valid exercise of one's constitutional rights, which incidentally minimally interfere with pedestrian or vehicular traffic in order to exercise that right, do not constitute obstruction of pedestrian or vehicular traffic. This provision does not create an element of any offense described in this section.~~

53. Affirmative Defenses. It is an affirmative defense under subsections B.23.b and B.23.c, that the defendant must prove by a preponderance of the evidence, that the defendant was:

- (i) Sitting or lying down on a publicly-owned sidewalk or alley due to a medical emergency;
- (ii) Utilizing, as the result of a disability, a wheelchair, walker, or similar device to move about on the publicly-owned sidewalk or alley;
- (iii) Operating or patronizing a commercial establishment conducted on any sidewalk, street or alley pursuant to a street use permit;
- (iv) Vending, sitting or lying down on any sidewalk, street or alley within any portion of the Downtown Commercial Zone 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;
- (v) 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;

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

(vii) 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;

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.32.a.

65. "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.

76. "Sit or Lie" means to sit or lie directly upon a sidewalk, street, or alley, or to sit or lie down upon any blanket, sleeping bag, bedroll, tarpaulin, cardboard, or any other similar object placed upon the sidewalk, street or alley.

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

9. ~~"Panhandling" is any solicitation made in person, requesting an immediate donation of money or other thing of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation, is a donation for the purpose of this chapter. Offers to work for food or other compensation, under circumstances where a reasonable person would understand that the compensation given is, in substance, a donation, is also a donation for the purposes of this chapter.~~

10. ~~"Automated Teller Machine (ATM)" means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan documents.~~

11. ~~"Parking pay station" is a city owned pay kiosk for multiple parking spaces that issues a printed receipt. See OMC 10.16.095.~~

**Section 2. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 3. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 4. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days after publication, as provided by law.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**