



Olympia City Council Referral Request

Tracking Number (provided by Susan)	2018-0029 RR
Date of Referral	9/18/2018
Originator	Renata Rollins
Referral To	General Government
Request	Amend Pedestrian Interference ordinance (9.16.180) to clarify that the intent of the ordinance is to prevent activities that interfere with pedestrian access of sidewalks, not sitting/lying on sidewalks in ways that do not impede pedestrian access. Essentially removing sub-point C of the current ordinance.
Relationship of Request to City or Proposed City Business/Services	Law Enforcement and Community Relations. Community members who are unhoused have long expressed (personally, as well as through advocates) that they are targeted by the language in and enforcement of this ordinance. When there is real or perceived disproportionate impact on marginalized communities, municipal ordinances should be amended and clarified.
Connection to Comprehensive Plan (choose all that apply)	<input checked="" type="checkbox"/> Community, Safety and Health: <i>inclusive, respectful, civic participation; a safe & prepared community; health and wellness; adequate food and shelter; a quality education</i> <input checked="" type="checkbox"/> Downtown: <i>a vibrant, attractive urban destination; a safe and welcoming downtown for all; a mix of urban housing options; a variety of businesses; connections to our cultural & historic fabric; engaging arts & entertainment experiences</i>
Options	1. Recommend amending Pedestrian Interference ordinance (9.16.180) as proposed/requested. 2. Recommend alternate amendment(s) to Pedestrian Interference ordinance. 3. Recommend no action.
Timing	The Committee is requested to bring forward a recommendation to full council as soon as possible.

Attachments

9.16.180 Pedestrian interference

A. A person is guilty of pedestrian interference if, in a public place, he or she obstructs pedestrian or vehicular traffic.

B. The following definitions apply in this section:

1. "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.2.b and B.2.c of this section.

2. "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.~~

3. Affirmative Defenses. It is an affirmative defense under subsections B.2.b and B.2.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.2.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, sleeping bag, bedroll, tarpaulin, cardboard, or any other similar object placed upon the sidewalk, street or alley.

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