

ORDINANCE NO. 1090

CITY OF LACEY

AN ORDINANCE ESTABLISHING CONDITIONS FOR PANHANDLING WITHIN THE CITY OF LACEY AND ADDING A NEW CHAPTER 5.21 TO THE LACEY MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

There is hereby added to the Lacey Municipal Code a new chapter entitled Panhandling to read as follows:

Section 5.21.010 Purpose and Intent:

It is the purpose of this chapter to regulate panhandling in order to promote the health, safety, peace, and general welfare of the citizens and visitors of the City of Lacey.

Section 5.21.020 Definitions:

For the purposes of this chapter:

- A. "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 payments.
- B. "Obstructing" means to walk, stand, sit, or lie, 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 evasive action to avoid physical contact.
- C. "Panhandler" means any person engaged in the act of panhandling.
- D. "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.
- E. "Public Transportation Vehicle" means any vehicle used as a mode of mass transit.

**Section 5.21.030 Place of Panhandling - Violation**

It shall be unlawful for any person to panhandle when the person solicited is in any of the following places within the City limits of Lacey, Washington:

- A. At any bus or train stop;
- B. In any public transportation vehicle or facility;
- C. In any vehicle on the street;
- D. Within fifty (50) feet of any automated teller machine (ATM);
- E. On private property, unless the panhandler has express permission from the owner or lawful occupant thereof.

**Section 5.21.040 Manner of Panhandling - Violation**

It shall be unlawful for any person to panhandle in any of the following manners:

- A. By intentionally coming within three (3) feet of the person solicited, unless that person has indicated that he or she does wish to make a donation;
- B. By intentionally obstructing the path of the person or vehicle of the person solicited;
- C. By intentionally obstructing the passage through the entrance or exit of any building;
- D. By soliciting anyone under the age of sixteen (16);
- E. By following a person who walks away from the panhandler, if the panhandler's conduct is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- F. By using profane or abusive language, either during the solicitation or following a refusal;
- G. By panhandling in a group of two or more persons, except where one or more panhandler(s) is/are under the age of eighteen (18) and is/are the dependent child(ren) of the other panhandler; or
- H. By panhandling within fifty (50) feet of any other panhandler, except where one or more panhandler(s) is/are under the age of eighteen (18) and is/are the dependent child(ren) of the other panhandler; or

- I. By any statement, gesture, or other communication that a reasonable person in the position of the person solicited would perceive to be a threat or offensive.

Section 5.21.050 Panhandling - Where Permitted

Panhandling is permitted in any place and manner not otherwise restricted by this chapter.

Section 5.21.060 Penalty

Any person found to be in violation of this chapter shall be guilty of a misdemeanor, penalty for conviction of which shall be a fine of not more than \$500 and/or imprisonment. Imprisonment for a first offense shall be not more than 5 days; for a second offense imprisonment shall be not more than 10 days; and for a third or subsequent offense imprisonment shall be not more than 30 days.

Section 5.21.070 Severability

If any one or more sections, subsections, or sentences of this chapter are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this chapter and the same shall remain in full force and effect.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 5th day of November, 1998.

CITY COUNCIL

By Nancy Peterson  
Mayor

Attest:

Approved as to form:

Charlotte M. Taylor  
City Clerk

[Signature]  
City Attorney

Published: Monday, November 9, 1998  
Summary

SUMMARY FOR PUBLICATION

ORDINANCE 1090

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on the Fifth day of November, 1998, Ordinance No. 1090 entitled "AN ORDINANCE ESTABLISHING CONDITIONS FOR PANHANDLING WITHIN THE CITY OF LACEY AND ADDING A NEW CHAPTER 5.21 TO THE LACEY MUNICIPAL CODE."

The main points of the ordinance are described as follows:

1. The ordinance adds a new chapter to the Lacey Municipal Code to regulate panhandling in order to promote the health, safety, peace, and general welfare of the citizens and visitors of the City of Lacey.
2. Section 5.21.030 of the ordinance regulates panhandling while the person solicited is at a bus or train stop, in a public transportation vehicle, in a vehicle on the street, near an automated teller machine (ATM), or on private property without permission.
3. Section 5.21.040 of the ordinance lists certain manners of panhandling that are prohibited within the City of Lacey.
4. Section 5.21.050 of the ordinance establishes that panhandling may be performed in any place or manner not otherwise restricted.
5. Section 5.21.060 of the ordinance sets the penalty for violating the ordinance.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: November 9, 1998.

*Chayotte M. Taylor*  
City Clerk